

Jennifer Atkinson
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

Your Ref 126431/FO/2020

Our Ref CRTR-PLAN-2020-29602

Tuesday 5 May 2020

Dear Ms Atkinson

Proposal: Erection of a multi-use arena (Use Class D2) (61082 sqm) with a partially illuminated external facade together with ancillary retail/commercial uses (Classes A1, A3 and A4), with highways, access, servicing, landscaping, public realm and other associated works.

Location: Site South of Sportcity Way, East Of Joe Mercer Way, West Of Alan Turing Way, And North Of The Ashton Canal, Manchester

Waterway: Ashton Canal

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) Construction works in close proximity to the canal
- b) Design, layout and potential heritage implications
- c) Landscaping, lighting and ecology
- d) Potential contamination and CEMP
- e) Canal towpath as a sustainable route to the site and securing package of enhancements
- f) Surface water drainage

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 to secure the package of benefits/enhancements along the Ashton Canal to promote sustainable transport to the site are necessary to address these matters.** Our advice and comments follow:

The towpath side of the Ashton Canal forms the southern boundary of the application site and is designated as a County Wildlife Site. The grade II listed lock number 6 is adjacent to the site and listed lock 7 with roving bridge to the east.

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Construction works in close proximity to the canal

The canal is lower than the application site and it is essential that the structural integrity of the canal infrastructure is not put at risk as part of any development proposal, including excavations, earthmoving or vibrations from plant or machinery which could, in the worst case scenario, result in the failure of the canal.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170 (e) and (f) and 178 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 179). This is the subject of more detailed discussion in the National Planning Practice Guidance (PPG).

Based upon the submitted details the proposed construction would be likely to be acceptable, in principle, in terms of the impact on the structural integrity of the canal infrastructure. This would however be subject to review of the technical construction details and methodology. Given the proximity to the canal, the works would need to be carried out in accordance with the Trusts Third Party Works Code of Practice. We would therefore ask that the informative at the end of the letter is appended to the decision notice in relation to this matter. If the Council are minded to approve the application we would also ask that the following **condition** is included on the decision notice:

No development (including demolition/site clearance) shall take place within 15m of the edge of the canal until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has first been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and means of construction of the foundations of the building, retaining walls and structures, together with any other proposed earthmoving and excavation works required in connection with construction of the development. The development shall only be carried out in accordance with the agreed Risk Assessment and Method Statement.

Reason: Excavation, earth removal and construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure and to accord with the advice and guidance relating to land stability contained in Paragraphs 170 and 178 of the National Planning Policy Framework 2019.

The Trust would be happy to assist the Council with the discharging of this condition.

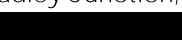
Design, layout and potential heritage implications

This is a major development which would add architectural interest to the canal corridor. We welcome that the development has been designed so that it would have a positive edge to the canal corridor, open up views and remove the existing palisade boundary fencing. Despite these positives we do have some concerns whether the scale and mass of the building would impact the setting of the listed locks on the canal. The Heritage Statement finds '**no harm**' to lock 6 which is immediately adjacent to the arena but finds '**less than substantial harm**' to lock 7, which is further to the east of the site. It is not entirely clear how this conclusion has been reached.

Furthermore, paragraph 5.40 states '*it is considered that this wider setting does not contribute to the setting of the lock [6]*' but then in paragraph 5.42 states '*the Site has a minor negative impact on the setting of the asset [lock 6]*'. These statements seem to contradict each other, and both can't be the case. The development would undoubtedly be within the setting of both locks. It is unfortunate that no viewpoints of the development have been provided from lock 6, which is disappointing as this is where the greatest impact is likely to be. A viewpoint is shown from lock 7 which would imply that a viewpoint from lock 6 would show significant overshadowing from the arena to the listed lock. Enclosing the lock with a large building must have some impact on the experience of those that use the canal (especially boaters) and we are not convinced this has been robustly assessed within the heritage statement. We would ask the Council to satisfy itself in terms of whether the heritage assessment is robust enough in assessing the potential impact on the grade II listed lock 6.

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In terms of the layout, we welcome that activity generating uses are proposed on the ground floor canal facing edge of the building which would bring vibrancy and interest to the canal corridor. In part this would be achieved by the canal facing terrace, which would bring eyes onto the water and help showcase the asset of the Ashton Canal. Although we welcome people being encouraged to sit and overlook the canal this would potentially generate litter. We therefore welcome that the applicant has submitted a maintenance and management plan for the site and consider that if the Council are minded to approve the application that this is **conditioned** and complied with for the duration of the development.

Landscaping, lighting and ecology

The canal is a designated County Wildlife Site in this location, forming part of the areas ecological network. It is proposed to install a wildflower meadow along the open space adjacent to the canal towpath and green walls. This would be a real enhancement to the canal corridor and biodiversity value of the area. A robust landscape management plan for the meadows and green walls along the canal to ensure a healthy green edge in longevity would be required. It is understood that the Arena operators would maintain and manage the landscaping and public realm associated with the proposed development, including the wildflower landscaping adjacent to the canal towpath. If the Council are minded to approve the application then we would ask that the landscaping and ongoing management and maintenance are secured by **condition**.

