

Strictly Private and Confidential

The Secretary of State for Housing,
Communities and Local Government
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Our Ref: (REN)FMO.MKF.JAD.CRT001.1547
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Dear Sir/Madam

**The London Borough of Enfield (Meridian Water Strategic Infrastructure Works)
Compulsory Purchase Order 2020 ("the Order")
Plot numbers: 101, 102, 104, 105, 106, 109, 112 and 113
Our client: The Canal & River Trust**

Canal and River Trust

The Trust was established as a charity in 2012 as the guardian of 2,000 miles of historic waterways across England and Wales with a number of specified charitable objectives. These include to preserve, protect, operate and manage inland waterways for public benefit. Its vision is for "living waterways that transform places and enrich lives". Waterways have a crucial role to play both in supporting economic, social, environmental and cultural well-being of local communities and in contributing to the sustainability of development and transport.

The status and interests of the Trust

Prior to the Trust coming into existence, the waterways and other associated land were owned by a public corporation known as the British Waterways Board. At the time when the transfer was made it was considered that certain interests should be transferred to the Trust to be held for the benefit of the public. This generally relates to waterways, towpaths and any other land that forms part of (or is important to) the navigation, such as operational land. This land is known as Infrastructure Trust Property. This land was registered at the Land Registry in the name of the Trust as Trustee of the Waterways Infrastructure Trust. Any other land of the Trust that does not form part of Infrastructure Trust Property is known as Non-Infrastructure Trust Property and is registered at the Land Registry in the name of the Trust.

There are certain additional requirements which must be complied with when the Trust propose to dispose of any land which is registered to the Trust as Trustee of the Waterways

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**INVESTORS
IN PEOPLE**



Infrastructure Trust. This includes an obligation to obtain DEFRA consent before any contract to dispose of the interests is entered into and also to advertise the proposed transaction (and to consider any representation resulting from that advertisement) before any contract to dispose of the interests is entered into.

The Plots are registered at the Land Registry with title number AGL199527 to the Trust as Trustee of the Waterways Infrastructure Trust. In order to dispose of any interests in the Plots, DEFRA consent would therefore be required. This point has been made clear to the Council in correspondence from the Trust dated 18 September 2019 together with the requirement to comply with requirements relating to the Trust's charitable status. To date, Enfield Council have not engaged with these requirements.

On the basis that the Trust is authorised to carry on a canal or inland water navigation, the Trust is a statutory undertaker for the purposes of section 8 of the Acquisition of Land Act 1981 ("ALA 1981"). The Trust considers that any compulsory acquisition of the Plots would be likely to have a serious detriment to the carrying on of the Trust's undertaking. We therefore respectfully request that the Secretary of State consider the application of section 16 ALA 1981.

The Trust's objection to the Order

The Trust objects to the above Order on the following grounds.

Both as a matter of legal principle and national guidance compulsory acquisition requires that a high bar must be reached. For expropriation of private interests to be justified, there is a clear onus on an acquiring authority to demonstrate that there is a compelling need in the public interest for compulsory acquisition. Moreover that test applies in the particular circumstances of each case. It requires a bespoke approach. It is not a tick-box exercise. In respect of the above Order the Council has:

- failed to demonstrate that it requires the Trust's interests as specified in the Order;
- failed to demonstrate proper consideration of alternatives;
- failed properly to seek to acquire by agreement appropriate rights and interests;
- failed to identify, assess and understand potential impacts on the Trust's management and maintenance of its estate;
- failed to consider the Trust's status as a statutory undertaker;
- failed in making the Order to take the Trust properly into account.

Planning policy and applications

The Trust as a statutory consultee has commented in detail both on planning policy and in respect of recent planning applications.

In respect of the Edmonton Leaside AAP consultation it has emphasised its concerns both that policy should reflect the need to "enhance the waterway corridor and to make it a central reason why people would choose to live, work and visit this area" and also that engagement with the Trust is essential given its operational requirements, for example stating that "discussions on the bridge should begin in good time to ensure that our requirements as landowner can be factored into the scheme design and costing".

In its two letters of 18 September 2019 in respect of the full application for the Central Spine road (19/02717/RE3) and the development of Meridian water Phase 2 (19/02718/RE3) respectively the Trust commented in detail on the proposed development. Copies of each are attached. Among the main issues identified in respect of the former are the impacts of the proposed bridge on the canal environment and users, on the structural integrity of the waterway and its infrastructure and the proposed flood relief channel on waterway infrastructure. As regards the latter, issues raised include the character and appearance of

the waterway corridor, impact on the use and quality of the canal towpath, impact on structural integrity and infrastructure, impact of drainage proposals on water quality and impact on biodiversity. As further noted below, and notwithstanding the grant of planning permissions, the detailed impacts of many of these issues continue to remain pertinent in the context of the proposed compulsory purchase. Indeed whilst it will be seen from the above representations that the Trust has no objection in principle to the proposed regeneration, its impacts upon Trust's interests and operations are of profound concern and will be prejudiced by the Order, if confirmed.

At the strategic level the Trust seeks clarification that the remainder of Phase 2 is not presently prayed in aid by the acquiring authority in respect of the above Order. It is acknowledged by the Council that *"for the remainder of phase 2 and future phases the Council is currently considering delivery options..."* (para 3.13. Statement of Reasons). There is thus manifest uncertainty as to if and how such future stages are to be delivered.

Indeed clarification is sought as to what constitutes the scheme for present purposes and why acquisition of Trust interests is required at this time. It is noted that the Council in its Cabinet report of 22 January 2020 has stated that that *"the proposals for the whole Meridian Water Regeneration area are hereafter referred to as the "wider scheme" or "Meridian Water"*. The Council has thus identified both a "scheme" and a "wider scheme". Similarly, the Statement of Reasons references the Strategic Infrastructure Works and the "wider scheme". Whilst we note that the Statement of Reasons confirms that the scheme relied on is "Meridian Water as a whole", we do not consider that there is sufficient explanation of the basis for this. We welcome clarification and confirmation of: the difference and delineation between the two identified schemes, phasing proposals, and details of when development of Trust land and over a Trust waterway is required to take place. In addition given the current extraordinary Covid-19 situation affecting the economy we would welcome confirmation that funding for the scheme remains in place and the details of any conditionality attaching to HIF funding.

In its representations and given the extent of its concerns the Trust submitted a number of detailed conditions which it sought to be imposed upon any planning permissions. Notwithstanding the comments in the Statement of Reasons it is not accepted that the Trust's comments have been taken into account or reflected in the conditions. We also note that the Statement of Reasons acknowledges at paragraph 8.12.6 that a condition attached to the SIW planning permission (Ref: 19/02717/RE3) for construction of the bridge requires a survey of the condition of the Canal waterway wall to be undertaken. However we note that notwithstanding any statutory powers the Order as drafted does not expressly create such rights of survey in respect of the SIW. Therefore the Order as drafted cannot ensure delivery of the SIW.

It is further noted that the Statement of Reasons states that "a separate linked planning application for a low level flood restraint barrier adjacent to the canal towpath is pending determination (Ref: 20/00112/RE4)". We note that in fact it appears that planning permission was granted on 23 July 2020 and is subject to a "Grampian" condition requiring that the low level flood restraint barrier adjacent to Towpath road "shall not begin until the Flood Conveyance Channel in the concurrent works within the SIW planning application reference 19/02717/RE3 is completed". We should be obliged if the Council would confirm its proposed construction timescales in order to demonstrate that such works are capable of implementation within three years of the grant of permission.

Impediments and additional consents

Furthermore we expressly draw to the Secretary of State's attention the clear statement in the Trust's letter in respect of the Central Spine application that the requirements of the Charities Act and consent from Defra will need to be in place before any development commences. As stated above, we therefore requests that this submission constitute a representation pursuant to s16 ALA 1981. That is clearly of considerable relevance to the Secretary of State because in considering whether to confirm the above Order he is required to have regard to whether there are any impediments, statutory or otherwise, that would prevent a scheme coming forward if the Order were to be confirmed.

We note that the Statement of Reasons states that a separate application has been made to the Secretary of State under section 19 and Schedule 3 of the 1981 Act to the effect that Plots 102, 104, 105 , 109 and 112 "when burdened with new rights will be no less advantageous to the persons in who it is vested and to the public than it was before (Schedule 3, Paragraph 6(1)(a) of the 1981 Act)". The Trust are surprised that they have not been provided with sight of that application and we reserve the Trust's rights in that respect. We would formally ask that we be provided with a copy.

Failure to engage properly and seek to acquire necessary interests and rights by agreement

At the heart of the Trust's concern is that the Council has failed to appreciate its interests and role and the contribution it itself can make to regeneration. Notwithstanding that discussions with the Trust did begin, in practice, the Council has not sought to engage with the Trust in any meaningful way. The Trust seeks to work with other stakeholders and recognises the benefits that can flow from regeneration. It does not seek to hinder appropriate development. However it is most disappointed with the lack of meaningful engagement by Enfield Council in the promotion of its scheme and the above CPO. The report to Cabinet dated 22 January 2020 did not make any specific mention of the Trust's interests, specific status as statutory undertaker or the implications for the Trust's maintenance and management of its waterways. These are bespoke interests and in determining to pursue compulsory purchase the Council has failed to have proper regard to them. Furthermore, the standardised approach to proposed acquisition of interests pursued by the Council's agents has in effect taken place in a vacuum without any appreciation of the Trust's position. To that extent it cannot be said that the Council has complied with Guidance which requires it to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Notwithstanding that it is not accepted that the extent of interests and rights sought are themselves reasonable, in any event the Council's failure to understand the impact of the proposed acquisition on the Trust has prejudiced its ability to seek to acquire by agreement.

Council's basis of valuation underpinning negotiations

In order for the Council to have made proper and appropriate efforts to acquire by agreement it is necessary for those efforts to have been properly informed by regard to the statutory basis of compensation payable in the event of compulsory acquisition, i.e. deemed CPO valuation. To date it has failed to do so. The definition of the scheme that is to be disregarded departs from the statutory default without justification. The Council unjustifiably considers that it is the wider Meridian Water Scheme rather than the scheme underlying the specific compulsory acquisition that falls to be disregarded.

The Neighbourhood Planning Act 2017 inserted new sections 6A to 6E into the Land Compensation Act 1961 (LCA 1961) with the intent of clarifying the principles and assumptions for the no-scheme world. The statutory default position is that the scheme underlying the compulsory acquisition is to be disregarded. In this instance that is the Strategic Infrastructure Works (SIW). It should be noted that in contrast with the previous

position, this is now a statutory default and consequently carries significantly additional weight.

Section 6D(5) LCA 1961 provides for the limited circumstances where the scheme that is to be disregarded is larger than the area of land to be acquired by compulsion. That limited exception applies only where it is agreed otherwise (i.e. between the parties) or if the acquiring authority is permitted by the Upper Tribunal to advance evidence of a larger scheme.

We note the following:

- Limitation of the scheme to the requirements for the SIW is entirely consistent with Enfield Council's decision-making narrative and the Council has expressly stated that this is the case in its Cabinet resolution to make a CPO and in numerous references in the Officer Report
- The burden falls on the Council to demonstrate the larger scheme is the Scheme for valuation purposes. The test requires the satisfaction of "special circumstances" (which term is undefined in statute). The brief statement in the Council's Statement of Reasons that the wider scheme constitutes the scheme is demonstrably inadequate and fails to have regard to the test.
- The definition of the wider Meridian Scheme is in any event uncertain since future phases are undefined and may themselves require CPO.
- In any event the reference to the entirety of the wider Meridian scheme is erroneous since it is acknowledged that Phase 1 is in large part independent of the SIW
- It is not necessary for the SIW to be part of the larger scheme in order to have benefits in facilitating or delivering it
- Statutorily the way that S6D LCA 1961 works is that where there is a redevelopment or regeneration scheme that has previously been facilitated by public infrastructure works, then those works are assumed to be part of the scheme. The intention being that uplift in value attributable to public infrastructure is disregarded. However, the converse is not true. That is, compensation for compulsory acquisition for infrastructure is not necessarily taken to include subsequent development as part of the infrastructure scheme.

It is therefore not agreed that that the statutory disregard applies to anything other than the SIW. All other elements of the wider Meridian Water scheme and acquisitions in relation thereto are not to be disregarded. Accordingly a fundamentally revised approach and revised "set of assumptions" is required.

Excessive scope of the Order

This is further evidenced by the scope and extent of the Order which are excessive in seeking to acquire the Trust's freehold interests outright and in terms of the rights sought. In its extent of the interests and rights sought to be acquired, the Order provides no recognition of the potential implications of the bridge works in particular for the Trust's continued maintenance and use of the navigation nor of the structural and environmental risks which may also arise. These detailed matters, and others, are more properly dealt with by agreement between the parties. The Trust is of course familiar with agreements relating to the crossing of waterways under its ownership and control. For example, there is mutual advantage in addressing many issues such as new rights of over-sailing, access, discharge into the watercourse and maintenance by agreement.

The Trust will review the Order in further detail and will raise specific concerns in due course but it is initially noted that the Council propose to compulsorily acquire the freehold of part of the Towpath. The Council have failed to explain why it is necessary to acquire part of the

towpath rather than rights over it. This is of concern to the Trust given the operational importance of the Towpath.

It is an indictment of over-reliance on powers of compulsory acquisition that the acquiring authority in this instance has evidently not properly directed its mind to an analysis of the precise interests and rights it requires let alone broached that subject matter with the affected party.

Rights to discharge flood and surface water

Whilst the Statement of Reasons suggests that new rights required will include rights to discharge into watercourses, the intentions of the Council in this regard have not been made clear. We note that the Order contains express reference to the creation of rights into Pymmes Brook and Salmon Brook respectively. It also includes at plot 135 reference "the right to discharge flood and surface water into the River Lea over 5,590 square metres, or thereabouts, of river, bed and bank (River Lea) situated to the south east of Cooks Ferry Roundabout and east of Lea Valley Business Park, London Borough of Enfield".

The Trust has, through its consultants, requested confirmation of whether the development will necessitate discharge/surface water drainage into the River Lee Navigation but have not received any clarification in respect of this. We would therefore expressly reiterate that request. The Order does not seek to create any rights for discharge or drainage into the River Lea Navigation. If it were to be the intention then the Trust have an established application procedure that the Council would be required to engage with as set out in Part 2 of the Code of Practice for Works Affecting the Canal & River Trust (attached). This procedure is important because it allows the Trust to assess the potential impacts of the proposed discharge into the watercourse.

Furthermore given that the Order seeks to create new rights of discharge flood and surface water into the Pymmes Brook, Salmon Brook, and River Lea respectively and that development proposals include a Flood Conveyance Channel we seek clarification as to what modelling has been undertaken in respect of anticipated water levels and in particular what impacts upon the River Lea Navigation have been identified. This is particularly important given that one purported justification for the Order is to facilitate construction of a flood restraint barrier.

Impact upon operation and maintenance

The proposed extent of compulsory acquisition will prejudice the Trust's ability properly to manage its estate and the operation and maintenance of the waterway and adjoining land. The Trust cannot effectively perform its statutory functions without retaining freehold ownership of the Plots. The Council have not effectively engaged with the Trust to understand the implications of proposing to compulsorily acquire interests/rights in respect of the River Lee Navigation and the Towpath.

For example it is proposed to acquire outright the Trust's interests in plot 106 for construction of a flood relief channel underneath the Towpath, whereas in contrast plot 109 seeks to create a range of new rights. It is not apparent why the plot 109 approach could not similarly have been applied to plot 106. The effect of doing so would be to create different management regimes for plots, 106 and plots 109 and the Towpath between the two which is less than ideal and somewhat impractical. There is also the question as to the removal of Trust rights over plots such as plot 106 and the adverse impact this will have on its operation and access.

Similarly it is not clear from the Order why the Acquiring Authority considers it necessary to acquire plot 101 outright, but rely on creating new rights in respect of plot 109.

Indeed the statements in the Statement of Reasons to the effect that the acquisition of land and rights by the Council will not impact the continued use of the Canal and Towpath for recreation and all purposes for which the land is currently and ordinarily used is disingenuous. It is unclear how precisely that continued use is to be guaranteed. Moreover the Statement of Reasons is expressly silent on the impact upon the Trust's management of its estate, as distinct from use. The Trust's potential future use of land for the furtherance of its objectives for example by the creation or improvement of mooring will be circumscribed by the Order.

Without prejudice to any further representations that the Trust may make it should be noted that the 1981 test that is cited in the Statement of Reasons relates to the effect of the new rights being both no less advantageous to the persons in who it is vested and to the public than it was before. We would respectfully submit that the Council has focused on the second part of the test and overlooked the first.

We would also note that the Order as drafted in respect of plots 102, 104, 105, 109 and 112 incorrectly seeks to acquire rights to swing the jib of a crane over the River Lea rather than the River Lea Navigation. In addition as regards plots 102 and 105 where the Council seeks to create new rights "for works in connection with the construction of the River Lea Bridge" it is not readily apparent what such works, not being works of construction, actually comprise.

Accordingly the Trust objects to the Order. We should be obliged if you would acknowledge receipt of this objection.

Yours faithfully

A handwritten signature in black ink that reads "WARD HADAWAY". The letters are in all caps and have a slightly cursive, hand-drawn appearance.

Ward Hadaway



Enfield Borough Council
Development Management, PO Box 53
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Middlesex
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Your Ref 19/02718/RE3

Our Ref CRTR-PLAN-2019-28010

Wednesday 18 September 2019

Dear Ms Williams

Proposal: Development of Phase 2 of Meridian Water comprising up to 2,300 residential units (Class C3), Purpose Built Student Accommodation and/or Large-Scale Purpose-Built Shared Living (Up to 18,000 sq m - Sui Generis); a hotel (Up to 16,000 sq m - Class C1), commercial development (Up to 26,500 sq m - Class B1a,b,c); retail (Up to 2,000 sq m - Class A1 and/or A2 and/or A3 and/or A4), social infrastructure (Up to 5,500 sq m - Class D1 and/or D2), a primary school up to three forms of entry, hard and soft landscaping, new public open spaces including equipped areas for play, sustainable drainage systems, car parking provision, and formation of new pedestrian and vehicular access (Outline- all matters reserved).

Location: Meridian Water Orbital Business Park (and Adjoining Land Including Land South Of Argon Road And Land Known As Ikea Clear And Gas Holder Leaside Road), 5 Argon Road, , London

Waterway: Lee Navigation

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the character and appearance of the waterway corridor
- b) The impact on the use and quality of the canal towpath
- c) The impact on the structural integrity of the waterway and its infrastructure
- d) The impact of drainage proposals on water quality and canal infrastructure
- e) The impact on biodiversity

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

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Impact on the character and appearance of the waterway corridor

The Trust welcomes many of the design principles employed. However, we suggest that changes should be made to the proposals to more fully grasp the opportunity to create a high-quality waterway place. It is disappointing that the Trust's offers of pre-application discussions were not taken at the later stages in the evolution of the design, beyond specific conversations about the bridge proposals.

We welcome that active frontages (albeit predominantly 'work space type uses') are proposed along almost the entire waterside (with the exception of the very south of the site) and that an overall step-back of 9m between the water's edge and the development is proposed. However, with the exception of the 'Riverside Park' to the north of the bridge, and change in alignment to accommodate the lay-by moorings, there is very little to alleviate the very linear nature of the waterside development, and no 'breakout' spaces that afford an opportunity to sit and enjoy the water without feeling part of the footpath/cycleway route along the water's edge. At present, it appears as if the waterside will suffer in comparison with the more interesting and enticing 'Riverside Yards' space that runs parallel.

The access points between buildings to the waterside area seem quite tight, and at least some of these would benefit from opening up to combine access routes with green or contemplative spaces from which to enjoy the water. This may also allow more enticing glimpsed views of the waterside area from within the development. The model images in section 12 (pp300) of the D&A actually make the frontage appear somewhat unappealing. Some of the creative interest suggested for other parts of the site (such as the Riverside Yards) needs to make its way down to the waterfront, with some variation in depth of the public realm facing the water.

We understand the sentiment that the Riverside Character Area 'should feel like a part of the wider post-industrial landscape'. The current proposals feel like a 'wharf-side' or 'canal edge' place similar to other places found in London's waterways and other industrial cities'. However, care should be taken to ensure that this does not result in a bland pastiche of a traditional industrial wharf area, and that this is not used as an opportunity just to create large and possibly similar forms adjacent to the waterside. One of the striking attributes of the inland waterway network is the variety of forms, materials and heights that line the navigations and there are generally few planned waterside frontages with largely universal architectural styles and forms.

The Parameter plans suggest heights along the frontage generally of 9 to 11 storeys, but the roof form must be articulated in such a way that there is variety in the perceived heights of the blocks to prevent the waterside area from becoming monotonous, especially as the breaks between the built forms are generally quite narrow. 9-11 storeys could appear quite oppressive if not designed appropriately, even with a 9m wide set back, so care must be taken with the design and detailing of these waterside elevations.

We recognise that the fixing of plot locations through parameter plans would not necessarily result in subsequent buildings completely filling the plots to the 'maximum building line' and that the matters raised above could be addressed at reserved matters stages. However, the Edmonton Leaside AAP (EL10-EL12) requires development to 'enable distinctive place-making', 'incorporate waterways as a focal element of public space' and 'have a direct, positive and productive relationship with the public realm. In the interests of achieving these aims, we suggest that the Design Code is amended to establish a requirement for a degree of variety in appearance, detailing, heights and set back from the River Lee Navigation.

Section 3.4 of the Design Code makes reference to the riverside area being 'vehicle free apart from emergency vehicle and occasional refuse/service access to the middle section'. The parameter plans identify two areas where such vehicle access may be permitted. This is not consistent with policy EL12 of the Edmonton Leaside AAP. Certainly, in respect of refuse/service vehicles, we're not clear what the justification for this is. Maintaining these areas as entirely vehicle free would be preferable in terms of the quality of the public realm and would minimise the risk of vehicles entering the navigation. From the parameter plans, it is clear that other plots can be serviced without the need to access the waterside. If occasional use can be properly justified then it must be

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carefully managed to ensure that it does not become abused, and a weak point for vehicular access to the water. If the vehicular access cannot be justified then, consistent with the AAP, the parameter plans should be amended.

Although it is a recognised native riverine species, we do not recommend *Alnus glutinosa* (Common Alder) for waterside locations due to the invasive nature of its roots. We would generally prefer that less invasive native species be proposed. We are comfortable that this can be addressed at the reserved matters stage or through a landscaping condition but if the Design Code is to be amended then we would suggest that the reference to this being a suitable species could be removed from the planting schedules.

We support the proposed use of natural stone setts for the entirety of the waterside public realm.

The inclusion of rain gardens along the canal edge is encouraging, but we wonder whether this could be taken further with the waterway wall taken down in some areas to create areas where marginal vegetation might grow, to further enhance the ecological benefits of the scheme, and create shallow refuges for fish fry and other invertebrates. Care must be taken to ensure that the rain gardens do not become a visual or physical barrier between the pedestrian realm and the water, diminishing the amenity value of the waterside spaces, or prevent potential moorings which could animate the canal where the freeboard and canal width allows.

As the documentation suggests, Riverside Square has the potential to be a fantastic space, and we support all that is within the Design Codes for this area, although we would want to comment on the detailed proposals for this area at reserved matters and conditions stages.

The Trust considers that changes to the parameter plans and Design Code are required. In addition, we request that the Trust is consulted on reserved matters applications and applications to discharge conditions relevant to the design, appearance and landscaping (hard and soft) of the waterside area.

Impact on the use and quality of the canal towpath

The development will significantly increase the number of residents in the area and visitors to it. The associated full application for site infrastructure, including the new bridge over the River Lee Navigation, and future improvements identified in this application will provide these people with improved access to the canal towpath. As well as providing an excellent recreational resource, the canal towpath will provide an attractive, off-road sustainable transport link to Tottenham Hale Station, with its National Rail, London Overground and London Underground services, some 3.5km to the south. It's clear from the Active Travel Strategy for the development that the Lee Navigation towpath currently provides a key walking and cycling route, providing both utility and recreational routes, and will be in integral and key connection in the future cycle network.

At present, the towpath surface is in a reasonable condition for the level of current use. However, there are signs of deterioration along the route, which will have worsened by the implementation phase of the development, and with the additional numbers of people from the redevelopment it will further deteriorate. Furthermore, the towpath is narrower than we'd like for the likely increase in usage, particularly the 1km stretch south of the development.

We suggest that, in accordance with policy EL21 of the Edmonton Leaside AAP, the full development should deliver an improved towpath surface, and widening where possible, between Meridian Water and Tottenham Hale. We would suggest that the area immediately south of the development (at Chalk Bridge) to Stonebridge Lock – a length of approximately 1.1km – is the highest priority.

We would also support proposals from the Active Travel Strategy to improve connections to and around the Lee Navigation towpath north of the North Circular; continuation of the off-road path between Edmonton and Meridian Water (Section 6.5.2 p40); and proposals to upgrade the path between the towpath and Lower Hall Lane (Section 6.5.3 p41). We would suggest that these are accompanied by widening/surfacing of the towpath between the North Circular and Lee Park Way, improvements to the North Circular Road underbridge

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environment, including a review of drainage of the path and improved wayfinding (particularly for continuation on the towpath).

We have aspirations for the towpath beside Towpath Road to be reconfigured but this is likely to be better addressed comprehensively as part of the future redevelopment of sites on the towpath side. We would like to see the road realigned to allow more space for the towpath to be widened without the need for the protection barrier, ideally reinstating a towpath verge and sufficient offset from a new road position.

Given that regulation 123 lists no longer have any status under revised CIL regulations, we are uncertain whether the council would prefer to secure the towpath improvement works that we have suggested are required through CIL or s106. We would welcome a discussion with you about this. Following this, we can, if necessary, provide a cost estimate for the works that we suggest are required to ensure that the development meets the requirements of the Edmonton Leaside AAP

Impact on the structural integrity of the waterway and its infrastructure

Development is required to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability, under para 170 of the NPPF. In order to ensure that the development does not result in land instability adversely affecting the Lee Navigation and its infrastructure, the developer will need to undertake an underwater survey of the river walls prior to works commencing to determine whether they need to be replaced or repaired. Where works are required, evidence should be submitted to show that this has been completed. We have suggested a condition in relation to this below.

The Trust will want to see the piling works design and detailed risk assessment and method statement identifying how the canal will be protected, which should be required by condition, as this may also impact on the structural integrity and stability of canal infrastructure.

As noted in our response to 19/02717/RE3 (our reference CRTR-PLAN-2019-28006), the Trust requires more detailed information about how the flood relief channel will interact with the River Lee Navigation.

The impact of drainage proposals on water quality and canal infrastructure

We note that the intention is that some of the site's surface water will be discharged into the River Lee Navigation and some will be discharged to Pymmes Brook and Salmons Brook, eventually flowing into the River Lee Navigation. Any proposal to discharge to the Lee Navigation is at the Trust's discretion and an application will need to be made in order that we can consider technical details (impact on water quality and quantity, flow rates, downstream infrastructure etc) and reach a commercial agreement. At present, no agreement is in place.

The Trust must see final discharge proposals to the two brooks as they eventually discharge to the navigation below Tottenham Lock and may affect the ability of the Lea Bridge sluices to maintain water levels. We suggest that a detailed surface water drainage strategy should be required by condition.

In respect of any drainage of surface water to the River Lee Navigation or the brooks, the Trust will want to be satisfied that the water quality is appropriate. The site is heavily contaminated and there is the possibility of the contaminants migrating into the sensitive water environment. We assume that a detailed remediation strategy will be required by the council through an appropriately worded planning condition and we would ask to be consulted on this.

We also suggest that a Construction Environment Management Plan should be required by condition to prevent, amongst other things, pollution of the water environment by surface water drainage and wind-blown material during demolition and construction phases.

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Impact of the proposals on waterway biodiversity

The environmental enhancement within the 'Ecological Baseline Survey' document focus mainly on the Lee Valley marshes and the Pymmes Brook. Although, these are both important sites, focused consideration should be made to enhance the aquatic habitat within the River Lee Navigation. As we have suggested above, the development should provide floating habitat, with habitat for fish spawning beneath the surface and a rich mix of native marginal flora including flowering species. Whilst there is not necessarily a conflict between the provision of such habitat and the provision of new mooring infrastructure, we suggest that the two should be considered holistically. We suggest that the developer should be required, by condition, to prepare a canal edge enhancement strategy in order to do this.

We suggest that green roofs should be included within the building design along with solitary bee brick and insect habitat around the development to connect the habitat network between the River, Marshes, back waters and the development helping to mitigate the impacts of the development on the wild environment i.e. noise, light, pollution.

Lighting around the river corridor should avoid any light spill over the waterway so as not to reduce bat foraging activity. We suggest that an external lighting strategy, including a detailed lux plan, should be required by condition.

Opportunities for using the canal to transport freight

This section of the River Lee Navigation south to the Thames is classified as a commercial waterway under extant legislation. The existing and draft London Plan encourages the use of waterways for the transportation of construction materials and demolition waste. On the basis of the evidence submitted, we do not accept that this could not be facilitated without the upgrade of waterway infrastructure. The developer should be required, by condition, to undertake a feasibility assessment of transporting such materials via the Lee Navigation prior to commencement.

Opportunities for new moorings

We welcome the early indications that the developer will positively consider opportunities to deliver new moorings adjacent to the development. We would suggest that the provision of new infrastructure for moorings is designed into the plans for the site at the outset, as this will be cheaper and easier than doing so retrospectively. The 'layby' area at the south of the site appears to provide a particularly good opportunity. Any moorings proposals would need to be fully considered by the Trust, including their impact on navigation of the canal, other users and the waterway environment. Should the developer wish to discuss this further, they would be advised to contact Thomas Jackson, Business Boating Manager (Thomas.Jackson2@canalrivertrust.org.uk).

Use of the canal for heating and cooling

Canal water can be used to efficiently heat and cool buildings using similar technology to that used in ground source heat pumps. In this instance, the developer is not proposing to take this opportunity because of the proposed connection to the new Lee Valley Heat Network and a perceived minimal requirement for cooling. Should the opportunity to connect to the Heat Network not prove to be achievable or be delayed, we would be happy to discuss use of the canal for heating the development further.

The Trust as landowner

The development site includes land owned by the Canal & River Trust and is clearly related to application 19/02717/RE3, which would deliver a new bridge over land owned by the Trust. Discussions between the Council and the Trust have begun with a view to reaching agreements that would allow these developments to proceed but at present no agreements are in place. Any agreements will be subject to the requirements of the Charities

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Act and consent from Defra and will need to be in place before development in, on, over or under our land, including temporary uses (crane oversail) and new accesses.

Should planning permission be granted we request that the Trust is consulted on all reserved matters applications within our notified area. We suggest that prior to this, the draft Design Code and Parameter Plans should be amended, as set out above. We suggest that conditions are required in relation to:

- Submission and agreement of a hard and soft landscaping strategy.
- Submission and agreement of a survey of the waterway wall, a schedule of repairs and evidence that such repairs have been carried out, prior to commencement in order to ensure that initial demolition and construction works do not have an adverse impact on land stability (detailed wording proposed below).
- Submission and agreement of details of piling works and a risk assessment and method statement considering, amongst other things, any potential impact on the River Lee Navigation (detailed wording proposed below).
- Submission and agreement of a detailed surface water drainage strategy.
- Submission and agreement of a detailed land remediation strategy.
- Submission and agreement of a Construction Environmental Management Plan
- Submission and agreement of a Canal Edge Enhancement Strategy (either through condition or a s106)
- Submission and agreement of an External lighting strategy, including detailed Lux plan.
- Submission and agreement of a feasibility assessment of transporting construction materials and demolition waste using the River Lee Navigation

We suggest the following wording for conditions relevant to land stability / structural integrity and protection of the canal environment during construction and demolition works:

“Prior to the commencement of development, a survey of the condition of the River Lee Navigation waterway wall, a schedule of repairs required and evidence that such works have been completed shall be submitted to and approved in writing the Local Planning Authority.

Reason: In the interests of the structural stability of the River Lee Navigation infrastructure. This condition is required prior to commencement in order to protect the canal environment during initial demolition and construction works”

No piling works shall be carried out until details of such proposed works have been submitted to and approved by the Local Planning Authority, together with a risk assessment and method statement assessing any potential impact on the River Lee Navigation and its infrastructure and how this will be managed.

Reason: In the interests of the structural stability of the River Lee Navigation infrastructure.

“Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

- A) *Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works. Details should confirm the following:*

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- i. that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Grand Union Canal during the demolition/construction works, unless otherwise agreed by the Council;
- ii. that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition & construction works – i.e. at the point of surface water ingress and at any outfall to the canal.

B) Daily hours of working.

C) Measures to control dust and debris from demolition and construction operations.

Reason: In the interests of the structural stability, water quality and biodiversity of the River Lee Navigation. This condition is required prior to commencement in order to protect the canal environment during initial demolition and construction works”

It is our understanding that the developer will need to agree to the imposition of any pre-commencement conditions in advance. Should the developer not be willing to do so, we would be grateful if the Council could notify us as we will need to consider whether the only course of action available to us is to object to the development on these grounds until the information and guarantees requested above are provided.

We suggest that developer contributions to upgrade the canal towpath between the site and Tottenham Hale, and around the North Circular bridge are required, as set out above. We would welcome further discussions with you about the best way of securing these.

Should planning permission be granted we request that the following **informatives** are appended to the decision notice:

The applicant/developer is advised to review the Canal & River Trust’s “Code of Practice for Works affecting the Canal & River Trust and contact the Trust’s Works Engineer (steven.ellis@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant. (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyandour-code-of-practice>)”.

“The applicant/developer is advised that surface water discharge to the Grand Union Canal will require prior consent from the Canal & River Trust and should contact Nick Pogson in the Canal & River Trust’s Utilities team regarding such an agreement (nick.pogson@canalrivertrust.org.uk).”

“The applicant/developer is advised that the proposed works require written consent from the Canal & River Trust, and they should contact the Canal & River Trust’s Estates team (Bernadette.mcnicholas@canalrivertrust.org.uk) regarding the required agreement.”

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

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

Yours sincerely,

Steve Craddock MRTPI
Planning Manager

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

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Enfield Borough Council
Development Management, PO Box 53
Civic Centre
Enfield
Middlesex
EN1 3XE

Your Ref 19/02717/RE3

Our Ref CRTR-PLAN-2019-28006

Wednesday 18 September 2019

Dear Ms Williams

Proposal: Full application for the redevelopment of the site to provide infrastructure works for the delivery of a mixed-use development comprising construction of an east-west link road between Glover Drive and Harbet Road (the Central Spine); alteration of access road between Argon Road and Glover Drive, construction of a link road between Leaside Road and the Central Spine, pedestrian and cycleway improvements to Glover Drive and Leaside Road, the construction of 4 no. bridges across the Pymmes and Salmon Brooks and River Lee Navigation; alteration to the Pymmes Brook channel, associated landscaping and formation of new public open space. Enabling works, comprising earthworks; remediation; flood conveyance channel, flood alleviation, outfall and new public open space works; utilities infrastructure; demolition of existing buildings, formation of new access's and associated works.

Location: Meridian Water Orbital Business Park, Adjoining Land At Leaside Road, South Of Argon Road, and Land At Former Stonehill Industrial Estate, Anthony Way And Adjoining Land, London

Waterway: Lee Navigation

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposed bridge on the canal environment and its users
- b) The impact of the proposed bridge on the structural integrity of the waterway and its infrastructure
- c) The impact of the proposed flood relief channel on waterway infrastructure

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

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Impact on the canal environment and its users

The Trust and Enfield Council (and their consultants) have engaged in a number of rounds of pre-app discussions about the proposed bridge. Our preference would be for a narrower bridge with a single vehicular carriageway accommodating bus movements in both directions, controlled by signals. We believe that this would reduce the adverse impact on canal (and towpath users). However, if it is accepted that the level of bus traffic warrants the proposed two carriageways, then we have no objection to the proposed design. We welcome the effort that has gone into elevating the design beyond a standard highway bridge, the generous towpath space that will be provided and the clearance above the towpath and water. We expect to see these carried through into the delivery stage.

We have discussed the safety implications of the steps down to the towpath on the north side of the proposed bridge and the risk of collisions between cyclists and pedestrians and the risk of people entering the canal. We are pleased to see that it appears that tactile paving will be employed at the bottom of these steps. Nevertheless, we suggest that more may need to be done here to manage risks, including railings along the water's edge. We suggest that this could be addressed through a suitably worded condition requiring further landscaping details.

The application documents show surfacing is proposed as "In situ concrete with exposed aggregate to tow path" but it is not clear if that is to include the towpath surface itself under the bridge. We would suggest this should be a more sympathetic, hard-wearing surface rather than concrete, though we have no issue with a change in surface in this high-use area to draw attention to change in activity levels. Again, we suggest that this could be addressed through a suitably worded condition requiring further landscaping details.

The Trust will want to see further details of the lighting proposed under the bridge and a Lux plan showing the light levels falling on the waterspace. Whilst we welcome the lighting in principle, careful consideration needs to be given to the biodiversity impact. We request that further lighting details are secured by condition in order to avoid adverse impacts on bat foraging opportunities.

The development of the new bridge will require the clearance of vegetation on the western bank of the canal. We have suggested, in our response to 19/02718/RE3 that a Canal Edge Enhancement Strategy should be required by condition or s106. This would be an appropriate way of determining how enhancements to waterway biodiversity can be achieved.

When developed, the bridge will allow access to areas of land on the offside of the canal that are currently not available to the public and are afforded little passive surveillance. Until the adjacent development plots are brought forward, an appropriate means of managing access to this space should be put in place to minimise the risks of antisocial behaviour. The Trust would want to be consulted on such plans.

Impact on the structural integrity of the waterway and its infrastructure

Development is required to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability, under para 170 of the NPPF. In order to ensure that the development does not result in land instability adversely affecting the Lee Navigation and its infrastructure, the developer will need to undertake an underwater survey of the river walls prior to works commencing to determine whether they need to be replaced or repaired. Where works are required, evidence should be submitted to show that this has been completed. We have suggested a condition in relation to this below.

The Trust will want to see the piling works design and detailed risk assessment and method statement identifying how the canal will be protected during the bridge construction works, which should be required by condition, as this may also impact on the structural integrity and stability of canal infrastructure.

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Impact of the proposed flood relief channel

The Trust requires more detailed information about how the flood relief channel will interact with the River Lee Navigation. We assume that a flood weir will need to be constructed to pass water under the towpath to the relief channel. This would need to be on the Trust's land and our consent would need to be given for this to occur. To date, I am unaware of any conversations with the Trust about the technical or estates agreements that would be necessary. For example, we will need to agree weir heights and any proposals to raise the height of the canal bank. We will need reassurance that towpath pedestrian safety is maintained. We request greater clarity about this proposal. In the absence of it, we are unable to advise whether or not a condition is required to protect the Trust's assets and users.

The Trust as landowner

The proposal would involve development on and over land owned by the Trust. Discussions between the Council and the Trust have begun with a view to reaching an agreement that would allow this development to proceed but at present no agreement is in place. Any agreements will be subject to the requirements of the Charities Act and consent from Defra and will need to be in place before development commences.

Should planning permission be granted we request that the following conditions are imposed:

"Prior to the first public use of the River Lee Navigation bridge hereby permitted, full details of the proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity of the Blue Ribbon Network and the adjacent public realm."

"No external lighting related to development hereby permitted shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority".

Reason: In the interests of the protection of the biodiversity of the Blue Ribbon Network.

"Prior to the commencement of the River Lee Navigation bridge, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall specify the measures to be taken to ensure the protection of the structural stability, water quality and biodiversity of the waterway, as well as protection of its users. The construction and demolition shall be carried out in accordance with the approved details.

Reason: In the interests of the structural stability, water quality and biodiversity of the Grand Union Canal"

"Prior to the commencement of the River Lee Navigation bridge development, a survey of the condition of the River Lee Navigation waterway wall shall, a schedule of repairs required and evidence that such works have been completed shall be submitted to and approved in writing the Local Planning Authority.

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Reason: In the interests of the structural stability of the River Lee Navigation infrastructure. This condition is required prior to commencement in order to protect the canal environment during initial demolition and construction works”

No piling works shall be carried out until details of such proposed works have been submitted to and approved by the Local Planning Authority,

Reason: In the interests of the structural stability of the River Lee Navigation infrastructure.

A risk assessment and method statement considering any potential impact of the construction of the River Lee Navigation bridge on the River Lee Navigation and its infrastructure shall be submitted and approved by the Local Planning Authority prior to the commencement of such works.

Reason: In the interests of the structural stability of the River Lee Navigation infrastructure, and the safety of its users.

Should planning permission be granted we request that the following **informatives** are appended to the decision notice:

The applicant/developer is advised to review the Canal & River Trust’s “Code of Practice for Works affecting the Canal & River Trust and contact the Trust’s Works Engineer (steven.ellis@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant. (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyandour-code-of-practice>)”.

“The applicant/developer is advised that surface water discharge to the Grand Union Canal will require prior consent from the Canal & River Trust and should contact Nick Pogson in the Canal & River Trust’s Utilities team regarding such an agreement (nick.pogson@canalrivertrust.org.uk).”

“The applicant/developer is advised that the proposed works require written consent from the Canal & River Trust, and they should contact the Canal & River Trust’s Estates team (Bernadette.mcnicholas@canalrivertrust.org.uk) regarding the required agreement.”

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

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

Yours sincerely,

Steve Craddock MRTPI
Planning Manager

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CODE OF PRACTICE FOR WORKS AFFECTING THE CANAL & RIVER TRUST

PART 2 DETAILED INFORMATION

April 2020

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1.0 BRIDGES

1.1 Introduction

This section refers to new bridges, bridge widening, major bridge refurbishment, temporary bridges and conveyors. Proposals for constructing new bridges or altering existing bridges across Waterways are conducted in distinct phases:

- feasibility and design
- construction
- maintenance

Feasibility and design are essentially iterations of the same process. Within this document these steps are not listed separately. It is imperative that all pertinent aspects relating to the interests of the Trust are identified at an early stage. There are aspects of construction and future maintenance, which need to be considered at the feasibility and design stages.

1.2 Feasibility and Design

The bridge site should be selected by considering the needs of the proposed scheme and also the effect of the bridge on the canal corridor. The latter criterion will include consideration of the following:

- navigational needs: locations adjacent to existing locks, bridges, bends etc. should be avoided where possible
- environmental and landscape impact on the canal corridor
- the needs of towing-path users (including those with disabilities); vehicles may be used for towing-path maintenance or access
- the protection and/or relocation of services in the towing path
- deterrence of vandalism.

The use of Design and Build contractors needs careful consideration. Unless the critical parameters are defined before a contractor is appointed, an unsatisfactory result and/or escalating costs to the Promoter might result. The Promoter remains responsible for the proposals.

Navigational clearances need to be established. These will vary from navigation to navigation and from site to site owing to considerations of craft dimensions, one or two way boat working, horizontal alignment and visibility, proximity to other structures, dredging and other maintenance activities. In each case the

The Works Engineer will agree the following:

- headroom over navigation
- headroom over towing-path (minimum usually accepted 2.7m)
- navigation width
- towing-path width
- navigation depth
- forward visibility.

Headroom will normally be defined relative to maximum navigable flood level on river navigations or overflow weir level on a canal. On river navigations the clearance must be maintained over the full width of the navigation channel. Minimised headroom leads to difficulty in maintaining the waterway and constructing and maintaining the bridge. These problems include:

- temporary works clearances during construction
- temporary works clearances during maintenance
- access for dredging plant.

If sufficient headroom for these purposes cannot be achieved, a low maintenance structure is needed. Dredging can sometimes be simplified by separating carriageways (i.e. introducing a light well in-between sections of the bridge, or by providing alternative means of dredging other than the use of waterborne plant. See section 14 for guidance on contamination.

In order to maximise the time before dredging becomes required it may be necessary to dredge before construction; at the promoters expense. Where dredging occurs, ensure that the dredged material that requires disposal is done so in an environmentally friendly and sustainable manner and in compliance with current legislation for contaminated material.

Headroom clearances relating to arched bridges need careful consideration. A profile, which will achieve the desired visual and clearance objectives, is needed. It is usual to use parabolic arches, with raised and set back spring points to achieve the optimum result.

Super elevated roads requiring bridges with less than generous headroom should be avoided, because of safety considerations. Waterway users can be misled regarding the clearance and be unprepared for the headroom reduction.

The Works Engineer may require physical or mathematical modelling of the navigation to ensure that safe passage of craft can be maintained at all times.

If the Works Engineer permits any narrowing of the canal, such narrowing will normally take place symmetrically about the centre line of the navigation. The alignment of the canal banks is of particular interest to the Trust. The drawings must illustrate a sufficient length of the canal to enable the realignment works to be viewed in context. Any re-alignment must be designed to 120 year design life.

Consideration must be given to aspects of the forward visibility for waterway users. It may, for instance, be necessary to increase the span of a bridge when a new structure is constructed in the vicinity of a bend on the Waterway.

If it is essential to build bridges in close proximity to locks it may be desirable to increase the vertical clearance or install open parapet rails in order that vessels approaching the lock from below can determine in advance if the lock is in use. The lock landing will need to be maintained at all times or a suitable alternative agreed with the works engineer.

Bridges across river navigations should generally clear the navigation in a single span. Where it is necessary to have piers within the river, special attention will be needed to ensure that such piers have a minimal effect on the navigation and are adequately fendered, signed and lit. Aspects to be considered include:

- clearances
- proximity to adjacent structures
- speed of flow in flood conditions & scour protection
- fendering
- Signing the correct navigational channel
- Any lighting within Harbour Areas or Tidal Waters should be compliant with IALA (International Association of Lighthouse Authorities) regulations.

Construction methods and the effect on navigation must be considered at the design stage. The towpath should generally pass under the same span as the navigation.

The towpath under the bridge should be surfaced in material consistent with the character of the Waterway. Surfacing (including gradients, cross fall or width) should not hinder the use of the path by people with disabilities and should offer access compatible with or superior to surrounding towpath.

Weep holes should be laid to a back fall with drainage at the rear of the abutment. They must not be designed to drain onto the towpath or into the waterway without a utilities agreement and suitable outfall design.

In urban areas, where pigeon nuisance is a problem, the matter should be addressed through appropriate detailing.

Towpath accesses from highways must be retained and should be improved or provided where appropriate. These should be enhanced for people with disabilities, where possible and appropriate.

There should be no 'dead areas' prone to vandalism in towing-paths under bridges, and where possible access to water's edge should not be fenced off.

It is preferable that there be no pedestrian access to offside abutments of canal bridges in order to prevent graffiti.

Bridges over 15 m in length will be treated as tunnels as far as safety precautions are concerned. Please consult with the works engineer.

It will generally be necessary to provide bank protection, durable for the life of the bridge, under the new bridge owing to considerations of:

- increased navigation depth
- difficulty in installing such protection later in limited headroom circumstance
- protection of the structure from scour
- fendering
- support to the towing path
- the new bank protection must interface with the existing with a detail designed to minimise the possibility of erosion and leakage at this point.

Piles should be capped to match the local vernacular. Mitigation measures will be needed where bank protection affects wildlife habitats.

Bridge abutments and spans have been found to be ideal bat roosts, especially where there are small crevices leading to voids within the structure. It is an offence, intentionally or recklessly, to damage or destroy any structure used by bats, or to disturb them whilst occupying the structure. Professional surveys of existing structures are recommended at an early stage of any widening or refurbishment scheme to avoid delays. Where possible the provision of bat habitat within or near to bridges should be included in bridge design.

The noise impact upon the canal environment resulting from the new bridge crossing must be considered. If noise levels are too great mitigation measures must be introduced. It may be necessary to install noise control measures.

The impact of the bridge on the canal environment will require detailed consultation. Not only are bridge aesthetics of great importance but also the setting of the bridge on the local and wider landscape must be considered. Offsite planting should be considered, however planting should avoid the use of plants / trees with intrusive root systems.

When considering the aesthetics of the bridge there are two main options. The bridge should either be a striking dramatic modern structure or it should reflect the scale, style

material, proportions and heritage of the navigation as a whole. In either case the Trust requires a high quality, well designed and detailed proposal.

The waterway corridor is a linear one. Bridges are seen by waterway users as part of a sequence of structures, most of which are contemporary with the construction of the waterway. Users view bridges at leisure whether travelling on foot, at walking pace from a boat, fishing at close quarters or from a distance.

Aspects which must be considered with regard to bridge aesthetics include:

- expression of function e.g. a beam bridge should not have false arch facades
- Scale - proportions and mass
- order - avoid chaos
- materials and facings. There is a presumption towards an appropriate brick or stone. The facing material and bond pattern, which will reflect local themes, must be selected in agreement with the Trust before a contractor is appointed. Where appropriate, the incorporation of recycled materials should be considered by the Promoter. The sourcing of local materials is also important in achieving a sustainable project
- colour
- architectural features such as string courses, pilasters, pilaster caps and patterned brickwork; it is important that the bridge expresses its structural form and that such architectural features are inherent in the design and not 'add-on extras'
- parapet type:-open parapets allow road users a view of the canal and have the advantage of a weight saving over masonry parapets. On small scale canal bridges solid parapets are usually appropriate. In some cases it may be appropriate to "box in" an open parapet above the deck with masonry parapets above the wing walls – the 'masonry book-end': in areas of high vandalism special measures will be needed to protect waterway visitors from abuse
- wingwall direction and skew angle: the wingwall direction should generally be parallel to the transport mode being carried across the canal; wingwalls to skewed bridges must not be parallel with the canal; traditionally wingwalls are curved in plan and battered; consideration should be given to curved wing walls particularly on pastiche structures.
- the effect of road alignment and super-elevation
- embankment landscaping, which should be integral with the design of the bridge; native plants appropriate to the area and location should be used; if possible the planting should be carried out in advance of the works and should extend beyond the site to provide screening, avoidance of intrusive root systems is required.
- Street / towpath lighting
- bridge name/number and date plates – the Trust require the bridge to be numbered on both sides and the works engineer will provide details of the style and actual number
- parapet/approach safety fence interface
- access ramps, steps, barriers, gates, stiles etc.

Computer generated images of proposed bridges gives an excellent view of the impact of new structures on the landscape and should be provided where necessary or on request.

Further reading on bridge aesthetics is available as follows:

Highways Agency	<i>'The Appearance of Bridges and other Highway Structures'</i> HMSO (1996)
Graham Tilly (2002)	<i>'Conservation of Bridges'</i> (Gifford / Highways Agency) Spon
Fritz Leonhardt (1982)	<i>'Brücken Bridges - Aesthetics and Design'</i> - Architectural Press
Conference papers	<i>'The Architecture of Bridge Design'</i> (1994)
Conference papers	<i>'The Aesthetic Refurbishment of Bridges'</i> (1995)

1.3 Construction

The design of the structure should take into account the bridge construction method.

Continuity of navigation and towing-path usage is presumed. It may be possible, in some circumstances, where it is necessary in the interests of safety or otherwise, to carry out a local towing-path diversion. Such a diversion should be safe, commodious, maintained and signed. Pedestrians should be allowed to use the towing-path as soon as it becomes possible for them so to do.

Bed profiling should be carried out before and after the works in order to confirm that construction debris is removed.

It is usually possible to place bridge beams without interfering with traffic, by performing the lifts in the intervals between passing boats. In such circumstances a method statement will need to be agreed with the Works Engineer. Lookouts must be provided. The presumption is that canal traffic should not be delayed. Construction taking place adjacent to and above the navigation must be carried out with the clearances specified at the design stage. Fendering, lighting, screening and signing will be necessary where appropriate.

Experience indicates that piling lines, which are acceptable on a drawing, are not satisfactory on site, without minor amendment. It is imperative therefore that all piling lines are agreed with the Works Engineer before piles are driven.

Throughout the construction phase all possible measures should be taken to reduce environmental impacts on the waterway and surroundings. (See section 14)

1.4 Maintenance

The bridge should be designed to minimise the need for future maintenance to those parts of the bridge, which affect navigation and to address how essential maintenance is to be carried out without affecting the interests of the Trust.

Where permanent access gantries are provided, a full operational agreement with the Trust is needed, even where there are generous navigation clearances. A safe system of work must be agreed, incorporating, where necessary, lookouts, catch nets etc. The Trust must be advised when access gantries are to be used.

Method statements, programmes and temporary works drawings must be agreed before carrying out any significant aspects of bridge maintenance.

Hard and soft landscaping must be maintained in accordance with a predefined plan.

2.0 SERVICE CROSSINGS

2.1 Introduction

This section refers to all services (e.g. pipes, cables etc.) installed on the Trust's land perpendicular to or crossing the waterway, either overhead or beneath. See Section 4 of this part for services beneath the tow path.

This section primarily relates to canals, where considerations of integrity and water tightness are paramount, however it is relevant to river navigations.

Proposals for the installation, enlargement or maintenance of underground services should be considered in the following distinct phases:

- Feasibility/design
- Construction
- Maintenance.

It is imperative that all relevant issues relating to the interests of the Trust are identified at an early stage. Also, there are aspects of construction and future maintenance which need to be considered at the feasibility and design stages.

Note: Overhead crossings are not permissible on environmental grounds. Whenever the opportunity arises to remove an existing service crossing, for instance when it is in need of renewal, the service will be diverted under the waterway.

Crossings will normally be perpendicular to the waterway.

Trenchless techniques will be presumed. Only if trenchless schemes cannot be carried out can other methods be considered. It is very unlikely that open cut techniques will be permitted. Other methods need to be justified and discussed in detail with the Works Engineer. The use of any other method must not cause damage to or rely on the strength of canal beds or walls. Some methods of coffer dam can cause damage to the bed of the canal (e.g. sheet piles) it is highly unlikely that the Works Engineer would deem these methods as suitable for purpose.

In some circumstances it may be possible to carry services in the surfacing over bridges, be they owned by the Trust or others. It may also be possible to install ducts between beams. The option of external attachment should not be considered. The Trust would raise strong objections on environmental, aesthetic and bridge maintenance grounds. There is usually minimal cover over bridges. Services must be laid on sand to distribute loads. Services are likely to be disrupted by bridge maintenance.

Where services are to be abandoned they should be removed to the satisfaction of the works engineer. This is particularly important for services under the canal which may need to be remediated.

2.2 Feasibility - All Techniques

In principle, services should be installed with minimum of disruption to the Waterway, either during construction or during subsequent maintenance and use. In addition, normal operational activities such as bank protection and dredging should not be hindered by the presence of such installations.

Trenchless construction includes such construction methods as tunnelling, micro-tunnelling (MTM), horizontal directional drilling (HDD) also known as directional boring, pipe ramming (PR), pipe jacking (PJ), moling, horizontal auger boring (HAB) and other methods for the installation of pipelines or cables below the ground with minimal excavation. Large diameter tunnels such as those constructed by a tunnel boring machine (TBM) may be considered but blasting techniques are unlikely to be considered.

The service crossing site should be selected by considering actual ground conditions, existing infrastructure and the needs of the underground service.

A site investigation will be required, involving a minimum of two boreholes with appropriate lab testing to verify the strata (one on each side of the canal) to a depth agreed in consultation with the Works Engineer, but should be a minimum of 3 m below the anticipated invert depth of the crossing. A drawing showing depth profile across the full width of the canal or river will be required. The drawing should show the depth of water, the depth of silt and the level and material of the hard bed of the canal borehole information on each side of the waterway. The information should be related not only to Ordnance Datum but also to canal weir level, or in the case of a river low summer level. In mining subsidence areas the canal can be over 10 m deep, sometimes part filled with loose unconsolidated settlement.

The Works Engineer will require impact assessments and strain calculations to be submitted to prove that negligible short- and long-term ground settlement will occur due to the installation. The impact assessment must consider all infrastructure within the installations zone of influence (i.e. canal walls/supporting structures, weirs, culverts, locks etc.) This is very relevant to drilling techniques where ducts are not inserted during the drilling process but are inserted once the ground has been reamed out. The importance of a thorough geotechnical investigation cannot be over-emphasised.

Because of their industrial heritage, land in the corridor of some waterways, including bed silts, may be contaminated. A contamination assessment is necessary before any works are carried out which involve the excavation or disturbance of potentially contaminated materials, see section 14. Consultation with the Environment Agency is recommended.

It should not be assumed that there is any impermeable lining in the canal. In medium / high risk locations, to be determined by the Works Engineer, the canal may need to be drained prior to any works. A condition survey should be completed before works start, after completion of the works and after an agreed maintenance period.

After receiving copies of the logs of the boreholes, bed survey and such other information as he or she may require the Works Engineer shall inform the Promoter whether the proposed method of construction can be considered and, if so, if the proposed depth is acceptable. The depth given at this stage may be modified by the Works Engineer depending on the soil strata revealed in the thrust and reception pits, in trenchless systems or during piling for open excavations. If the method is not permitted or if the Promoter considers the depth too great, he should submit an alternative method of construction for the Works Engineer's consideration.

2.3 Design - Trenchless Techniques

Trenchless techniques are accomplished without excavation or disturbance, therefore reducing the overall operational, maintenance and capital costs associated with projects, while also minimising environmental concerns.

The principal criterion of the Trust is leakage from the canal. Very small settlements can often be accommodated in the absence of structures. The Works Engineer may request settlement calculations.

Directional drilling has proved successful for small diameter flexible services such as cables and water pipes in soft and hard ground. Difficulties have been experienced with larger bores needing multiple reams.

Auger boring can lead to the creation of voids in granular ground and collapse of the bed has occurred.

Success has been achieved with earth-pressure balance micro-tunnelling machines used under unlined canals in soft ground.

When man entry techniques are proposed the safety of the miners must be paramount. Draining and closure of the canal may have to be considered.

If compressed air working is envisaged, the possibility of a blowout disrupting the bed and lining must be considered.

Difficulties of accuracy of the bore have been experienced when pipe ramming.

Pipe bursting of existing culverts is not normally viable due to considerations of disrupting the bed and creating an annular leakage path through the rubble.

In trenchless systems, the minimum depth to the crown of the pipe shall be of the order of 3.5 metres below hard bed level. This dimension will be varied as necessary depending on ground and trenchless techniques.

No part of a thrust or reception pit or shaft is to be nearer than 5.0 metres to water's edge or impinge on any embankment, but in areas of high risk the Works Engineer will likely require a greater offset. In Instances where this risk can be designed out, a suitable detailed design is required. It should be noted that this design may require external checks at the promoter's expense

The method statement must consider and address possible eventualities, such as seepage or leakage from the canal.

Pits or shafts should be raised by at least 300 mm above maximum canal water level, so that, if water from the canal were to enter the bore, it would be contained. In directional drilling a bund may be needed to contain leakage.

Any Contractor carrying out boring operations must be a member of the relevant approved trade association (e.g. the Pipe Jacking Association).

Where blasting is deemed necessary for the construction of the service the Promoter shall submit a full method statement which includes blasting arrangements and impact details. Agreement with the Works Engineer will need to be reached on frequency limits and the predicted Peak Particle Velocities. Vibrograph monitoring will be required during the Works.

Generally, back grouting of overbreak is necessary. The details of the proposed grout mix, phasing and pressures must be agreed. Mixtures particularly injurious to an aquatic environment should not be considered, although all cement-based grouts are potentially polluting due to their lime content. Under no circumstances shall the pressure be allowed to exceed overburden pressure. Grouting records should be submitted to the Works Engineer as work proceeds. Constant monitoring of grout-take should be maintained and if there is any evidence of grout leak to the canal, the operation should be suspended immediately.

If any leaks to the waterway are discovered, they should be reported immediately to the Works Engineer who may have to inform the Environment.

2.4 Construction - Trenchless Techniques

The Works Engineer shall be given a minimum of 48 hours' notice to allow the engineer to inspect:

- the location of sheet piling for the thrust and reception pits and their approach trenches before piling commences
- the completed thrust and reception pits
- the completed work before the contractor leaves the site.

A record of the penetration of each pile in the thrust and reception pits and approach trenches as described above shall be kept on site and made available to the Works Engineer on request.

Pumping from any bore or pit is to be carried out only with prior consent from the Works Engineer and if found necessary, it must be passed through a settling tank to determine whether an undue proportion of fines is being withdrawn. Hoses are to be taken over the top of shafts and under no circumstances are holes to be cut in the piles. No contaminated water must be recirculated to the canal. Environment Agency consent for the disposal of this water may be required.

The boring and jacking operation once commenced is to be continuous and carried out in accordance with safe, standard practice. Unless otherwise agreed 24-hour working will be required.

Where pipe-jacking, pipe ramming or auguring techniques are employed, it is required that the progress of the bore be kept under constant supervision, distances from the head of the boring pit are to be painted at 500 mm intervals on the pipes. The points at which the pipe shall pass beneath each of the two canal banks and the deepest part of the canal are also to be indicated on the pipe.

Where an approved directional drilling technique is employed, constant monitoring shall be carried out to confirm the depth and alignment of the bore.

Surface monitoring of settlement will generally be required.

Under no circumstances must an auger be projected forward of the jacking shield.

In the event of canal water appearing at the face of a tunnel or in the boring pit in remote techniques, whatever action is necessary must be taken immediately and the Works Engineer informed of the incident and action taken before any work can then continue. It should be noted that face boards must be available for boarding up the exposed face of a thrust bore or tunnel.

A contingency plan inclusive of containment strategies must be in place should any break out of drilling fluid occur during the works.

In the event of a bore proving abortive, work shall not be recommenced until after the Works Engineer has accepted alternative proposals. In such cases the pipe is to remain in position and be filled along with any over break with grout of an agreed mix.

The removal of piles and backfilling and adequate backfilling of pits employed within the Works and associated reinstatement is to be carried out to the satisfaction of the Works Engineer, in order that support is not lost.

Before any disturbance is caused to the canal structure, the Works Engineer may require a line of permanent interlocking steel sheet piles or reinforced vegetative bank protection, usually for at least 5 metres either side of the centreline of the crossing to be installed to each side of the canal, but in high risk areas a greater length of protection may be required. This permanent piling may be required to provide an area of protection within the canal bank against possible leakage or breaching, or to relieve the need to pile subsequently in the vicinity of the crossing. Where piling is essential for design reasons it may be appropriate that they be hidden for landscape and environmental reasons. Permanent sheet piling must be agreed with the Works Engineer as to length, section, depth, alignment, capping, ties, anchors and marrying-in with any existing canal bank protection and shall be shown on the approved drawings.

Permanent piling or walling, such as specified bank protection, must be designed by a competent person to withstand all external forces. The Works Engineer may require calculations. These calculations should clearly give design details of both the permanent and temporary conditions.

A suitable valve system, to enable a rapid shut down to be affected in the case of emergency, shall be provided where appropriate. The valves are to be fixed at least 5 m clear of the Trust's land. Any sleeve or carrier pipe must withstand all normal canal, towing path and access road loading, and must extend to 3 m beyond the Trust's land. These isolation points must be able to be utilised upon request from the Trusts engineers, and potentially at short notice – it is not the responsibility of the Trust to ensure your networks are backfed and you must be prepared to implement shut down upon request.

Any concrete surround or sleeve must extend a distance of not less than 3 m beyond either water's edge.

All electricity, telecommunication, etc. cables should generally be placed within a strong and durable duct of a suitable material that shall not cause any interaction with other live infrastructure (galvanised steel, thick walled Polyethylene type or similar material). In the case of electricity cables, metallic ducts must be plastic lined. Normally all pipes will be grouted in position in the duct.

All pipes carrying pressurised material, which in the case of pipe failure may affect the Trust's property, must at the Works Engineer's discretion be placed within a suitable sleeve or duct.

The contractor shall install a permanent marker on both sides the waterway to indicate the line of the crossing. Details to be agreed with the Works Engineer.

An as laid drawing should also be submitted to the Works Engineer.

The Works Engineer shall be empowered to order the work to be suspended at any stage for any express reason and this instruction must be acted upon immediately. The Works Engineer shall not accept any liability for any costs or claims, which may arise by the Promoter as a result.

The contractor shall install a permanent marker on both sides the waterway to indicate the line of the crossing. Details to be agreed with the Works Engineer.

3.0 WATER DISCHARGE

This section is applicable to canals and navigable rivers where the Trust is riparian owner and those navigations identified in Statutory Instrument No 1195 *'The Inland Waterways of British Waterways Board Order 1965'* as amended. The requirements relating to navigation are applicable to other river navigations.

3.1 Introduction

The Trust is not a land drainage authority. Water levels in canals are maintained in dry spells using reservoirs, river abstractions, pumping from ground water sources and re-circulatory pumping at locks ('back pumping'). Water levels are controlled in wet periods using overflow weirs and manually controlled sluices. Without these, the canal would overtop and may breach its banks, causing damage to property and possible loss of life. When the canals were constructed, they were usually a closed system, isolated from the effects of storms. Therefore storm water discharges do not assist in dry periods and can cause severe difficulties in wet conditions. Where a new (or modified) discharge is proposed, it will be reviewed to determine if the benefits to the Trust outweigh the risks of acceptance and approval by Water Management and Environment Teams, the Waterway and the Utilities Team will be required. In the majority of situations, there is no obligation on the Trust to accept discharges.

3.2 Feasibility, Design, Operation & Maintenance – Flood Risk considerations

The only discharge which will normally be considered is uncontaminated surface water in small quantities at suitable locations. The Canal and River Trust undertakes a staged process to review the impact of all new or modified discharges to its network, in addition to any considerations that are made by the Environment Agency and/or the Local Planning Authority via the normal planning process.

If the applicant, as part of their site drainage plan, wish to discharge surface water into an inland waterway owned or managed by the Trust then an application should be submitted to the Trust who will provide details of the application review process and associated fees. In order to deliver a successful outcome for all parties it is vital that the Trust is consulted as early in the process as possible, potentially even before the land is purchased.

The Trust supports the principles of Sustainable Drainage Systems (SUDS) which should be followed. Guidance is given in the CIRIA publication C523 'Sustainable Urban Drainage Systems – Best Practice Manual' – This refers to the CIRIA Sustainable Urban Drainage Design Manuals C522 for England and Wales. The Flood & Water Management Act 2010 introduces changes to the legislation relating to SUDS, and subsequent editions of this document will reflect those changes, once enacted/commenced.

The details of on-site flow attenuation measures (such as SUDS) giving details of design, information about storage or drainage of water in excess of attenuation should be provided as well as any details of maintenance and adoption agreements for SUDS. If the SUDS are not maintained in the long term, then they will fail to provide the design attenuation and the Trust will be exposed to the full un-attenuated additional flood risk. Any SUDS such as underground storage, ponds, soakaways, flow restrictors etc. must have a suitable maintenance regime in place to ensure their effective operation over the life expectancy of the development.

In addition to the above information, the details of the proposed connection with the canal should be provided together with an estimate of the peak velocity of the discharge orthogonal to boat movement.

Discharges are not usually permissible directly above and below locks, adjacent to moving bridges and at mooring sites. Navigational difficulties would ensue as a result of the transverse flows. In order to minimise navigational difficulties associated with transverse flows of water the discharge energy must be minimised in the discharge structure design or by storage. Discharge velocity generally must not exceed 0.3 m/s measured at 90° to the direction of the navigable channel.

Discharges into the Waterway may require consent from the Environment Agency (EA). The Promoter will be responsible for obtaining any necessary consent and providing proof to the Works Engineer that this has been done. It must not be presumed that EA consent confers the Trust consent.

New developments must be designed in accordance with the National Planning Policy Framework (NPPF), along with its associated Technical Guidance and Practice Guide. In addition the planning practice guidance 'Flood risk and coastal change' 2014 in England or "Technical Advice Note (TAN) 15" for Wales still applies. These documents set out how flood risk is to be managed during the design and planning process.

If mitigation measures are required, it must be agreed at an early stage whether the new or modified structures are to be procured by the Trust or the Promoter and which party will own and maintain them in the long term. It is usual that the structures are designed and built by the Promoter to an acceptable design and that the Trust assumes long term responsibility for the water control structures only, on its own land, on acceptance of an agreed commuted sum.

Discharges are not usually permissible in short canal pounds between locks. Difficulties could result from the capacity of by-wash weirs, surcharging the pounds and dewatering for the maintenance of locks.

3.3 Feasibility, Design, Operation & Maintenance – Pollution/Water Quality

The Trust will not generally accept sewage or trade effluent. Only in exceptional circumstances where there is adequate treatment, evidence of a treatment plant maintenance schedule and adequate dilution will applications be considered.

For **surface water drainage** applications, Form 6 will need to be completed. There is an expectation that pollution control measures such as traps, gullies, oil separators, silt traps, swales or detention ponds will be required where appropriate. All pollution control measures should conform to the relevant Environment Agency publications and Pollution Prevention Guidance (PPG) notes. It is unlikely that these will be permitted to be built on land owned by the Trust. Normal practice would be to construct them on the Promoters land with adequate access provided to allow them to be regularly maintained.

The Promoter must supply their long-term maintenance plan, with emergency contact numbers for all oil separators, silt traps, swales and other pollution control devices for approval by the Trust. Suitable isolating systems such as valves must be included at the design stage, to allow maintenance and provide protection to the receiving waterway from pollution incidents.

During operation, it may be necessary to require that water samples are taken at intervals and analysed. It may be necessary for the Trust or its agents to inspect from time to time the area drained to the Waterway to ensure that the pollution risks remain acceptable. Alternatively, it may be acceptable for the inspection to be carried out by the discharger using a standard self-assessment procedure.

Calculations and plans will be required for the drainage network. The plans should define the pipe runs and illustrate the uses to which the drained areas are to be put and any other factors that may affect the quality of the surface run-off.

Where **water is discharged at a higher temperature** to that of the normal canal water, consideration will have to be given to the environmental impact. This will involve modelling outputs, with consideration to: the size of the receiving waterway, flow, design of the discharge outlet, and hot water plume dispersal from the outfall. In some cases additional water may have to be passed along the waterway at the Promoters expense to give the required dilution of the discharge. Any additional water required for dilution will be treated as an abstraction, and also included in the discharge quantity for design of mitigation measures.

3.4 Feasibility, Design, Operation & Maintenance – Navigational Impact

The point of discharge is installed perpendicularly to the canal centre line in both axes. The point of discharge should not protrude past the surface of the canal wall such that it affects the mooring of a craft at the same location.

The pipe diameter for above water surface discharges is limited by the available distance between the normal water level and the underside of the coping stone. Several smaller pipes should be used where feasible.

The point of discharge must be installed such that water cannot flow from the canal or be abstracted using the point of discharge. For gravity discharges a stilling chamber / sand trap / oil interceptor is typically provided on the neighbouring land. For pumped discharges the discharge pipe is typically installed above normal canal water level to avoid siphoning.

At locations where craft will be manoeuvring at low speed the limit to the velocity of discharge will be reduced in proportion to the reduction in craft speed. The discharge velocity generally must not exceed 0.3 m/s measured at 90° to the direction of the navigable channel. The Works Engineer will specify the craft speed. A stilling basin is usually needed to comply with this requirement. In most cases physical or mathematical modelling will be necessary.

Scour protection may be needed.

Discharge structures should be designed to minimise the visual impact on the canal, to allow the quality of the discharge to be monitored and to prevent loss of water from the canal into the drainage system. The structure should be accessible in safety for maintenance and sampling. Where this is not possible, for instance on river navigations, a remote sampling point and a flap valve are needed. Outfall structures should normally be designed for the discharge to take place below the normal water surface, preferably via a stilling chamber arrangement, wherever practicable. Above surface outfalls are only accepted in exceptional circumstances, due to the visual impact and risk of navigational difficulties, although offside outfalls above surface are less likely to cause problems than towpath side.

Fenders and signing of structures may be necessary. In particular pumped discharges will need to be signed to advise waterway users of their intermittent operation.

Discharge structures should be capable of carrying the loads imposed by the use of the towing path maintenance vehicles.

Towpath levels should not be raised to accommodate pipework.

The discharge of water to canals can lead to the transfer of water in an open channel to waste weirs. In some instances the issues discussed under 'Water Transfer' within Section 11 (Water Abstraction) of this Code of Practice may be applicable.

3.5 Surface Water Discharge Guidance – Producing an Outline and Detailed Impact Assessment

3.5.1 Introduction

It is extremely important for the Canal & River Trust (the Trust) that applicants wishing to discharge surface water into inland waterways follow the principles of UK planning policy and in particular that any assessments are consistent with the processes outlined in the accompanying technical guidance to those policies.

The responsibility for producing a site specific Flood Risk Assessment (FRA), as per UK planning policy is with the applicant and the FRA should accompany any planning application.

The Trust requires that the assessment should reflect the additional risk and a two stage process is adopted of an outline impact assessment (section 3.5.2) followed by a more detailed impact assessment (section 3.5.3), if necessary. This document provides guidance to assist applicants in producing outline and detailed impact assessments which will be acceptable to the Trust.

3.5.2 Producing an outline impact assessment

The addition of surface water to a waterway is likely to increase the flood risk if the peak flow rate and volume are greater than the existing inflow. This increase will occur in all sections of canal until the water is discharged from the system. The purpose of the outline impact assessment is to quantify the pre and post development flow rates and volumes, for the Trust to review.

For river navigations the applicant will need to discuss with the Trust whether our agreement is required in addition to any permission from the Environment Agency, riparian land owners and planning authorities.

3.5.2.1 Determining change to inflows to the waterway

The applicant will need to determine the quantity of water currently entering the waterway (pre-development scenario) and compare that with the post development quantity (post-development scenario). For both scenarios this will include the derivation of a full flood hydrograph for the development site. Where SUDS¹ schemes are proposed the applicant should demonstrate that any increase in inflow to the waterway is acceptable to the Trust and that the long term maintenance is adopted either by a local authority or sewerage undertaker².

The use of drainage software models to produce the pre and post development hydrographs is encouraged. Various drainage simulation models are available commercially, for example the Trust currently utilise the WinDes modelling suite produced by Micro Drainage (V2013.1) when auditing drainage designs.

¹ SUDS: Sustainable drainage systems or sustainable (urban) drainage systems: a sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques (may also be referred to as SuDS).

² The Flood & Water Management Act received Royal assent in April 2010, but Schedule 3 of the Act, which is concerned with SUDS is yet to be commenced. At the county and unitary level the Act establishes a SUDS approving body (SAB).

The SAB will have responsibility for the approval of proposed drainage systems in new developments and redevelopments (in accordance with National Standards for Sustainable Drainage). The Act also requires the SAB to adopt and maintain approved SUDS that serve more than one property.

3.5.2.2 Calculating pre-development inflows

Greenfield Runoff

The current land use, for the development site, is important in determining the pre-development runoff. For greenfield sites the applicant will need to determine the greenfield runoff rates for the 1 in 100 year flood event (1% annual exceedance probability). The pre-development rate will include a 20%³ increase in peak flow to account for climate change.

The methods that the Trust will accept for determining this flow are summarised in Table 1 below. These reflect recent research and are in line with EA guidance⁴ that FEH methods should be used in preference to older methods (IH 124, ADAS 345 etc.). Guidance on the choice of method for small catchments (<25km²) should be based on (Faulkner et al., 2012): “It is recommended that flood estimates on small catchments should be derived from FEH methods in preference to other existing methods. The current versions of the FEH statistical approach or the ReFH rainfall-runoff model should be used except on highly permeable catchments (BFIHOST>0.65), where ReFH should be avoided, and possibly on urban catchments (URBEXT2000>0.15), where the results of the ReFH model can be less reliable. Checks should be carried out to ensure that the flood estimates are within expected ranges based on what is known about the history of flooding and the capacity of the channel (including evidence from previous flood marks).

For catchments smaller than 0.5 km² and small plots of land, runoff estimates should be derived from FEH methods applied to the nearest suitable catchment above 0.5 km² for which descriptors can be derived from the FEH CD-ROM and scaled down by the ratio of catchment areas. The decision to translate FEH estimates from catchment scale to plot scale should be accompanied by an assessment of whether the study site is representative of the surrounding catchment area.”

³ Technical Guidance to the National Planning Policy Framework (2012). Department for Communities and Local Government

⁴ Environment Agency, Flood estimation guidelines Version 4

Table 1: Hydrological methods to determine Greenfield runoff

Method	Comments	Limitations
FEH statistical method	Use QMED equation revised in 2008 (Kjeldsen <i>et al.</i>) Use FEH CDROM version 3.0 (released in September 2009) Use WINFAP-FEH version v3.0.003 (released in November 2009) in conjunction with the current HiFlows-UK dataset (website) version 3.1.2, released in December 2011. Preferred method if catchment is highly permeable (approx. BFIHOST>0.65)	>50 ha. For catchments <50 ha, downscaling is acceptable. Return period 2-200 years. URBEXT ₁₉₉₀ up to 0.5.
Revitalised Flood Hydrograph Method (ReFH) (2005, 2007).	ReFH has superseded the Flood Estimation Handbook (FEH) rainfall-runoff method and tends to give results consistent with the statistical method. <ul style="list-style-type: none"> Use FEH CDROM version 3.0 (released in September 2009) Analysts should refer to http://www.ceh.ac.uk/Feh2/FEHReFH.html for guidance on the ReFH method and to download the free spreadsheet (version 1.4) implementation.	0.5 -1000 km ² For catchments <50 ha, downscaling is acceptable. Calibrated for return periods up to 150 years. Only reliable for URBEXT ₁₉₉₀ <0.125.

The inflow hydrograph should be determined for different storm durations. As the catchments tend to be quite small the durations should start at 15 minutes and include up to 1440 minutes. These durations could be extended if the catchment size requires it.

If the development land is below the level of the waterway then the applicant will still be required to determine the 1 in 100 year return period water levels in relation to the waterway to demonstrate that there are currently no other flow paths to the waterway.

Brownfield Runoff

Where the development land is currently brownfield the applicant should determine the 1 in 100 year inflows to the waterway. If the existing drainage system is known then it should be modelled using best practice simulation modelling, to determine the peak flow rates. If the system is not known, then the brownfield runoff should be calculated using the methods for greenfield runoff, described above, but with an appropriate adjustment for BFIHOST/URBEXT₁₉₉₀. The rationale for this adjustment should be provided. The pre-development rate will include a 20%⁵ increase in peak flow to account for climate change.

Pumped Inflows

Where the development land is below the level of the waterway and flood water is pumped to the waterway then the capacity of the pump will be required. The applicant will also have to submit any other flow sources for the 1 in 100 year return period flood (including a 20%⁶ increase in peak flow to account for climate change), e.g. if the pump is only designed to cope with the 1 in 30 year flood, explain what happens to the additional water in a 1 in 100 year event.

3.5.2.3 Calculating post development inflows

The applicant should derive the 1 in 100 year return period flood flows into the waterway plus a 20%⁷ increase in peak flows for climate change and a further 10%⁸ increase in peak

⁵ Technical Guidance to the National Planning Policy Framework (2012)

⁶ Technical Guidance to the National Planning Policy Framework (2012)

⁷ Technical Guidance to the National Planning Policy Framework (2012)

flows for urban creep (if the discharge is from a residential development or mixed use development). For mixed developments the 10% increase for urban creep should only be applied to the residential proportion. The percentage increases are not compound and the maximum increase is 30%. The applicant will have to demonstrate all flow paths to the waterway including pipe flow, pumped flow and overland flow. For example, if a piped network is only designed for a 1 in 30 year return period flood then the applicant will need to provide details of any overland flows which will enter the waterway in the 1 in 100 year event (plus climate change and urban creep).

The inflow hydrograph will be determined for different storm durations. As the catchments tend to be quite small the durations should start at 15 minutes and include up to 1440 minutes. These durations could be extended if the catchment size requires it.

3.5.2.4 Comparing pre and post development inflows

Once the above analyses have been undertaken, the applicant will be able to complete the relevant sections within Form 6 of the Code of Practice, for submission to the Trust. Upon review of this Form by the Trust, further work may be required by the applicant to assess the impact of the proposed discharge on the receiving waterway, in the form of a detailed impact assessment, guidance on which is given below. Further information on the specific submission requirements at both the outline and the detailed impact assessment stages are given at the end of this Chapter.

3.5.3 Producing a detailed impact assessment

The aim of the detailed impact assessment is to determine any increase in waterway water level as a result of a new/modified discharge and potentially propose mitigation works so that any change in flood risk can be reviewed by the Trust. The geographical extent of the detailed impact assessment must include the waterway length from the point of discharge into the waterway (including to the upstream lock) to the point of exit from the waterway (including the downstream lock) - see below.

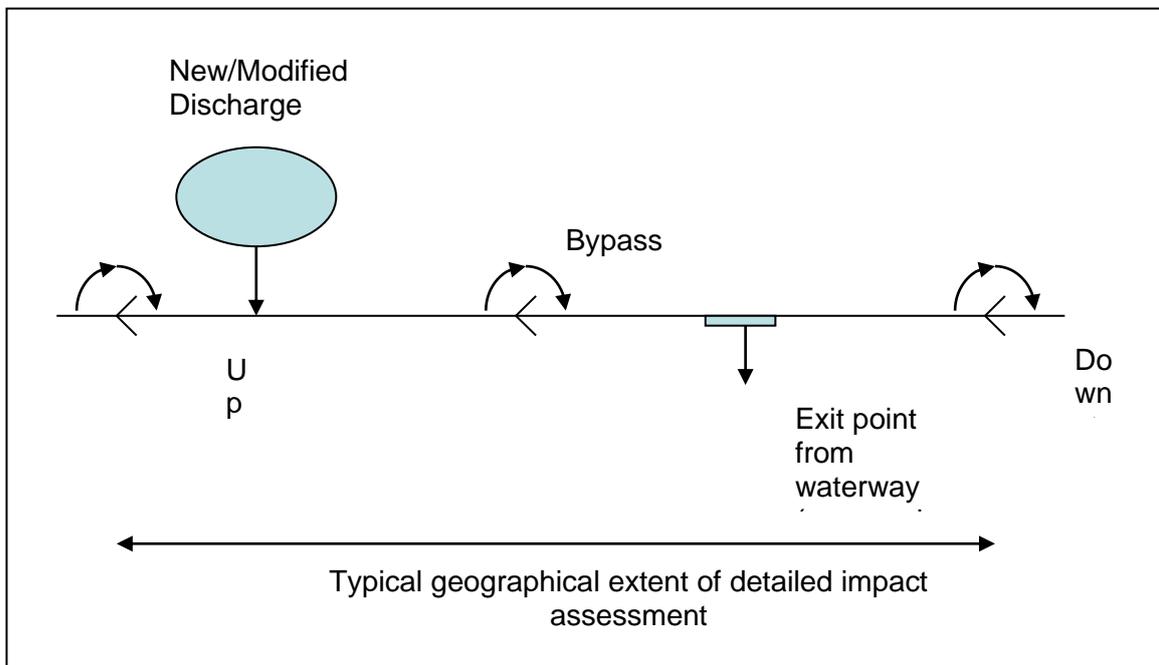


Figure 1: Illustration of typical geographical extent of a detailed impact assessment

⁸ Future Impacts on Sewer Systems in England and Wales Ofwat Report (2011) reports a median increase in impermeable area due to urban creep of 12% to 2040.

3.5.3.1 Predicting impact on waterway water levels

The inflow for the different storm durations should be input into a hydraulic model to determine the storm duration which gives the maximum canal water level. This storm duration will be the design storm duration for any mitigation works. The methods used to determine the water levels will range in complexity depending on the required accuracy of the solution.

Steady State Models

Steady state models may be used (be it commercially produced software or via gradually varied flow backwatering calculations (Chow, 1973 and Chadwick and Morfett, 1999). However, since such methods do not incorporate temporary storage or routing effects they will result in the conservative design of mitigation works. Generally, the degree of conservatism will be greater the longer the time of travel of flood flows along any watercourse and the greater the temporary flood storage present.

Hydrodynamic Models

The use of hydrodynamic models will not introduce the conservatism of the steady state approach in terms of the mitigation works. Various hydrodynamic models are available commercially, for example the Trust currently uses the hydraulic modelling suite ISIS produced by Halcrow (2012) when considering flood studies. The Trust has near comprehensive coverage of hydrographic data for the waterway system, which may be loaded directly into this modelling suite.

When water levels are forecast to exceed the bank levels and water would pass out of the waterway (offside or towpath on waterways) then the channel banks should be considered to act as weirs (or 'spills'). It is not acceptable to assume that all the flood water would be contained within the channel, this is commonly termed 'glass walling' of the banks.

Hydraulic Model assumptions and data requirements

When undertaking a hydraulic analysis reference should be made to BW (2012) for details of:

- How to hydraulically resolve in channel flow (e.g. guidelines for derivation of hydraulic roughness' for backwatering or hydrodynamic modelling);
- How to resolve head losses at bridges, tunnels and aqueducts.
- How to resolve hydraulic structures (e.g. side weirs, by-weirs, culverts etc.)

Table 2 below provides details of typical data requirements for the steady state, and hydrodynamic methods. The Trust often holds much of this information (available upon request) however, there may be a need for the applicant to undertake or commission a survey to supplement existing data.

Table 2: Typical data requirements for hydraulic methods

Characteristic	Typical data requirements
Watercourse	<p>Cross sections are typically required at 50m longitudinal interval and lateral spot height separation of 1m. Bed type recorded (e.g. silt/ clay puddle, concrete, brickwork etc.).</p> <p>Cross sections are generally required at the centreline of each channel constriction (e.g. bridge or stop plank narrow) and at each portal of tunnel or limits of aqueduct.</p> <p>Bank heights (for waterways offside and towpath levels) should be defined at each cross section as well as at any low spots.</p> <p>Photograph of watercourse at each cross section to evaluate hydraulic roughness.</p>
Structures	<p>Diameter, invert levels (inlet & outlet), culvert material. Photographs of inlet chamber/ intake and outlet.</p>
Culverts	<p>Crest height, crest length, crest breadth, depth of channel immediately upstream of weir, any slot depths, any towpath support widths.</p>
Weirs	<p>Effective height of top of lock gates (top beams), gate length, gate width, weir slot length, height of effective weir slots (to underside of balance beams) for both head and tail gates</p>
Locks	<p>Gate opening width, maximum vertical gate opening, invert level of gate, culvert dimensions (see above) should sluice discharge into culvert.</p>
Sluices	

Detailed guidance on key specific properties of each structural type is given in BW (2012); all levels should be quoted to a common datum throughout.

In addition to the model data requirements the following model boundary condition should be used. To determine the flow from the upstream pound(s), 100 mm over the upstream bypass weir crest(s) should be assumed. If this level is high enough for water to flow over the top lock gates then this should be allowed for in the modelling. If this assumption does not result in at least 50mm being discharged out of the system over storm weirs then the u/s flow(s) should be increased iteratively until this minimum level is reached.

For river navigations with higher flows and more complex water control structures the model boundary conditions should be agreed with the Trust during the application process.

3.5.3.2 Modelling Results

The outputs from the modelling should be presented as pre and post development 1in100 year water levels (including a 20% increase in peak flow to account for climate change and an additional 10% increase in peak flow to account for urban creep for the post development situation) at a spatial resolution agreed at the application stage. In general, water levels will be produced at each model cross section and reported in the detailed impact assessment. These water levels will be reported against bank levels, both offside and towpath side.

The applicant will also submit a copy of any hydraulic calculations and/ or hydraulic model data and result files along with any topographical surveys.

3.5.3.3 Mitigation Works

The previous sections have described the technical methods for determining the changes in water level in the waterway. If the analysis shows that the proposed discharge will increase water levels then the applicant must propose mitigation measures which will limit the increase in flood risk to a level acceptable to the Trust.

Improvements to existing and proposed new infrastructure

There are a number of improvements which could be made to a waterway length to mitigate the effects of the discharge. These could include:

- Raising bank levels
- Increasing the capacity of existing bypass and storm weir structures
- Increasing the size of a sluice
- Automation of structures
- Installing new weirs, culverts and sluices

These options should be discussed with the Trust and once agreed revised calculations should be made on waterway water levels.

SUDS schemes

As an alternative to waterway improvement works the applicant could propose a SUDS scheme to attenuate in part or in whole the flood inflows at source. The technical design of SUDS schemes is well understood and described in detail in CIRIA's SUDS Manual C697 (2007). The applicant should provide all relevant information so that the scheme can be technically reviewed by the Trust. In particular the applicant should comment on the maintenance requirements of the scheme and provide evidence of an agreement to adopt the scheme either with a sewerage undertaker or local authority (see footnote 2). If this evidence cannot be provided then the scheme will be assessed as if the SUDS scheme was not operational. In this instance the applicant should propose mitigation measures within the waterway.

3.5.3.4 Impacts on downstream watercourses

The identification of mitigation and improvement works could result, if built, in an increase in flow from the waterway to downstream watercourses. The consequences of this may require, in certain circumstances, the applicant extending the scope of the impact assessment to the downstream watercourse. This will be discussed and agreed with the Trust during the application process. The Trust may wish to undertake this assessment and would expect to recover the associated costs from the developer.

3.5.4 Submitting the impact assessment(s)

The applicant should contact the Trust as soon as possible in the development process to discuss the possibility of discharging surface water into its network, using the completed outline impact assessment as the basis for this. Table 3, below, provides a list of the required information that should be submitted, at the outline and detailed impact assessment stages, and should be read in conjunction with Form 6 of the Code of Practice. Table 3 can be used as a check list for submission.

Table 3: Requirements for submission to the Trust

Impact Assessment stage	Information to be provided by applicant/promoter	Included? (Yes/No)
Outline	<p>Written description of the development site (accompanied by photographs if appropriate) detailing:</p> <p>Pre-development use and proposed development extent and characteristics of the site.</p> <p>Existing site drainage arrangements and proposed drainage scheme</p> <p>Relationship of site to the Trust's waterway</p>	
Outline	<p>Plan of site showing: development site catchment area, outline or detailed drainage design and relationship to any part of the Trust's system (e.g. waterway pound(s), river navigation, reservoir, feeder channel etc.).as hard copy or digitally (AutoCAD® DWG, DXF™, and DWF files)</p>	
Outline	<p>Details of catchment parameters: area, soil, percentage impermeable, percentage permeable etc. used to estimate pre and post development site runoff.</p>	
Outline	<p>Description of method of runoff estimation employed for pre and post proposed development.</p>	
Outline	<p>Digital copies of all pre and post development discharge hydrographs, with a summary table of peak discharge rates for all relevant scenario/return periods/durations.</p>	
Outline	<p>Digital copies of drainage design calculations and/ or drainage model data and result files for both pre and post proposed development.</p>	
Detailed	<p>Description of the method of hydraulic analysis employed (if applicable)</p>	
Detailed	<p>Digital copy of any survey work commissioned for the investigation (if applicable)</p>	
Detailed	<p>Table comparing forecast pre and post proposed development water levels (quoted to nearest mm) and flows. Table should also include bank levels (towpath and offside for waterway channels) for each location where</p>	

Impact Assessment stage	Information to be provided by applicant/promoter	Included? (Yes/No)
	water levels are produced and also any low spots identified (if applicable)	
Detailed	Digital copies of hydraulic calculations and/ or hydraulic model data and result files for both pre and post proposed development (if applicable)	
Detailed	Location and dimensional details of proposed mitigation works (if applicable)	

3.5.5 References

1. National Planning Policy Framework (2012), Department of Communities and Local Government
2. Technical Guidance to the National Planning Policy Framework (2012). Department for Communities and Local Government
3. Technical Advice Note (TAN) 15: Development and Flood Risk (2004), Planning Policy Wales, Welsh Assembly Government
4. Environment Agency Flood estimation guidelines version 4 (Issued 26/06/2012) available on request from EA.
5. Kjeldsen, T.R., Jones, D.A. and Bayliss, A.C. (2008) Improving the FEH statistical procedures for flood frequency estimation. Science Report SC050050, Environment Agency
6. Faulkner, D., Kjeldsen, T., Packman, J and Stewart, E. (2012). Estimating flood peaks and hydrographs for small catchments: Phase 1. Science Report SC090031/R, Environment Agency.
7. The revitalised FSR/FEH rainfall / runoff method, Flood Estimation Handbook Supplementary Report No.1, Kjeldsen, T.R (2007)
8. Future Impacts on Sewer Systems in England and Wales: Summary of a Hydraulic Modelling Exercise Reviewing the Impact of Climate Change, Population and Growth in Impermeable Areas up to Around 2040. Ofwat (June 2011)
9. Kjeldsen, T. R. (2009). Modelling the impact of urbanisation on flood runoff volume. Proc. Instrn. Civ. Engrs. Wat. Man. 162, 329-336
10. Kjeldsen, T. R. (2010). Modelling the impact of urbanization on flood frequency relationships in the UK. Hydrol. Res. 41. 391-405
11. Chow, V.T., 1973. Open-channel hydraulics. International Edition. Published by McGraw-Hill Book Company. ISBN 0 07 085906 X.
12. Chadwick A.J. & Morfett J.C., 1999. Hydraulics in civil and environment engineering. Published by E & F.N. Spon. Third Edition. ISBN 0 419 22580 3.
13. British Waterways Approved Standard: Hydraulic Design of Canal Works v3.2 (February 2012). Available upon request from Canal & River Trust Water Management team.
14. CIRIA, C697 The SUDS Manual (2007)

4.0 SERVICES IN THE TOWPATH

4.1 Introduction

This section refers to all services (statutory undertakers or private pipes, cables etc.) installed within the Trusts towpaths. For service crossings please see Part 2 of this document.

This section primarily relates to canals, where considerations of integrity and water tightness are paramount however, it is also relevant to river navigations.

Works within the towpath relating to services are either works to existing services or works to install new services. With regard to the abandonment of services; the third party will be required to remove all services from Trust property

4.2 Works to Existing Services within the Towpath

A service record search shall be undertaken by the Third Party; in addition the Works Engineer will identify any Sky Network Services apparatus in the area as per section 5 of this document.

Prior to any construction works the depth of the existing service/s should be ascertained. This could be via several techniques including but not limited to:

- a) Ground proving radar.
- b) Trial Hole/s or exploratory dig/s.
- c) Accurate as built records.

It should be noted that any surveys being undertaken on the Trusts land will also require permits to be in place prior to commencement – see section 7 of this document

Once the depth of the service/s has been established this should be forwarded with your proposed solution to the works engineer for assessment, your submission should take account of:

- Works should be designed to where possible keep the towpath open throughout the works (temporary scaffold arrangements might be considered)
- Ensuring a towpath minimum width of 1.2m remains (where applicable).
- The depth of the excavation and any temporary works required to facilitate – are the works in an embankment or cutting?
- Trenchless techniques should be adopted where possible.
- Proximity to historic and heritage structures.
- Removal of arising's from the excavation.
- Prevention of contaminates, solids and fluids entering the waterway.
- Avoiding affecting the clay core lining of the canal.
- Access to the work site.
- Programme your works to minimise disruption to waterway users.
- Invasive weeds such as Japanese Knotweed
- Its proximity and effect upon other services.
- Re-instatement of the area, including plant access.

4.3 Works to Install New Services within the Towpath

There are a number of factors needing to be considered when establishing the feasibility of the installation, its location, depth and size, such as:

- Proximity to the waterway wall
- Is the service within an embankment or cutting – will temporary works be required?
- Existing hedges, trees and habitats
- Presence of invasive weeds such as Japanese knotweed.
- The location of the canal lining (puddle clay or otherwise)
- The location of tie rods for trench sheets both present and potential for in the future.
- Mooring points including the boater's use of mooring spikes.
- The presence of contaminated land.
- Site accessibility
- Dewatering/drainage

A site visit with your Works Engineer might be advantageous at this point.

A service record search shall be undertaken by the proposer; in addition Canal & River Trust will identify any Sky Network Services apparatus in the area as per section 5 of this document.

Prior to any construction works the depth of any existing services should be ascertained. This could be via several techniques including but not limited to:

- a) Ground proving radar.
- b) Trial Hole/s or exploratory dig/s.
- c) Accurate as built records.

It should be noted that any surveys being undertaken on the Trusts land will also require permits to be in place prior to commencement – see section 7 of this document

Once the depth of any services has been established this should be forwarded with your proposed solution and re-instatement details to the works engineer for assessment.

Upon receipt of your proposal the Works Engineer will pass on details of your proposal to our Utilities department who will assess if:

- a) You have an existing national agreement with the Trust permitting new installations in accordance with this code of practice.
- b) You require an agreement with us for the placement of your apparatus within our land.

Should an agreement already be in place your Works Engineer will continue the assessment of your proposal. Should a new agreement be necessary then our utilities representative will contact you to begin negotiation and development of the agreement. You should note that this can be time consuming where typically 6 months is required to establish the agreement (in some instances this can be shorter or longer). Upon receipt of the signed agreement your works engineer will continue the assessment of your proposal.

Upon confirmation of an agreement being in place your Works engineer will in most cases require a site visit and a copy of your proposed method statements and risk assessments together with a copy of your Public Liability Insurance. Your method of working will then be assessed and any comments returned for your action, you will then be issued with a permit as per part 1 of this document.

5.0 WORKING NEAR SKY NETWORK SERVICES CABLES AND APPARATUS

5.1 Introduction

Sky Network Services telecoms cables and apparatus are present on over 600km of the Trust's network. The Trust has a contractual obligation to allow Sky Network Services 'quiet enjoyment' of its property where Sky Network Services apparatus is present. It therefore vital to ensure that no damage whatsoever takes place to the Sky Network Services network by the Trust, its agents, contractors or customers.

Any works that are to be undertaken in the vicinity of the Sky Network Services network shall be notified to the Utilities team by a Trust member of staff, usually the Works Engineer. This process should be actioned at the planning stage of the work, in conjunction with searches made to other utility companies. **Only Trust staff are authorised to notify Sky Network Services via the Utilities Team and this information will not be available from any other source.**

5.2 Emergency Procedures

In the event of work classed as an emergency (leak stopping, bank slippage, etc.) requiring immediate attention, the Utilities Team should be contacted without delay; they will then contact Sky Network Services and arrange a site inspection. If an emergency occurs out of normal working hours then the Sky Network Services 24/7 emergency telephone number should be used (08000 273 242) and the Utilities Manager notified as soon as possible.

5.3 Procedure

The responsibility for ensuring this pre-start on site procedure is complied with rests with the works engineer.

At the design stage your works engineer will check if Sky Network Services apparatus is within the area proposed for works and if so, a notification form, will be completed and sent to the Utilities Team. This form is the prompt to Sky Network Services that work is required under, over or adjacent to their network. After being alerted by the notification form Sky Network Services will contact the nominee, sending drawings and advice regarding working next to its network. The nominee will also be contacted directly by a Sky Network Services representative to discuss the nature of the work and organise a site visit with all concerned.

A minimum of 14 days notice should be given to Sky Network Services before work is due to commence; and method statements and risk assessments should be submitted at this time.

If after meeting with Sky Network Services at the design stage it is recognised that a lift and shift operation must take place to the said network for the designated work to take place; a minimum of 3 months notice should be given to Sky Network Services

It should be stressed that no physical exploratory work on the site should be undertaken before a joint site visit with Sky Network Services

6.0 BUSINESS BOATING

Introduction

Business boating means all boating related activity on the Trust's waterways that is not for personal private use. It is the role of the Business Boating Team to manage and authorise these activities. Personal private use of a boat is authorised by a Standard Boat Licence. Business boats are authorised by a Business Boat Licence. However most boating businesses require a base with moorings to operate from and these can be owned by the Trust or connected to our property in some way. It includes holiday boat hire, day boat hire, passenger boat operations, roving traders, boatyards, mooring sites and marinas. The majority of these activities require some form of property contract from the Trust and can result in the following types of works.

- Off-line mooring basins (including marinas, lay-bys, navigable arms and historic widened mooring areas).
- On-line moorings (moorings along the existing line of the Trust's waterways)
- Dry and wet docks connected to the Trust's waterways
- Slipways.
- Boat lifting.
- Upgrades and improvement works to existing boating facilities.

This Code of Practice does not apply to any Business Boating proposals. These are covered by the Business Boating Team and its procedures which include the asset protection principles included in this Code.

Applications from existing or proposed business boating customers should, in the first instance, refer to the Business Boating pages of the Trust's website at <http://canalrivertrust.org.uk/boating/boating-businesses> .

For any applicants who do not have access to the internet, the following address should be used for correspondence:

Business Boating Team

Canal & River Trust

Fearns Wharf

Neptune Street

Leeds

LS9 8PB

Tel: 03030 404040

7.0 SITE INVESTIGATIONS

7.1 Introduction

Adequate site investigation is a requirement for the majority of works covered within this code. The information arising from site investigations forms a key part of the assessment by the Trust of the overall submission. It is therefore important that the level and quality of information is consistent with the complexity of the proposed works. The site investigation should be sufficient to reduce the risks associated with unforeseen ground conditions to a tolerable level.

In line with industry practice, the site investigation should be under the overall supervision of a competent Ground Specialist, who should have appropriate experience of the type of development proposed. The investigation must be carried out to the standards defined in BS 5930:2015 Code of practice for site investigations as a minimum: where a departure from the standard is used, justification must be provided. Soil testing must be carried out to BS EN ISO 17892-12:2018, by a UKAS accredited laboratory.

Attention is drawn to the fact that, for the purposes of the Construction, Design and Management Regulations, site investigation is considered to be a construction activity. Compliance with the regulations must be ensured by the promoter.

7.2 Geotechnical Desk Study

The site investigation should include a desk study phase, which should include a walk-over survey of the site. It is often found that reference to historic maps provides useful information on the history of development of a waterway site, particularly in more developed areas. A useful interactive website which can be used to supplement further desk study is <http://magic.defra.gov.uk/>.

The desk study should include:

- an initial ground model
- recommendations for further investigation as appropriate, to further define the ground model
- a preliminary geotechnical hazard list and risk register, which should be updated throughout the later phases of investigation.

7.3 Ground Investigation

Prior to commencing the ground investigation, all borehole/ trial hole positions and accesses should be agreed with the Works Engineer, and checked for positive identification of any services or other underground structures. A check should also be made for recorded archaeological sites, and the listed status of any structures which may be affected, together with any land designation (such as SSSI status). Details of the proposed investigation, together with any environmental or heritage impacts, must be included in the environmental appraisal for the site (see section 2).

Care should be taken not to disturb wildlife when carrying out any intrusive investigations (boreholes, trial pits, etc). Of the wildlife most likely to be encountered, badgers (and their setts), nesting birds, bats, water voles and all reptiles require special attention as they are all legally protected.

No borehole shall be drilled or trial pit excavated which has the potential to conflict with the integrity of the canal corridor. All such boreholes, especially those within 5m proximity of the canal, should receive the prior authorisation of the works engineer.

Waterway walls are not structural retaining walls, merely erosion protection. They are often up to two hundred years old. Please do not assume that canal towpaths can support borehole & window sampling rigs, many of which are bulky and difficult to manoeuvre. A prior discussion with the Works Engineer would be required prior to submitting proposals which rely upon towpath access. Approval may only be issued for lightweight plant which is physically restrained from approaching the edge of the canal. A condition survey and risk assessment will be required.

The impermeable lining to the canal should be identified, located and avoided where at all possible. However, if it will be necessary to affect the navigation channel, within the existing Waterway width, for temporary or permanent works, then bed profiling for a sufficient distance either side of the Works should be carried out. In such cases where it is necessary to carry out bed profiles, and/or identify bed materials, impermeable linings etc, any investigations must be agreed in detail with the Works Engineer in order to minimise the risk of damage to the canal. The Works Engineer may reserve the right to carry out these investigations using his or her own contractor at the Promoter's expense.

Due to the heritage and nature of the canal environment, there is always a possibility of soil being contaminated. This should be factored into the design of any Site Investigation.

Other constraints which must be observed are:

- At no time shall the Waterway or towing-path be blocked. Signage and suitable fencing or other barriers must be used to segregate the public from the working area and the operation of noisy or dust-generating plant should be supervised by banks-men.
- No plant or equipment used for the investigation works should be stored on Trust land without prior consent.
- No trial pits are to be excavated on embankment slopes below the level of the canal or within five metres of the toe of such embankments
- No water is to be pumped into or out of the canal
- No borehole or trial pit spoil or grout shall be allowed to enter the canal and all such arisings shall be removed from the Trust's property in compliance with waste management legislation
- Boreholes are to be sealed and backfilled with cement-bentonite grout of an agreed specification. Where alternative backfilling is required (for example for a particular installation), this is to be by prior agreement
- Trial pits are to be carefully backfilled and adequately compacted in layers

- Any variations from these constraints require the written agreement of the Works Engineer.
- All plant on Trust land should use environmentally friendly fuels and oils (see section 14)
- The contractor should refer to section 14 with regard to the transport of materials on Trust property e.g. Bentonite.

7.4 Reinstatement

All access roads used, and fences and hedges disturbed during the investigation are to be fully reinstated to the Works Engineer's satisfaction. The Works Engineer may reserve the right to carry out such work using the Trust's own contractor at the Promoter's expense.

Where it is necessary to leave apparatus such as piezometers or survey stations on the Trust's land, the design of the installations, including details of covers etc, must be acceptable to the Works Engineer. A Commercial Agreement may also be required.

7.5 Provision of information

Relevant logs, test data and other field information must be submitted. The preferred format is electronic (e.g. .pdf format) copies, as well as AGS data (current version). Where the submitted documents do not feature the details of the ground investigation contractors / consultants used, these details should be provided separately.

Interpretative reports should be provided as an electronic copy (e.g. Word or .pdf) version. All exploratory holes must be accompanied by a 12-figure national grid reference, as well as a level to Ordnance Datum.

Where it is not practical to provide levels to OD (for example where no benchmarks are present locally), then it may be acceptable to provide a relative level to an agreed datum (not water level), with a suitable witness drawing of any temporary benchmark used.

7.6 References

ICE (1993) 'Site Investigation in Construction Series 1 to 4', ICE Site Investigation Steering Group, Thomas Telford, London.

8.0 DEMOLITION

8.1 Introduction

The Trust actively encourages the use of Sustainable Demolition in order to salvage as many components as possible for re-use. In addition to Sustainable Demolition, effective waste management through the reduction in waste generation during the construction phase and sustainable transportation of waste material has significant commercial benefits in addition to creating a more efficient demolition procedure.

It should be noted that the majority of demolition works will require planning consent and the Trust will be a statutory consultee.

8.2 Pre-Demolition

All demolition works shall be carried out in accordance with:

- BS 6187 Demolition
- COSHH regulations
- Health and Safety Commission publications
- CDM Regulations

Method Statements and Risk Assessments should be provided to the Works Engineers. It is third parties responsibility to ensure notifications and where required consents are obtained.

The third parties Health and Safety File should include reference stating that Trust agreement must be obtained before any works of maintenance, alteration or demolition are undertaken.

The planning and undertaking of any demolition work needs to identify, assess and address risks associated with pollution & the surrounding environment, see section 14.

As part of the planning process, desk studies, asbestos surveys, site investigations and contaminated land assessments are required to identify contaminated land issues in advance of the works. A waste management plan to deal with resulting issues must be drawn up and agreed with the Works Engineer. All surplus excavation material shall be removed from site unless prior consent has been given by the Works Engineer for on-site disposal or other use.

Many species of bats, birds and other fauna that inhabit the waterside are legally protected and surveys to establish their presence are required prior to commencing the works. In addition demolition should not cause the spread of invasive species, see Section 14.

The use of explosives shall comply with the Home Office Regulations and shall only be permitted after full consultation with all relevant authorities including the Works Engineer.

The Trust owns and maintains many old structures, which could be adversely affected by vibration associated with certain demolition methods. An agreement on acceptable vibration allowance is required with the Works Engineer prior to works commencing. Consideration also needs to be given to nearby residents and the potential disturbance vibrations may have on wildlife.

Waterside structures often contain features of archaeological or heritage value that need to be

preserved, rescued or recovered for future use. Prior to any demolition works, the Trust can provide advice as needed but the promoter should check with the local authority on any consents that are required, see Section 15.

8.3 Demolition Works

Demolition works adjacent to and over the canal are likely to require adequate screening to prevent debris from landing on Trust property. There should be no debris encroaching upon the Trust land.

Dust suppression is likely to be required during demolition works, particularly near densely populated areas, sites with typically strong winds or mooring sites alongside the canal. Debris piles are to be kept to manageable sizes as per the waste management plan to inhibit the release of dust into the atmosphere and, must not create run off towards the waterway.

Hot works should be undertaken away from the Trusts land boundary so far as possible. Where hot works are required to be undertaken on Trust property, it must be accompanied with relevant risk assessments and where firefighting equipment. Protection measures such as screening and exclusion zones must be in place between the hot works and adjacent infrastructure or personnel.

Once demolition works have been completed, a canal bed survey or similar might be required to be undertaken by the promoter to ensure that no material has entered the waterway. The promoter may wish to carry out a pre-start survey.

The passage of boats on the navigation and the use of the towpath must be maintained unless otherwise agreed.

Monitoring during demolition works is likely to be required to check design allowances are not being exceeded. If damage to a Trust structure is detected, the third party shall be responsible for the full & immediate reinstatement (to the Trust's written satisfaction) of the affected structure and any associated costs.

Extreme caution needs to be taken when removing structures located below canal water level (e.g. cellars, basements), as they may also be retaining ground water, which is associated with the Canal adjacent, furthermore the third party may need to instigate temporary works to ensure the waterway structure remains in place throughout the works.

The canal environment, particularly derelict structures, can be home to bats, birds and other protected wildlife, and consideration should be given to the need to protect them during the works.

Where contaminated material is encountered (e.g. asbestos sheeting), steps outlined in the waste management plan must be followed to protect workers and the public from contact with the material or with gases or liquids arising from it. All necessary permits remain the responsibility of the promoter.

The Promoter is encouraged to recycle construction waste, where appropriate. Additionally, the Trust requires that materials suitable for re-use in other areas of the network (e.g. Such as copings and castings) must be carefully removed and transported to a storage area. The Trust retains ownership of all such materials unless agreed upon prior with the Works Engineer.

9.0 CANAL AND RIVER STRUCTURES

9.1 Introduction

All work near structures must be carried out with great care and forethought. It is the Promoter's responsibility to demonstrate that there will be no detrimental impact on existing structures.

Many existing structures were built before slope stability, foundation design etc were understood. Materials and methods now taken for granted were not available. Compaction of embankment fill was not possible. It was not practice to prepare engineering drawings until the 1820's. Calculations were not undertaken until later in the 19th Century.

Old structures often have factors of safety close to unity. Factors of safety for embankments and cuttings reduce with time. Old structures are therefore particularly vulnerable to nearby works. Ill-considered excavations at the toe of an embankment, for instance, can have disastrous consequences.

9.2 Services and Hidden Hazards

Buried within the towpath and also present overhead are large number of services all of which have the potential to cause injury or disruption to the local community if damaged. Risks from striking underground high voltage electricity cables and gas services are significant. Some of these services maybe unfamiliar to vendors as they include strategic oil pipelines, fibre optic cable networks, and occasionally private services such as oxygen mains linking parts of adjacent factories together.

Increasingly the Trust has its own apparatus within the towpath providing power to locks and other structures and waterway monitoring / communication infrastructure.

Many of our structures are old and were never designed to accommodate the activities of the 21st century. Some modern plant and equipment can gain access to the canal in a way that was never envisaged when the system was constructed. It is worth remembering that the original canal system was operated by men and women with horses!

Some of the canalside buildings have fallen into disuse and entering them can present particular hazards ranging from weak floors through to abandoned materials which may be unstable or harmful.

Preserving the heritage of the canal system sometimes means that trip hazards and some unguarded falls may not be safeguarded in the way you may expect.

Some of our structures particularly those below ground, such as culverts, can harbour poor air conditions sometimes with fatally low oxygen levels.

9.3 Hidden Hazards

Part 1 Section 7 highlights some types of hazard that might be encountered in the canal and waterway environment.

Whilst the examples outlined are believed to be comprehensive, they cannot be seen as exhaustive as with 3000km of canals and waterways there can be specific hazards and conditions which maybe unique at a location. You are advised to seek more detailed information.

The Trust canals in general are not hazardous environments but there are some elements that need to be considered when working, or seeking access along, our property.

The canal system does not have an easy reference system for locating yourself when compared to most works where an address is often enough for suppliers and emergency services to locate your works. Site staff and suppliers need to be given accurate information to allow them to locate you from the adjacent road system. This may be a problem in both rural and urban areas.

Large areas of the canal network have poor reception for mobile phones and you should test coverage prior to the start of the works. Be aware that different networks have different coverage so there may not be universal coverage. Towpath conditions can vary throughout the year with some surfaces becoming wet and slippery particularly during the winter months. Some lengths of canal can be very exposed and changing weather conditions can present new hazards.

9.4 Right of Support

The Trust enjoys a right of support under Common Law. It is important that support is not removed by excavation, dewatering undermining etc. In areas of mining subsidence canals can be of great depth due to bank raising - 10m is not unknown. Factors of safety are often not great and ill-considered actions can be disastrous.

A less obvious consequence of excavating near to canals is that of increasing hydraulic gradients. Not all canals are lined. Seepage rates are increased. Permanent leakage or piping failure can result.

9.5 Support to New Works

The Trust offers no support to new works. Loads should not be placed near to cuttings, over tunnels etc. without being independently supported. Should a Trust structure withdraw support from later development, the Trust would accept no liability. When building over tunnels, for example, not only should the new structure span independently the old but the effect of a collapse of the tunnel should be considered.

9.6 New Aqueducts, Locks etc

If it is necessary to build a structure which is of major significance to the Trust such as a new lock, a canal re-alignment, a mooring basin or the construction of a new aqueduct carrying the canal over a road, watercourse etc, the Trust reserves the right to carry out the design and supervise the construction on behalf of the Promoter.

9.7 Heritage issues, Listed Buildings and Scheduled Ancient Monuments

See section 15

9.8 Cofferdams

When dewatering a section of canal, the usual options are to use stop planks, piling, clay stanks and fabric dams. Stop planks are rarely located at convenient points, resulting in extensive dewatering leading to safety and environmental concern. Piling is generally not allowed because of the damage to the lining caused by withdrawal. Clay dams can displace fluid silts over considerable distances, leading to access difficulty for removal by conventional plant and can cause water quality problems with dispersed silt on removal. Fabric dams are readily portable, can be supplied with flumes for water transfer, but are subject to undercutting, vandalism and boat impact. Inflatable dams may not be used. If large quantities of water could escape from the canal, it is usual to use secondary containment.

Fabric dams and stop planks must be protected from boat impact. All Cofferdams should be checked on a regular basis by a competent person.

The third party is responsible for obtaining Environment Agency consent for the installation of any Cofferd Dam.

9.9 Canal Linings

Although not all existing canals have an artificial watertight lining, works must be designed so that the canal is watertight. Works should be designed such that they do not penetrate the canal lining. Puddle clay is the most common lining material used in existing canals. It was rarely used with a thickness less than 500 mm however replacement may require a greater thickness. Modern compaction plant needs clay of a somewhat lower moisture content, which is therefore less impermeable, and a minimum thickness of 1000 mm is now normal. There is evidence that canals in sandy areas were lined in the 18th Century with manure to accelerate the rate at which the surface is sealed.

Modern lining materials include reinforced concrete, butyl and geotextile/bentonite membranes. Bentonite must not be used in areas with high sulphate levels, or with lime stabilised materials. Membranes must be protected from boat propellers, boat-shafts and dredgers.

The old and new linings must be tied in using a suitable agreed detail.

Puddle clay must be placed in accordance with the requirements of *The Trust's Specification for Puddle Clay (available upon request from the Works Engineer)*. The Trust reserves the right to request copies of test certificates. Compaction of puddle clay into pile pans must receive special attention. Lime stabilised clays must not be used.

Interlocking sheet steel piles cannot be regarded as a lining unless backed in puddle clay, used in soils of low mass permeability, and / or clutch sealant such as 'Wadit' or 'Britseal' is used. Piling works should comply with the ICE Specification for Piling and Embedded Retaining Walls (SPERW).

9.10 Water Level Control Structures and Cross Sections

The water level is normally controlled by waste weirs, by-washes and sluices and fluctuations in level can occur for a number of reasons, particularly during storms at the site and upstream, and during dewatering downstream. Care should be taken to define normal water level and maximum water level at the survey stage in consultation with the Works Engineer. Detailed surveys of weirs and sluices together with cross-sections of the Waterway may be required and these shall be submitted before and after the Works at the Promoter's expense. The Contractor should particularly note when planning any work in relation to the Waterway that the Trust cannot guarantee any particular water level or depth and not prevent any fluctuations to such water level depth or speed of flow in any Waterway.

Requests to lower and maintain water levels slightly below those normal for that location are particularly difficult to achieve without alterations to structures, will usually cause navigation problems and even if possible will require constant monitoring and adjustment, all at the Promoter's expense.

All designs should consider flood defence and fish migration legislation. The third party is responsible for agreeing any design with the Environment Agency.

9.11 Water Control

At his or her own expense the Promoter will be required to maintain navigation feed flows and flows being transferred to abstractions past the site and to also deal with storm flows reaching the site at all times including outside normal working hours. If pumping/dewatering is required, refer to section 14.

9.12 Bank Protection

The third party may encounter many forms of bank protection and any alteration or addition will have to be tied into the new works. The interface will need to be detailed to prevent an erosion pocket forming.

Although the nature of the Works often dictates a 'hard' bank protection system, the introduction of the Water Framework Directive means that any installation of hard bank must be to satisfy an engineering/safety need. The third party may have to agree their design with the Environment Agency and obtain consent, see Section 14.7.

It is often necessary to use a structural system of bank protection, such as interlocking sheet steel piling, for instance to act as a cofferdam to allow bridge footings to be built below water level or to allow the Trust's plant to pass along the towing path under a new bridge. Piling is also used in open cut service crossings to act as a water cut-off. Non-structural systems require the canal bank to slope into the channel and navigation must be considered in the design.

Although galvanised trench sheets are often used on smaller canals without pile capping, it is usual to install a reinforced concrete capping beam to structural piles. This beam should generally be made to accord visually with vernacular building materials for instance by laying brick or stone masonry to the upper face and fendering the vertical face.

Concrete and masonry walls are sometimes used but are difficult to construct without dewatering.

Where possible, 'soft' systems which allow a natural vegetation to develop at the water's edge, should be employed. A range of techniques are available, including reed planted coir fibre rolls, brush wood rolls and hazel wattles. Sometimes timber washboards, gabions and stone filled mattresses, pitching and dry stone walls are appropriate. Guidance is contained in the Environment Agency R&D Publication No. 11 *Waterway Bank Protection: A Guide to Erosion Assessment and Management*.

The interface between the water's edge and the canal bank is one of the most valuable of the waterway habitats. Where installation of bank protection will involve disturbance to this area, surveys for the presence of water voles or white clawed crayfish are required at the early stages of the project. If found, the method of bank protection must be agreed with the Works Engineer to ensure their habitat is conserved, as required by law. In addition, all soil and plants (including reeds and aquatic vegetation) which are removed should be reinstated adjacent to the works. Where original plants cannot be reinstated equivalent planting agreed with the Works Engineer must be carried out. See section 14 for further guidance.

Future maintenance of bank protection systems must be addressed at the design stage.

9.13 Fendering

The permanent and temporary works must be fendered to protect the works from craft *and vice versa*. Modern narrow canal craft have overhanging bows and the steering skill of some boatmen leaves something to be desired. Fendering materials include cast iron (used sometimes for heritage reasons), steel bullhead rail, recycled timber or timber obtained from legal and sustainable sources, polyethylene (which has low friction properties) and polyethylene faced rubber (which absorbs energy). The durability and maintenance of fendering must be considered and addressed at the design stage.

Bolt heads must not project. There should generally be no external angles; radii should be employed.

Any drilling of the waterway wall or coping stones must be agreed with the Third Party Works Engineer.

9.14 River Navigations

River navigations are affected by currents, floods and in some cases tides. There will be a deep navigation channel, not necessarily in the centre of the river. Elsewhere there may be insufficient depth to navigate. It is less easy to control vessels travelling in the same direction as the flow than those travelling against it. The former can move at considerable speed and need sufficient visibility and space to manoeuvre. Temporary and permanent works in the river can produce turbulence affecting navigation. The effects will vary in different river conditions. Environment Agency consent as drainage authority will be needed as well as that of the Trust as navigation authority. The effects of all works on river navigations will need careful and specific consideration. Sailing vessels use some river navigations.

The Trust has powers and duties as Navigation Authority on those rivers listed in Statutory Instrument No 1195 "*The Inland Waterways of the Trust Board Order 1965*" as amended. The Trust is usually the freeholder for artificial sections but in general not so for natural river channels. Where the Trust is not the landowner, there will be no need for a contract with the Promoter however the principles of this Code will apply, particularly with regard to the contents of the Submission. The Trust has Bye Law powers to control works affecting river navigations. The Bye Laws are published on the Trust website. The procedure outlined above must be followed except where it refers to the contract.

10.0 DIVING OPERATIONS

10.1 Introduction

All diving operations in waterways under the Trust's control must be in accordance with the Diving at Work Regulations 1997 and the Trust Mandatory Standard – Diving Operations in CRT Controlled Waters (available upon request from your Works Engineer).

No individual or organisation, other than the Emergency Services in support of an ongoing search, rescue or investigation, may conduct diving operations in waterways under the control of the Trust without first seeking prior consent to do so.

10.2 Procedures

Consent should normally take the form of an exchange of documents or letters that incorporates the issue of the hazard information as a drawing or summary and in some cases may specify actions the third party is required to take to meet the requirements of the Trust.

The Trust cannot accept any responsibility for providing hazard information to any diving activity that occurs without its prior knowledge.

Once consent has been granted to conduct diving operations and any separate arrangements for isolation of plant or equipment are completed, the responsibility for authorising or controlling the diving operation remains with the promoter or contractor, not with the Trust.

10.3 The Dive

A validated copy of the correspondence and form AP-006 3rd Party Consent to Dive together with the authorisation for access, must be available at the proposed worksite

The Trust will request that any diving operation be ceased at the earliest opportunity – without compromising the safety of the diver or support team - where no prior knowledge of the activity has been provided or no documented proof of consent exists at the dive site.

The responsibility for liaison between the Trust and the third party contractor/client lies with the Works Engineer. However, the consent to dive can only be authorised by one of the Trust's Dive Contract Administrators.

Third parties should allow at least four weeks to obtain the consent to dive.

The divers' 'A' flag must be displayed at all times and must be displayed either side of the works in conjunction with warning signs 'Caution – Diving Operations Ahead'.

11.0 WATER ABSTRACTIONS

11.1 Introduction

The Trust will consider applications for the purchase of untreated water which is surplus to its navigational requirements. The Trust can also offer the use of canal water as a cost effective and eco-friendly way of cooling and/or heating waterside developments. Water abstraction is possible subject to the availability of water and by negotiating an acceptable charge. It may be appropriate to return a proportion of the abstracted water, as in the case of cooling and/or heating buildings where no contamination has been added. Where water is to be returned at a higher temperature to that of the normal canal water, consideration will have to be given to the environmental impact. This will involve issues such as the size of the canal, the normal flow along the canal, the design of the discharge and how the plume of hot water disperses downstream of the discharge. In some cases additional water may have to be passed along the canal at the Promoters expense to give the required dilution of the discharge.

Other points to note:

- The quality of water and the continuity of supply cannot be guaranteed
- Information regarding typical water quality can be supplied
- It may be necessary for maintenance and engineering purposes to de-water the canal. In such circumstances, it is usually possible to maintain continuity of water supply by over-pumping, however abstractions and discharges may have to cease if they are within the dewatered section, for the duration of the works.

Abstractions should be negotiated with the Water Sales Account Manager based at Milton Keynes, Telephone Number 01908 351884.

Internal consultations then take place with the relevant Waterway and Water Management Team to ensure that the abstraction is acceptable and installation works managed correctly. This will be the same for the return water in the case of water used for heating or cooling buildings.

Abstractions in England and Wales which take quantities of water greater than 20 m³ per day will require a licence from the Environment Agency (Section 66 of the Water Resources Act 1991 as amended by the Water Act 2003). Abstraction Licences must be applied for, and are normally held, by the Trust. There is a statutory process under the Water Resources Act 1991 involved in obtaining an Abstraction Licence which can take around 6 months to progress; it is not therefore usually possible to abstract larger quantities at short notice.

11.2 Feasibility and Design

Abstraction is not usually permissible from short canal pounds between locks, owing to the difficulty of maintaining levels.

Abstraction is not usually possible directly adjacent to locks, moving bridges and mooring sites owing to the navigational difficulties which would ensue.

Abstraction structures are normally required. The structures must have a facility to stop the abstraction flow and should have safe access for the Trust staff at all times in order to cater for eventualities and emergencies. The design of the structure should facilitate de-watering for maintenance and consider the aesthetics and heritage of the canal.

A safely accessible metering facility should be included.

The watertight lining to the canal will need to be appropriately modified to permit abstraction.

Scour protection may be needed.

Suitable isolating systems such as valves must be designed in for maintenance.

In order to minimise navigational difficulties associated with transverse velocities the maximum velocity of the abstracted flow must not exceed 0.3 m/s measured at 90° to the direction of the navigable channel.

Measures may be needed to ensure that fish and eels are not sucked in. The Environment Agency produce various documents on this subject including *Diversion and Entrapment of Fish at Water Intakes and Outfalls*, by Dr DJ Solomon, NRA R&D Report No 1, July 1992 is available.

Signing and Fenders may be needed.

Abstraction structures should be capable of carrying the loads imposed by the use of the towing path by maintenance vehicles.

Towing-path levels should generally not be raised.

The Promoter must undertake a full utilities search around the location of the proposed abstraction route on C&RT land.

Grilles may be needed to prevent debris entering the system. Should debris be removed from the grilles, then this should be disposed of promptly, by the third party, and not left on the canal side.

The sale of water from canals leads to the transfer of water in an open channel from feeders or other water sources to the abstraction point. In some instances the issues discussed below under 'Water Transfer' may be applicable.

11.3 Water Transfer

Where canals or rivers are being used to transfer significant volumes of water from one point to another, from a discharge to a weir, or from a feeder to an abstraction point, special consideration is needed. The works summarised below may be necessary:

- raising of freeboard levels to a degree to be agreed with the Works Engineer; considerations of the backwater curve indicate that there should be sufficient freeboard not only between the inlet to the canal and the outlet, but also beyond the outlet and in the other direction from the inlet
- where freeboard levels are to be increased and the canal is carried on an embankment (i.e. proposed water level is above the surrounding land on one or both banks), consideration should be given to the impact, if any on the stability of the embankment
- raising of bridges to give satisfactory clearances with the increased level associated with the hydraulic gradients; reduced headroom leads to serious dangers to boat users
- widening and deepening areas of restricted cross-section in order that flow velocity does not lead to navigational difficulties
- installing bank protection to prevent erosion associated with the flow
- Raise existing puddle clay, clay trenches or other measures to counteract leakage and increased seepage.

Modification works will cause a significant environmental impact and will require careful consideration. The environmental impact will not be restricted to the immediate effect of the Works since the changes in velocity and level and mixing of different water qualities may cause long term environmental effects, both in the waterway and in inter-connected rivers, reservoirs, ground waters, etc. These will need to be assessed at the planning stage.

Consideration must be given to the consequences of interruption of the flow during for example Works of maintenance or construction.

12.0 VEHICLES AND PLANT ON TOWPATHS

12.1 Introduction

The towpaths alongside the waterways were generally never designed for loads any greater than pedestrians or horses and as such there should be no presumption that any vehicles, items of plant or heavy loads in general can be taken onto or placed on a towpath.

The Canal & River Trust (The Trust) has not assessed the capacity of the towpath(s) within the vicinity of the works. Wherever possible the Third Party should design the works to avoid plant and heavy equipment on towpaths. In all cases the suitability of the towpath for load bearing must be assessed by the Promoter and the assessment agreed by the Trust prior to the commencement of any works (please contact the Works Engineer for guidance). The Trust will provide site hazard details and any other information within its possession that may assist the promoter in preparing the assessment.

12.2 Access onto the towpath

The towpath can only be accessed at certain locations. The promoter should assess these access points and consider access alongside potential conflict with other users of the waterways. The promoter should also consider the need to turn vehicles as reversing would create an unnecessary hazard to users and operators.

12.3 Services in and over towpaths

There shall be no load applied to utilities (typically Gas, Water, Telecommunication and Power cables), as these are superficially buried in towpaths.

Some utilities may be installed in cable troughs identifiable by the covers made of concrete slats and concrete panels and a relaxation of the prescription will be considered if it is demonstrated that the effect of the load does not exceed the safe carrying capacity of the covers.

Cables are often carried overhead above towpaths and the promoters method of working should address this risk and include suitable precautions.

12.4 Working on the towpath

The working area, including the area along which access is gained, shall be isolated to separate the works from towpath users. The means of separation shall be identified in the method statements.

The edge of plant tracks must be located outside of the 45° load line projected from the bottom of the canal wall. Refer to section drawings below. The plan distance between the tracks and canal edge is an exclusion zone which must be physically marked on the towpath to ensure plant does not encroach into the defined zone.

Loading and unloading points and parking points should be assessed for suitability and should also be separated from other users.

Vehicles should have fully reversible seats and ideally be tracked.

Vehicles should only be reversed with a banksman present.

A means of stopping rolling vehicles such as vehicle barriers should be incorporated into the method of working.

The need to store materials on the towpath should be avoided and permission to do so should not be assumed. Loads shall be spread in all cases as best practically possible.

All vehicles and plant used on the towpath must have an open cab or at least two means of escape from the cab.

The effect of vibration caused by the vehicles, plant and machinery needs to be taken into account.

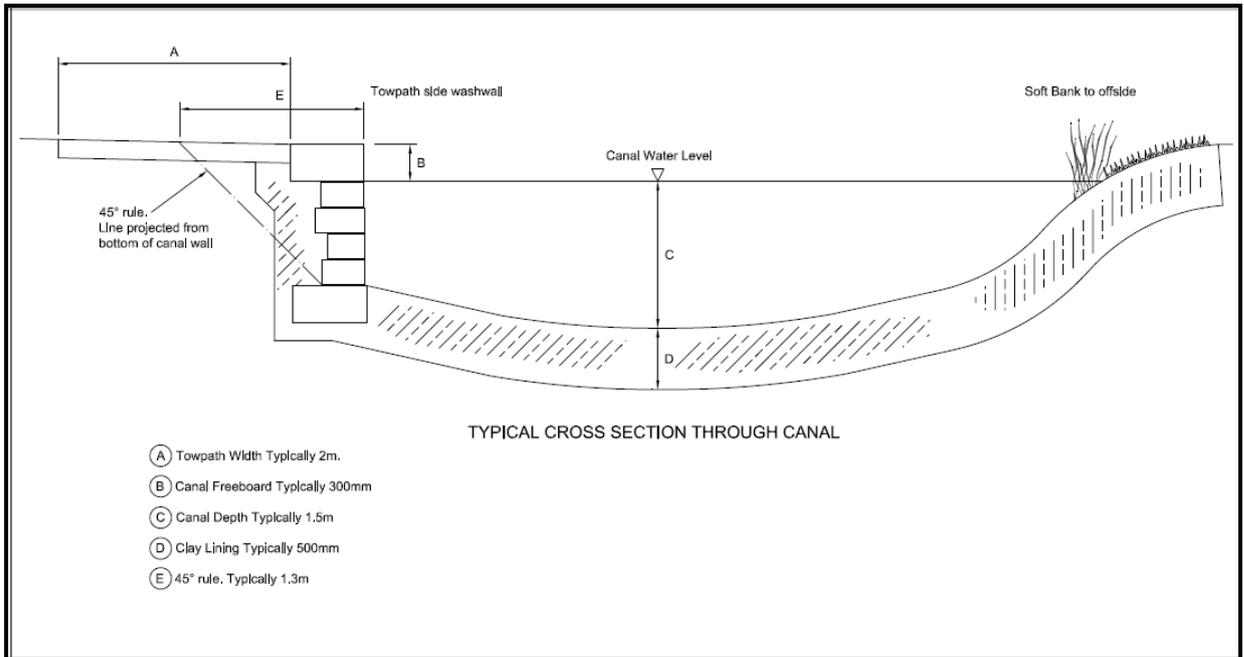
The effects of a change of water level in the watercourse should be considered as this can affect the capacity of a towpath.

12.5 Conditions of Working on the towpath

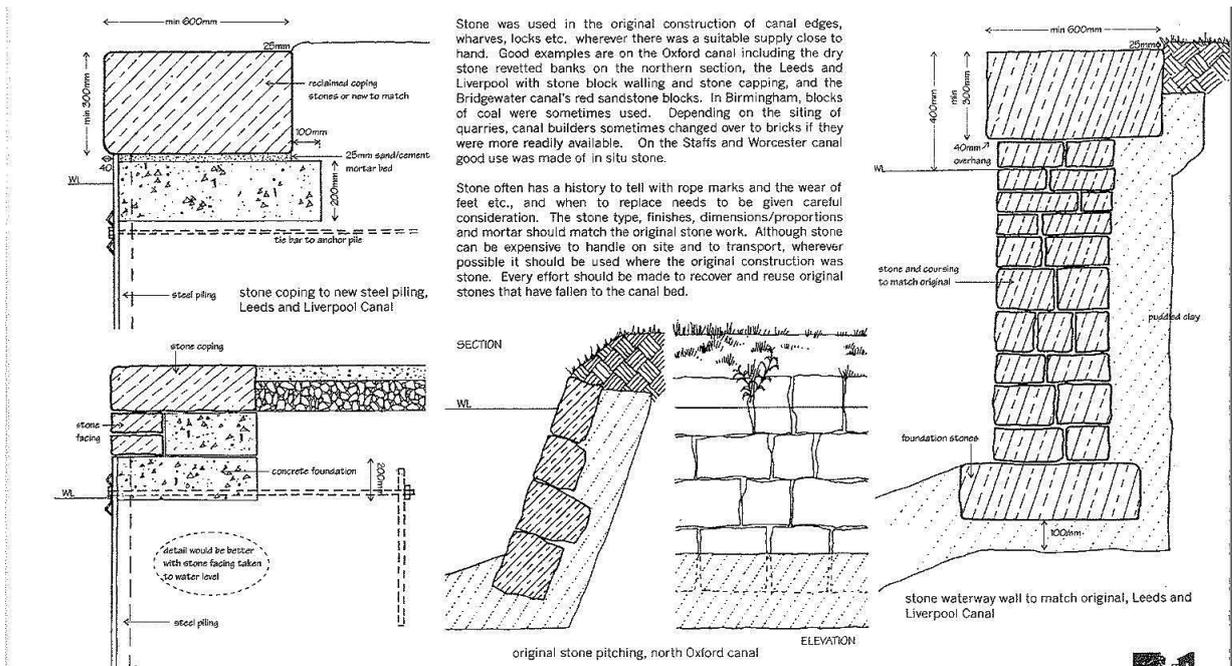
Any Towpath closures shall be the responsibility of the Promotor who is responsible for obtaining any necessary agreement to close or divert the towpath and any public right of way and to maintain all diversions and signage, design and construction of any temporary surface as required. Any access required for the Works shall be the responsibility of the promotor as agreed with the Works Engineer. (Please refer to Part 1 Section 5) for further information.

Safeguards shall be imposed restricting the movements of the plant adjacent the water's edge. This is to be agreed with the Works Engineer.

All plant movements shall be coordinated with the use of banks men and limited to 4mph while traveling along the towing path.



Typical cross section through canal



Typical waterway wall details

13.0 SCAFFOLDING

13.1 Introduction

When working on or adjacent to the Trust's property it more often than not presents a challenge in erecting and maintaining a scaffold in the unique environment. These guidelines provide information to assist in overcoming these challenges which are not usually encountered when designing and erecting scaffolding.

This guide is to be read in conjunction with the *Part 2 Section 12 – Vehicles and Plant on towpaths*, HSE standards and the British Standards for scaffolding, in particular:

- BS 5973: 1990 Code of practice for access and working scaffolds
- BS 5974: 1990 Temporarily installed suspended scaffolds and access equipment
- BS 5975: 1982 Code of practice for False-work
- BS 1139: 1990 Metal scaffolding: Tubes, Specification for aluminium tube
- BS 2482: 2009 Specification for timber scaffold boards
- BS 12811-1: 2003 Scaffolds - Performance requirement and general design
- CIRIA C686 2009 Safe access for maintenance and repair
- Regulations 6 and 7 of CHSW 1996 - Construction Health Safety and Welfare Regulations
- LBS Appendix C, The Work at Height Regulations 2005
- LOLER 1998 (Lifting Operations and Lifting Equipment Regulations)
- Provisions and Use of Work Equipment Regulations (PUWER)1992
- PPE (Personal Protective Equipment) Regulations 1992
- Manual Handling Regulations 1992
- NASC SG4:05 – National access and scaffolding convention guidance notes
- Working at Height Regulations 2005 (WAHR)
- English Heritage – Scaffolding relating to historic structures.

13.2 General requirements

Scaffolding must not overhang or project into the navigation/towing path airspace and must be cut off and capped. The canal wash walls have never been designed or constructed to take any scaffolding loads, you should not assume that the wash wall or towpath is suitable to rest or found any scaffolding on.

Only in rare circumstances, where no alternative exists, will the Trust consider a scaffold to be founded from the canal bed. It should be noted that the coping stone should not be taken to be structurally suitable for load bearing **and under no circumstances should coping stones be drilled into**. Where scaffold is proposed to be tied to adjacent structures, due consideration must be given to pull out testing, remediation plans of tied areas and where applicable listed building consent. The third party should consider securing the structure from being struck by a boat or other canal object, this may warrant the provision of suitable fendering. Fixing bolts should face away from the navigation and towpath and where clearances are tight, it may be necessary to board the underside of the scaffolding to provide a flush soffit.

The Trust must be consulted by the user of any scaffolding in all circumstances where the scaffolding can collapse within 4m of a Trust asset or property boundary. The collapse distance, equivalent to the scaffolding height, should so far as possible be located outside of the Trusts property boundary. Where the collapse distance encroaches into the Trusts property boundary, mitigation measures to reduce the risk of collapse must be detailed for the Trusts consent.

13.3 Clearances

Width on towpath: There should be a 1.2m minimum clearance between standards for pedestrian access for a run of scaffold of 10 m or less. For runs of scaffold over 10 m it likely that towpath users will need to pass each other beneath the scaffold. Therefore minimum width will need to be 1.5m. In both cases there should be a row of standards between the pedestrian and the canal edge. The standards should be adapted to form a handrail or suitable barrier to the canal.

Where there is no row of standards between the pedestrian and the canal the minimum width is increased to 2.0 m in all cases.

Width on navigation: A minimum clearance must be agreed with the Works Engineer. Normally this will allow 2 boats to pass safely side by side and will vary depending on the canal or navigation crossed.

Height above towpath: Typically, a minimum of 2.70 m clear headroom must be maintained along the length of the scaffolding.

Height above navigation: A minimum clearance must be agreed with the Works Engineer above normal water level, this will vary depending on the canal or navigation crossed.

13.4 Fendering

Where the scaffolding is in such a position that boat impact could arise, then a suitable protective and deflecting fender must be placed around the scaffolding. As craft can be affected by winds and currents, provision of a wide navigation channel is not enough in itself to remove the need for fenders.

The design of the fendering should take into account any likely changes in water levels, particularly to river navigations and must be agreed with the Works engineer. It should be permeable to flood water especially in areas of flood plain or Main River.

13.5 Protection

When scaffolding is on the towpath, the standards and approach ledgers should be wrapped with high visibility foam. Suitable lighting arrangements might also be required to be in place.

The first boarded lift should be double boarded with polythene membrane sandwiched between boards. Where there is a possibility of materials/debris falling from scaffold then debris netting or encapsulation must be used. In special circumstances this may be reduced to brick guards. Please also ensure that on this first lift no materials/debris can fall between the scaffold and the face of the building.

13.6 Miscellaneous

In addition to the signage requested within Part 1 Section 6, whenever the scaffold can be reached from the water, it would be prudent to place **'WARNING – DO NOT TIE BOATS TO THE SCAFFOLD'**

Where scaffolding is permitted and erected either on or over the Trust's property, fees are applicable – See Part 1 Section 8

Scaffold designs, drawings and load bearing calculations will need to be submitted to the Works Engineer as part of the application.

You should ensure that no more than one identification banner is affixed to the scaffold – this banner should contain 24hr emergency contact details. Additional material might be permitted to be attached to the scaffold however; the Trust will charge an advertisement fee for its use.

14.0 ENVIRONMENT

14.1 Introduction

The third party is required to consider all potential environment impacts throughout the life of the project, and to demonstrate to the Trust that all potential environment risks that affect the Trust will be mitigated against. All activities have the potential to cause harm to the environment; applicants should complete form 1 in Part 3 alongside this section, as this will guide your application and act as a preliminary assessment. Information has been divided into relevant section headings and all sections should be reviewed.

14.2 Environmental Surveys & Research

Research establishments wishing to conduct investigations on Trust property should contact the Works Engineer who can direct you to the local Environment Team. If the research is likely to be of benefit to the Trust we may ask for a copy of the final report and/or data set.

If access is required for ecological surveys by consultants in advance of a planning application, access will be subject to the provision of any survey data results. Prior to designing any survey, the works engineer will discuss your proposals with the Trusts ecologist for comments and considerations – upon receipt of these comments they must be incorporated within your proposal.

Where trapping/translocation is required as part of the proposal, the third party would need to demonstrate that they have all the relevant consents in place from the relevant regulatory bodies.

14.3 Biodiversity & Ecology

There is a great variety of wildlife along the inland waterway network. The Trust has a Biodiversity Strategy Statement, which identifies objectives and actions to promote the conservation and enhancement of a number of habitats and species. The third party will be expected, where it is reasonably practicable / necessary to:

- Reduce any habitat loss within the land owned by the Trust by keeping the working area to the minimum required;
- Provide plans and a summary of any features of interest for all known areas of nature conservation interest which may be affected by the project;
- Develop guidance on ecological best practice methods to be followed in order to mitigate potential ecological effects during the project;
- Produce plans showing the location for all fences/ barriers to be erected for the purpose of controlling animal movements during and post construction, e.g. deer, badger and amphibian fencing;
- Provide plans showing the location of any ecological features, mitigation or enhancement to be implemented (e.g. bat roosting features / boxes, otter holts); and
- Provide individual habitat or species management plans to include the information above (where appropriate) for: terrestrial habitats; aquatic/ habitats; European Protected Species (e.g. great crested newt, dormouse, otter, and bats);

The Trust will require all persons to manage impacts from construction on ecological resources, including the following:

- Designated sites including Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), Nature Reserves and local wildlife sites (i.e. non-statutory sites designated for nature conservation);
- Protected and notable species;
- Trees, hedgerows and other features of ecological importance (including linear/ecological corridors); and
- Invasive species.

14.3.1 Designated Sites

Some of the waterways and adjacent land are designated under UK legislation as Sites of Special Scientific Interest (SSSI). Some SSSIs are further protected by European law. Any activity taking place in the vicinity of these sites that may be a potentially damaging cannot proceed until Natural England (or Countryside Council for Wales) has been consulted.

The Trust will require the third party to:

- Manage impacts upon all statutory designated sites of ecological interest (including SPAs, SACs and SSSIs) and non-statutory sites of ecological interest;
- Obtain and comply with the requirements of any consents; and
- Develop relevant procedures, including any special measures, to be implemented in the event of a pollution incident, where this occurs on or adjacent to a designated nature conservation site or where protected and/or notable species are known to be present.
- Notify Natural England and obtain consents as required for any works. The Trust has an obligation to inform Natural England of any works that may impact a protected site and will do so, whether consent has been obtained or not.

14.3.2 Protected and Notable Species

Several plants and animals (including birds) which occur on the waterway network are legally protected. These include Floating Water-Plantain, Bats, Badgers, Otters, Water Voles, native Crayfish, nesting water birds and Great Crested Newts. There are statutory requirements relating to the conduct of works, which may affect protected species or their habitats. Formal consent is often required from Natural England (or Countryside Council for Wales) before any work, which may affect a protected species, or its habitat can be carried out.

Where a species protected by European legislation may be affected, consent is required from the Department of Environment, Food and Rural Affairs (in England), or the National Assembly for Wales. The Trust will require the third party to:

- Consult with Natural England, the Environment Agency, local wildlife trusts, and local planning authorities as appropriate;
- Obtain and comply with the requirements of any wildlife licences, including all protected species licences necessary for construction of the project
- Provide procedures to be adopted in the event of unanticipated discovery or disturbance of protected species or important habitats; and
- Programme the work to have due regard to the potential impact on all protected and notable species, avoiding times when they are most vulnerable such as hibernation or breeding seasons.

14.3.3 Trees and Hedgerows

Under Town and Country Planning legislation, trees may be protected by Tree Preservation Orders or by virtue of being in Conservation Areas designated by the Local Authority. Whilst under the Hedgerow Regulations 1997, most countryside hedgerows are legally protected from removal. Felling licences may also need to be obtained from the Forestry Commission. The Trust will require the third party to:

- Obtain written consent from the relevant Local Authority prior to any work on protected trees or hedgerows;
- Protect all retained trees in line with the recommendations in BS 5837: Trees in relation to design, demolition and construction and the following measure implemented as appropriate:
 - Provision of appropriate protective fencing to reduce the risks associated with vehicles trafficking over root systems or beneath canopies;
 - Measures to prevent compaction of soils;
 - Maintenance of vegetation buffer strips, where reasonably practicable;
 - Selective removal of lower branches to reduce the risk of damage by construction plant and vehicles;
 - Standard guidance for working within root protection zones (RPZs) including procedures to follow in the event that significant roots are uncovered during work; and
 - Provision of contractor guidance for working in close proximity to retained aged and veteran trees and areas of retained ancient woodland, and watching briefs as appropriate;
- All tree works should be guided by BS5837: Trees in relation to construction and BS3998: Recommendations for tree work, which includes ensuring root protection is in place; and
- Ensure protected species surveys have been undertaken in advance of the work, recommendations are followed and any necessary wildlife licences are sought.

14.3.4 Invasive Species

Under the Wildlife and Countryside Act 1981, as amended, it is an offence to plant or cause to grow in the wild any plant listed in Schedule 9, parts I and II whilst the Weeds Act 1959 ensures the control of injurious weeds. (Note: invasive species can be found in water as well as on land.)

The Trust will require the third party to:

- Develop appropriate construction, handling, treatment and disposal procedures to prevent the spread of any invasive plants;
- Ensure appropriate measures for the treatment/control of invasive, non-native species (both plants and animals) and injurious weeds will be implemented, taking into account ecological best practice guidance and where necessary extends beyond the boundary of the site;
- Consider that the programme of works will need to reflect that it can take a number of years to eradicate invasive species;
- Obtain and comply with the requirement of any consent including the use of herbicide near water;
- Promote bio-security and minimise the risk that invasive non-native species and diseases are imported through the procurement of soils and plants; and

- Ensure all imported materials should be screened and material specifications must adequately address the potential for the introduction and spread of invasive plants requesting that they are from a source which is free from invasive plants, roots and seeds.

14.4 Landscape and Setting

Landscape is the inclusive environment of waterway corridor, the immediate visual envelope, plus impacts on views in and out of the canal corridor. Landscape includes surfacing, boundary treatments, furniture and built development adjacent to the canal corridor.

Waterways should have a “sense of place” (a recognisable identity); often specific to a certain river, canal or area, these characteristics are important to the cultural heritage of our waterways and are what appeals to our customers; it is therefore important to recognise and protect this through the design process. The Trust will require the third party to:

- Prevent habitat fragmentation by maintaining a continuous green corridor to enable flora and fauna to move past the site, as such creating formal access to the water on the opposite bank to the towpath is discouraged;
- Involve an ecological specialist as required, in relation to vegetation clearance, tree works, the creation of new wildlife habitats and reducing disturbance;
- Involve a specialist to assess shading by structures and maximise solar gains by making best use of the sun and avoiding over shadowing;
- Prevent damage to the landscape and historic features adjacent to the construction site by movement of construction vehicles and machinery;
- Protect existing and new areas of planting through the provision of appropriate protective fencing to reduce the risks associated with vehicles trafficking over root systems or beneath tree canopies;
- Use well maintained hoardings or fencing during construction;
- Use screening and soft boundary treatments such as native trees, hedges and shrubs to create privacy whilst naturally guiding sight lines to and from the waterway as well as providing pedestrian access;
- Consider the towpath as an integral part of a mixed use or residential scheme and ideally where possible upgraded to ensure that increased pedestrian and cyclist numbers can be accommodated as well as being DDA compliant. NB: Measures to control cycle speed should be incorporated;
- Where possible locate car parks and roadways away from the waterway. Where it is not, ensure adequate planting and screening is used to reduce detriment to the canal corridor
- Use appropriate lighting schemes.

14.5 Pollution Prevention

Protecting our assets from damage or harm is important; care needs to be taken during the planning and execution of any project. The Trust require the third party to:

- Develop and implement appropriate measures to control the risk of pollution from construction works, materials and weather events and proactively manage the site to prevent pollution;
- Complete a site drainage plan for the site, including field drain layout and outfalls, irrigation pipes, fixed water supplies for livestock etc;

- Locate hazardous materials, stockpiles and fuel away from the waters edge and surface water drains;
- Prevent solid or liquid waste, sediment, soil or vegetation entering the waterway. Escape of material held in tanks, receptacles and buried pipes must be prevented, waste water from activities such as washing equipment must be contained and not allowed to enter surface water drains;
- Complete a Pollution incident control plan, train staff on actions and using pollution control kit;
- Contain, limit and mitigate any effects as far as reasonably practicable in the event of a pollution incident and notify the Works Engineer;
- Undertake works in accordance with the Environment Agency pollution prevention guidelines;
- Provide full details including size of area to be drained, the land use, water quality assessments, flow rate, discharge point and monitoring regime to the Trust if surface water run-off is proposed to drain into the waterway at any stage of the project, whether temporary or permanent, see section 3. Install where necessary interceptors and other measures so that drains can be shut off in the event of a spillage or fire;
- Obtain consent from the Trust for any surface water discharge connection to our watercourses, the granting of which is not to be assumed on obtaining Environment Agency consent;
- Be aware that drainage from areas with commercial activities such as working boatyards can be subject to trade effluent agreements with the Environment Agency; and
- Manage storm flows and excavation dewatering to prevent sediment contaminated flows e.g.
 - cut-off ditches to control surface water and well point dewatering or cut-off walls for ground water can be used
 - Seed or cover stockpiles and supplement with geotextile perimeter fences
 - use settlement lagoons or silt busters on silt laden water prior to discharge
 - keep sites and roads clean from soil

14.6 Water

Appropriate management of our water is naturally one of the Trusts primary concerns. The Water Framework Directive (WFD) is European Union legislation intended to protect and enhance the water environment, rivers, canals, feeders and reservoirs. A requirement of WFD is that there is no deterioration in the quality of our designated water bodies and as such has the ability to affect many activities on the Trusts holdings such as bank protection, barriers to fish, dredging, abstraction & water supply and discharges.

The Trust is not a Drainage Authority, any works that affect the channel or bank of a Main or Ordinary Watercourse will need Flood Defence/Land Drainage Consent from the Environment Agency or Local Flood Authority respectively. Works including piling, dredging, bridge construction, installation of scaffolding/coffer dams and other structures in channel may require consent. Where works require Flood Defence Consent, it is the responsibility of the application to obtain it well in advance of the works as these consents take several months to obtain. The Environment Agency will look for consideration of the Water Framework Direction in any design and third parties should build its requirements into the project.

NB there is no correlation between navigability and designation of a watercourse as “Main River” or “Ordinary Watercourse”.

The Environment Agency may also place restrictions on project design where a site is located on a flood plain to ensure there is no loss of flood storage capacity. Hoarding and fencing in areas at risk of flooding should be permeable to floodwater unless otherwise agreed with the EA/other Local Flood Authority to ensure that the flood plain retains function.

14.7 Bank Protection

The interface between the water's edge and the canal bank is one of the most valuable of the waterway habitats. WFD requires no deterioration of the ecological value of the in channel or marginal aquatic habitat, banks and riparian zone. Changing a soft "unimproved" bank into a hard piled/stone edge is not permitted except where a genuine need can be demonstrated and mitigation agreed with the Environment Agency. This will typically be through a Flood Defence Consent condition and/or Planning Consent condition. It is recommended that the third party:

- Use soft engineering solutions as a preference. These allow natural vegetation to develop at the water's edge should be used in preference to creating hard bank edges with further consideration given to channel integrity, diversity and its function as a fishery;
- Where this is not possible consider how the hard engineered edges may be 'greened';
- Consider the opportunity to remove or soften hard bank reinforcements and revetments;
- Survey for the presence of water voles or white clawed crayfish at the early stages of the project. If found, the method of bank protection must be agreed with the Works Engineer to ensure their habitat is conserved, as required by law;
- Reinstate adjacent to bank works all soil and plants (including reeds and aquatic vegetation) which are removed;
- Provide compensation or mitigation where soft bank is to be lost permanently;
- Consider future maintenance of bank protection systems at the design stage; and
- Incorporate access and egress points such as animal ramps into hard banks with a freeboard to stop entrapment and drawing risk to animals.

14.8 Water management and fish (*pumping, dewatering, stoppages etc*)

Reducing water levels results in the loss, albeit temporarily, of part of an aquatic habitat or alter the water quality to a point where it is unable to support life. This has the potential to affect a number of protected species including crayfish, water voles and great crested newts. Additionally, all species of fish are impacted by alteration to water levels. All fish are protected by law and several fish species have additional protection. Eels, lampreys, bullhead and spined loach are four such species that are relatively frequently encountered in Trust fisheries.

The Animal Welfare Act makes owners and keepers responsible for ensuring that the welfare needs of their animals, including fish, are met. This means that the provision of a suitable environment is necessary to allow fish to exhibit normal behavioural patterns and ensure their protection from pain, injury, suffering and disease. Reducing water levels can lead to increased turbidity from rainfall events and a build-up of ammonia. Prolonged ice cover, especially where the water depth is shallow, leads to lack of gaseous diffusion thus leading to fish mortalities. Oxygen is less soluble at high water temperatures which reduces oxygen availability in a period of increased fish activity.

The Environment Agency ultimately regulates fisheries in England with Natural Resources Wales (NRW) carrying out this function in Wales. CRT are the largest owner of fishing rights and fish stocks in the UK. We have national blanket fisheries arrangements with the EA and NRW that cover our day to day fisheries work. This work is undertaken by our fisheries management term contractor. Third party works also undertaken by the Trusts appointed

fisheries management term contractor would be covered by this national consenting arrangement.

In the event that third parties wish to lower water levels or empty sections of waterway they should:

- Ensure that they have both the permission of the Trust and Environment Agency/Local Flood Authority for any drawdown;
- Consider how temporary dams could be used to minimise the extent of the drawdown in certain situation;
- Consider the location of the abstraction and discharge points of any pumping. The abstraction pumps can be raised off the sediment to reduce the amount drawn through and screened to prevent fish from being drawn through the pump whilst the discharge should be at a rate that will not cause flooding and across a baffle or other deflector to avoid scour and causing suspended sediment pollution;
- Undertake aeration or other suitable mitigation where works may result in de-oxygenation of water as agreed with the Trusts Works Engineer and National Fisheries & Angling Manager;
- When a minimum depth of 750mm in the centre of the channel can't be maintained undertake a fish rescue, preferably using the approved CRT fisheries management term contractor. Provision for a fish rescue must be made for any section of waterway that is to be drained or the water level lowered to the extent that fish populations may be harmed as determined by the Trusts national fisheries and angling manager. Fish must not be flushed through lock paddles or other similar structures at low water level. Additionally, fish must not be flushed into river systems from canals.
- The promoter must have the written approval of the Trusts National Fisheries & Angling Manager for the fish rescue component of the proposed works before any works go ahead.
- Where the Trusts fisheries management term contractor is not used to undertake the fish rescue, the promoter must obtain SAFFA consent to use a relevant fishing instruments and consent for fish transfer from the Environment Agency or Natural Resources Wales. The promoter should then forward a copy of these consents together with the proposed method statement and associated risk assessment to the national fisheries and angling manager at least ten working days prior to the work commencing. These documents will then be assessed and any necessary amendments made as required by the national fisheries and angling manager. As well as fish rescue methodology, the fish relocation sites are to be agreed in advance with the national fisheries and angling manager. When the Trusts national fisheries and angling manager deems it necessary, the Trust may appoint their own fisheries term contractor to monitor and supervise the fish rescue operation and charge the promoter the cost of undertaking this supervision.
- Ensure that where any protected species need to be handled or moved, all necessary authorisations are obtained from the relevant wildlife and environmental regulators, and copies provided to the Trust. Valuable and protected species should be reintroduced to a suitable habitat.

- Following re-watering of the waterway, undertake restocking to reinstate the fishery where required and as agreed prior to the works consultation with the Trusts National Fisheries & Angling Manager
- Capture and humanely destroy any non-native crayfish species and any non-native fish species including zander, sterlets and catfish which may, after agreement with the Trusts national fisheries & angling manager and the Environment Agency or Natural Resources Wales be transferred to other legally licensed locations.
- Install Fish Passes when >50% of a structure is being refurbished or a new structure is being built, such as hydropower schemes.

14.9 Abstraction & Discharge

Water within the Trusts waterways and reservoirs is a private asset and as such all abstractions and discharges require consent from ourselves. Consent from the EA does not automatically confer consent from the Trust. Additionally, consents are given to individuals or companies, it should not be assumed that an existing discharge/abstraction can be retained when a site is redeveloped for a new use, if permission is given to retain and re-use an existing discharge/abstraction, a new commercial contract will normally be required.

It is also possible that there are abstractions from, or discharges to the Trust or neighbouring waters which may be affected by the Works or which may affect the Works. The Promoter should make inquiries, to establish whether such abstractions or discharges exist. Where they do exist, the Promoter should discuss the works with the abstractor or discharger with a view to making suitable arrangements.

14.9.1 Abstraction

Although the abstraction of <20m³/day of water does not require EA consent, consent is required for any abstraction from Trust watercourses whether permanent or temporary, including agricultural irrigation. The granting of which is not to be assumed on obtaining Environment Agency consent as we will take into account additional parameters. The Trusts Works Engineer or Utilities Team member will consult the Environment Team and Water Engineer to assess whether we are prepared to allow the abstraction and determine conditions this may be subject to.

If the Trust does accept a temporary installation, it will be subject to separate engineering approval and commercial contract.

The Trust gives no assurance as to the quality of the water within its waterways and reservoirs and third parties should ensure that it is fit for purpose at an early stage, particularly if the abstraction is leisure related. The quality of any water abstracted is also subject to change and cannot be guaranteed.

14.9.2 Discharge

The Trust do not accept foul, polluted or contaminated water. Discharges of trade or sewage effluent are not normally accepted on water quality grounds because of the relatively static nature of our waters. It is therefore our preference and best practice outlined in the Environment Agency pollution prevention guidelines that any sewage/trade waste and grey water is connected into mains drainage.

There is a presumption against accepting small domestic discharges (<5m³/day) of treated sewage discharges due to our concerns regarding maintenance, potential pollution and nutrient

enrichment. Other larger discharges may be considered on a site by site basis when subject to a full assessment including detailed information including the specifications of the plant (sewage treatment plant/industrial process), its capacity, discharge quality and quantity, the discharge point and any other overflows (grid references), whether there is a soakaway, the fall of the land and whether there is a shut off mechanism in the event of a pollution or the plant malfunction. We would also need assurance that maintenance has been considered to ensure the operational efficiency and effectiveness. The details including method and frequency of maintenance must be communicated in a written format to the Trust Works Engineer and the management company on site who accept responsibility for planning and implementing the maintenance regime.

We would need to be satisfied that any discharge would not result in a detriment. You would have to demonstrate this and offer monitoring proposal passed to utilities department.

We encourage Sustainable Urban Drainage Systems where appropriate and subject to an hydrological and pollution assessment.

14.9.3 Heating/Cooling

Using the waterway network as provider for heat exchange technology offers significant savings on energy costs; it is a sustainable solution which replaces the need to burn fossil fuels or the need to use large amounts of electricity to power air cooling units. This system is particularly pertinent to new waterside buildings. Contact the Works Engineer to discuss applications, requirements and opportunities for this technology and consents that would be required.

There would be a presumption against accepting heated water at sensitive sites such as protected sites (SACs, SPAs and SSSIs) or areas of known water quality issues.

14.10 Waste

The Trust encourages all third parties to consider the waste hierarchy when planning their projects and minimise and recycle construction waste. The Trust requires that materials reusable for waterway works particularly those which are no longer readily available such as copings and castings be carefully removed and transported to an agreed storage area for use in canal maintenance. The Trust retains ownership of such materials.

Because of their industrial heritage, land and sediment in the corridor of some waterways may be contaminated. Site excavated soils and sediments should be analysed in advance of the project commencing so an appropriate management route can be determined.

Please note that silts and other materials recovered from canal beds or elsewhere might contain chemical contaminants, or biohazards such as used hypodermic needles. In addition, the Trust require the third parties to:

- Manage all wastes in such a way as to prevent harm to human health, amenity and the environment (i.e. not within 10m of a watercourse, borehole, well or water drainage system);
- Store all wastes and materials safely and securely to prevent their escape and prevent contamination of our assets;
- Ensure no waste is disposed of/reused on C&RT property except where has been agreed in writing with the Trusts Works Engineer;
- Maintain responsibility for the management of all waste generated by the project, third parties will be considered the legal “producer” of any waste from the project under the

Duty of Care Regulations and will be solely responsible for complying with all current legislation. This includes material excavated from C&RT property such as canal dredgings and tow path bank fill;

- Register any relevant exemptions with the Environment Agency to cover temporary storage and reuse of waste; and
- Undertake pre-demolition/refurbishment asbestos surveys to identify ACM and ensure it is managed appropriately. A licenced contractor should be used, in accordance with relevant statutory requirements.

14.11 Contamination

As discussed in section 7, the industrial heritage of the canal corridor can be reflected in contamination of the land. The Trust require that third parties:

- Undertake Desk Studies and Site Investigations as required to identify contaminated land issues in advance of the work. Site Investigations should be completed in line with Part 2 Section 7 of this document.
- Model risk to all receptors, not just human health and ensure that all potential pathways are investigated;
- Where contamination is identified and will be disturbed/excavated, agree the necessary steps that will be taken to protect workers and the public from contact with the material or with gases or liquids arising from it with the Works Engineer both during construction and post construction;
- Where contamination is identified as present, a thorough Environmental Risk Assessment outlining how contamination of Trust assets and particularly our surface water network will be protected. Construction activities can change existing pathways and create new ones e.g. through piling, this should be factored into any Risk Assessment. **N.B. It should not be assumed that there is an impermeable lining in the canals;** and
- Where contamination is identified and monitoring undertaken (e.g. boundary monitoring/surface water or groundwater quality monitoring) is undertaken, share monitoring data with the Trust at regular intervals.

14.12 Nuisance

Consideration should be given in design and throughout construction to the impact of the project on adjacent site residents and users of the surrounding amenity. It is expected that third party implement controls and measures to control and mitigate the effect of potential nuisance caused by construction work.

14.13 Noise & Vibration

Best Practicable Means should be applied throughout the project to minimise noise and vibration impact on local receptors. It is expected that the third parties:

- Minimise the impact of noise on our users and neighbours particularly residential boaters both during and post construction. Consider building and landscape design, the use of screens, silencers and 'quiet plant', minimising traffic movements and controlling hours of operation;

- Consider the noise impact on canal environment from new bridge. If noise levels are too great, mitigation measures must be introduced. Noise mounds or barriers are suggested measures, solid parapets are preferred;
- Where appropriate fit and maintain appropriate mufflers on site plant, and enclose noisy equipment;
- Limit site works to normal week day time hours;
- Install noise attenuation barriers, particularly when working in close proximity to residential areas (including schools and office buildings);
- Undertake appropriate measures to mitigate any disturbance through vibration of protected species such as badgers, water voles and birds;
- Ensure no damage is caused to Trust assets through vibration. No discernible vibration will be acceptable to Trust property unless the level of vibration has been prescribed in advance by the Works Engineer; and
- Where significant levels of noise cannot be avoided the third party should apply for a section 61 consent.

14.14 Dust & Odours

Every effort must be made to minimise the impact of dust and odours during and post construction on our waterway users and neighbours particularly residential boaters. To prevent and/or mitigate for a dust nuisance, third parties should:

- Plan the site layout to locate plant and any dust/odour causing activities away from sensitive receptors and the site boundary where reasonably practicable;
- Proactively employ dust suppression where significant levels of dust have the potential to be or are created including damping down, cover material, road sweeping, wheel cleaning, surfacing of haul road, covered skips and demolition chutes for waste transfer and a ban on burning on site;
- Use site hoarding and screens to minimise off site dust migration;
- Undertake odorous work with respect to wind direction;
- Ensure that plant are fitted with emission control equipment and are regularly serviced; and
- Consider formal odour suppression on the site boundary where significant ground gas has been identified as a potential risk (e.g. excavation of old waste sites)

14.15 Light

Consideration with regards to lighting needs to be paid to both the design and construction phases. Lighting may be appropriate to illuminate the towpath, access points, bridge undercrofts and locks in urban areas and mixed-use developments as well as illumination of landmark features and artwork. The third party:

- Consider the potential for light pollution (potential for breaching Section 79(1) of the Environmental Protection Act 1990 'Artificial light emitted from premises so as to be prejudicial to health or a nuisance'). Minimise the amount of artificial light in the project design and include the specification of low energy components such as LED and lux levels.
- Design lighting for site boundaries to allow safe public access or on site lighting for site safety, however the introduction of waterside lighting should meet a clearly defined need.

- Ensure lighting schemes are designed with protected species (particularly bats) in mind and should therefore not cast over the waterspace, baffles and directional lighting should be used to manage the light beam and white light avoided where possible.
- Ensure lighting design positions lights so as not to unnecessarily intrude on adjacent buildings or waterway users. Where possible they should be activated by motion sensors to minimise their impact.

14.16 Environment References

This section is to be read in conjunction with the following external guidance:

- All designations available at the Magic website <http://magic.defra.gov.uk>
- Contact the Environment Agency to determine if a watercourse is Main River or Ordinary Watercourse 0300 506 506
- BS3998: Recommendations for tree work
- BS 4428 Code of practice for general landscape operations (excluding hard surfaces)
- BS5228: Code of Practice for noise and vibration control on construction and open sites
- BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations
- CLR11 - Model Procedures for the Management of Land Contamination., Defra/Environment Agency
- Environment Agency R&D Publication No. 11 Waterway Bank Protection: A Guide to Erosion Assessment and Management.
- Guidance notes AqHerb01: Agreement to use herbicides in or near water, Environment Agency 2012
- Managing invasive non-native plants, Environment Agency 2010
- National Groundwater and Contaminated Land Centre Report (NC/99/73) Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention
- NJUG: Volume 4 Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2)
- PPG1 General Guide to the Prevention of Pollution
- PPG5 Works and maintenance in or near water
- PPG6 Working at Construction and demolition sites
- PPG21 Pollution Incident Response Planning
- PPG22 Dealing with spills
- PPG2 Above ground oil storage tanks
- PPG3 Use and installation of oil interceptors in surface water drainage systems
- PPS9: Biodiversity and Geological Conservation, UK Government 2005

- PPS10: Planning for sustainable waste management
- WRAP website for advice on sustainable waste and construction.

15.0 HERITAGE

15.1 Introduction

Most of the Trusts waterways infrastructure is well over 200 years old and forms an important part of the national heritage. It is a key value of the Trust that all heritage assets, whether designated (i.e. legally protected) or non-designated, are given the same level of beneficial treatment and protection.

The following paragraphs deal with statutory controls on Listed Buildings and Scheduled Ancient Monuments. Even where no statutory protection is in force, it should be noted that the Trust seeks to protect and enhance all structures, surfaces and features with heritage/historic value.

15.2 Listed Buildings

Many waterway buildings and structures are listed buildings and are subject to historic building legislation. Works to listed buildings often require listed building consent from the local planning authority and this should be negotiated and applied for well in advance of any works. Works to adjoining non-listed structures may also be classed as 'development affecting the setting of a listed building'. Listed buildings also enjoy a measure of 'curtilage' protection.

15.3 Scheduled Ancient Monuments

A number of waterway sites and structures are scheduled monuments and are protected under special legislation. Many works affecting them require scheduled monument consent which must be obtained from the appropriate Secretary of State, via the statutory agencies (Historic England, Cadw). Gaining scheduled monument consent can take time. Works to scheduled monuments almost always require archaeological recording conditions to be met.

15.4 World Heritage Sites

Designation of a World Heritage Site by UNESCO brings no additional statutory controls, but protection is afforded through the planning system as well as through the other designations (listed buildings, scheduled monuments etc) that cover elements, if not the whole, of the site. All UK sites have management plans in place, which are regularly reviewed. Each site typically has a steering group, which comprises its owner/s and other key stakeholders and contributes to the management plan review process.

15.5 Conservation Areas

Conservation Area controls affect many waterway sites and early consultation with the local planning authority is advised before works take place in a conservation area. Demolition of any building or structure (whether listed or not) will require planning permission. Changes to the external appearance of a building in a conservation area may require planning permission that is not required elsewhere as some permitted development rights are curtailed. Alterations to fencing and walling may require planning permission if bordering a public right of way.

Felling, lopping or topping of trees calls for six weeks' notice to be given to the local planning authority and removal of hedging is also controlled. It is the promoter's responsibility to ensure adequate application time and all necessary permits are in place prior to construction.

Under the National Planning Policy Framework (NPPF) conservation areas are designated heritage assets and their conservation is to be given great weight in planning permission decisions.

15.6 Setting and character

While it is difficult to define “character” objectively; any repair, refurbishment or new build should be carried out so as to be in keeping with the general setting and landscape of the waterway corridor.

Selection of materials should seek to match existing or surrounding styles and reinstatement of the site should take account of the need to restore the overall setting of the waterway (for instance replacement or enhancement of vegetation, historic surfaces or features)

The Trust can advise on local distinctiveness in relation to heritage features of the individual canal or river navigation

15.7 General considerations when working on or within the curtilage of Heritage Structures

Much of the waterways historic structures or fabric requires the use of special materials or skills to ensure the unique character and function of a structure is protected. A particular type of stone, brick or mortar may be required when working on the waterways this will require the use of specially trained contractors and the sourcing of materials that may not be readily available. Many canal structures are old and do not conform to modern standards of design or construction

Lime mortars are an important element in historic structures contributing to their character and enabling them to breathe and absorb structural or thermal movement. The appropriate use of lime for heritage repair work is vital to ensure that these structures are taken into the future in the best condition.

15.8 Archaeology

Archaeological remains associated with waterways represent an important and finite resource. They may comprise buried remains of past waterway structures such as old basins, now in-filled; or they may be remains of activities that took place alongside the waterways such as housing, stables, water mills, pumping stations, warehouses and 'ridge and furrow' fields. Archaeology also covers buried objects with heritage value, such as tools, iron furniture or former items of cargo.

Sites of archaeological interest may be Scheduled Monuments or may appear on the County Sites and Monuments Record, now usually known as the Historic Environment Record.

It is the Trust's policy to ensure that archaeological remains are not destroyed or unnecessarily removed. Offsite preservation and re-use of complete structures must be considered, where applicable. The archaeological recording of structures to be demolished must be undertaken, where applicable. Artefacts should be preserved. The Trust retains ownership of such materials

15.9 Demolition Materials

The Trust requires that materials that have a heritage value or are re-usable for waterway works, particularly those which are no longer readily available, such as copings and castings, be carefully removed and transported to a storage area for use in canal maintenance. The Trust retains ownership of such materials.

16.0 IMPROVEMENTS TO CANAL & RIVER TRUST INFRASTRUCTURE BY OTHERS

16.1 Introduction

Although this Code of Practice is written for works that are promoted by others for their benefit, there are some works that enhance our property. A typical example would be where a local authority would like to improve the surface of a towpath.

In these cases, we advocate the use of the Trust's framework contractors who have a great deal of experience and knowledge when working on our property. Further information is available on request.

The Trust however acknowledges there maybe occasions where delivery by a third party will be of benefit to the Trust and approval can be sought for this approach.

16.2 Agreement

In addition to the application of this Code of Practice to the works, an agreement is required between the third party and the Trust which will include;

- Agreement that, under the CDM Regulations, the third party takes on or procures the
 - Client role
 - Principal designer role
 - Principal Contractor role
- Agreement that the Trust will be consulted and will provide engineering & design advice as to the preferred works specification but will not act as a Designer under CDM. Any costs incurred by the Trust will be recovered in accordance with this Code of Practice.
- Agreement that the third party;
 - Prepares an Environmental Appraisal (the Works Engineer can advise on the level of detail needed)
 - Negotiates any third party access required
 - Complies with the Trust's towpath design guidance
 - Carries out services checks
 - Produces a materials and work specification test plan
 - Secures necessary consents (e.g. footpath closures, planning permission, flood defence consent)
 - Carries out external stakeholder communication (e.g. landowners, neighbours, canal societies, amenity groups, waterway partnership etc.) as agreed with the Trust.
 - Provides a Health and Safety File inc: As-built drawings, O&M Manuals (where applicable) using the Trust's templates, normally within 28 days of site completion.

- Formally hands back the site to the Trust.
- Confirmation of the contractor's competence to undertake the works including;
 - References
 - Experience of similar work
 - Appropriate insurances & indemnities in place for the works
 - Health & Safety competence, accident statistics, latest AFR
 - Overview of management systems (quality, environment, health & safety)
- A Defect Correction Period of 24 months.
- Proposed agreement of future maintenance liabilities.

16.3 Licences

It will be necessary for the third party to enter into an Access and Maintenance Licence Agreement with the Trust in addition to any other permits and indemnities mentioned within this document. All such licences, permits or indemnities must be entered into prior to any works commencing on the Trust's property.

16.4 Fees

Although works under this section relate to improvements to the Trust's canals and rivers, there is still a need for the Trust to supervise works and issue approvals; therefore, it should be noted that the works will still be subject to third party works fees and you are encouraged to factor this into your scheme costing's.

17.0 BOAT SALVAGE

17.1 Introduction

If a vessel needs to be salvaged from the waterway, although it is appreciated that it often needs to be done promptly, it should be understood that such operations need to be planned and implemented very carefully.

There could be several parties involved in the operation to salvage a vessel. To ensure a straightforward application it will be important for the Works Engineer to deal with one organisation only who will be responsible for the payment of all fees. As the application relies heavily on the production of a safe system of work, it is strongly recommended that the lead party is a contractor.

In circumstances where prompt action is required e.g. **if the navigation is blocked or there are major environmental concerns; the Trust current term craft removal Contractor should be utilised.** The Works Engineer will process an application as quickly as practical as per the Code of Practice and standard documentation.

In order to ensure prompt approval is possible, the following details need to be addressed:

- From the third party, the process should be led by a contractor able to ensure that there is an appreciation of the risk management.
- The diving contractor must be a member of The Association of Diving Contractors.
- If a craneage contractor is also used, we would assume them to be a sub-contract to the diving contractor and the lift to be carried out to BS 7121.
- Operations should be planned and implemented under a restriction notice (See Part 1 / Section 5), rather than a stoppage
- The lifting procedure should only be carried out at a site approved for lifting and so towing of the vessel may well be necessary.

If the above list of points are all addressed and there are no further complications, the works engineer will be able to proceed with the approval process in a prompt fashion.