The submitted Lighting Assessment sets out the existing lighting columns on the canal are being retained. The proposed new lighting within the site would be angled to avoid light spill to the canal corridor. Given the redevelopment on the site there could have been an opportunity to rationalise the amount of lighting here. For example, removing the existing tall lighting columns along the canal corridor next to the site and instead install low level lighting bollards. This would provide more appropriate low level lighting for pedestrians accessing the site from the canal towpath and be better for bats and other protected species. It would also provide an improved setting to the listed lock. Finally, this would also help to tie the canalside environment/space to the development. We would welcome the lighting along the canal corridor edge of the development being revisited. **Especially as it is noted that on a number of CGI's that the lighting columns on the canal corridor are shown to be identical to those within the development site, as proposed this clearly would not be the case.**

Potential contamination

The submitted contamination reports have considered the canal as a potential receptor to pollution and contamination, especially as the canal is lower than the site. Given this there is the potential for contamination of the canal during the construction phase. A draft Construction Environmental Management Plan (CEMP) has been submitted with the application. Based on figure 3.2.2 of the draft CEMP and '*outline site logistic plan*' it would appear that materials would be stored and delivered to an area to the south of the canal. Materials would then be craned to move them around the site to the north of the canal. This would require craning material across the canal, which is an open navigation, and careful consideration would need to be given to the safety of boaters and towpath users.

The draft CEMP sets out that the existing 2.4m high palisade fencing would be retained during construction and hoarding added to contain dust/debris. Dust suppression would also be used to prevent contamination of the canal. The applicant states that the final CEMP should be conditioned and we would agree with this. Therefore, if the Council are minded to approve the application then we consider that the final CEMP should be conditioned to be submitted. In particular we would welcome the **CEMP condition** covering the following:

- **A plan showing the areas of storage of plant and materials used in constructing the development and the method for how the materials would be craned/carried to the site, whilst protecting the canal and its users;**

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- Include the steps to be taken to prevent the discharge of silt-laden run-off, materials, wind blow or dust or any accidental spillages or seepage entering the waterway;
- Details specifying how the waterway corridor and its users would be protected during the works (including craning of materials over the canal) and include any details and siting of proposed protective fencing to be erected/adapted to safeguard the waterway infrastructure during site clearance/construction.

The Trust would be happy to assist the Council with the discharging of this condition.

Canal towpath as a sustainable route to the site and securing package of enhancements

The Trust has a towpath usage counter at Piccadilly Basin and although a little way from the site, shows increased levels of usage on days when there are football matches/events at the existing Etihad Stadium. It is likely that the proposed Arena would see a similar uplift in usage of the canal corridor when events are being held. Whilst we would welcome the uplift in usage of the canal towpath as a sustainable route to/from the Arena. We also welcome the recognition given in the application documents to the important role the canal towpath has to play in providing a sustainable access route to the site. The Trust consider that the canal corridor on the approach to the Arena should be enhanced to maximise its usage.

We welcome that this has been recognised by the applicant who has offered a package of benefits to enhance the sustainable transport route along the Ashton Canal. The benefits are detailed in a number of application documents including the Design & Access statement (section 5.16), Framework Travel Plan (section 6.5.4) and the Transport Assessment (para 8.1.4). The suggested works/enhancements include:

- *Providing art / lighting improvements where the route passes beneath bridges [along the canal corridor];*
- *Using paint, graphics and lighting on lamp posts to create markers, which clearly designate routes, give information about walking distances and incentivise active travel;*
- *Installation of signage at Great Ancoats Street to better signal walking and cycling routes between the city centre and the Etihad Campus*
- *Cut back scrub / vegetation at strategic points to improve sightlines and attractiveness of route [along the canal corridor].*
- *Actively supporting future maintenance in conjunction with relevant stakeholders.*

In terms of the lighting improvement of the bridge holes along the canal corridor. This could be art led lighting which could potentially be linked and adapted to individual events at the Arena. Artistic lighting of bridge holes should/can be designed to minimise the impact on bat foraging corridors. Such lighting would also address/help mitigate the risk that during events the bridge holes could be targeted for anti-social behaviours. As would cutting back scrub/vegetation and improving sightlines.

It is unclear from the submitted documents how this package of benefits would be secured. Given that the exact details/works would need to be agreed, we consider that a suitable mechanism would be to secure these via a s106 agreement. We consider that this request is justified and meets the statutory tests as set in the Community Infrastructure Levy Regulations 2010. The package of works are necessary to support this sustainable transport route and to provide public access to the development. The uplift in towpath usage here would be as a direct consequence of the proposed development. The scale of the development would be significant and would have a large catchment, as does the canal corridor. The package of works would therefore be commensurate to this scale and fairly and reasonably related in kind to the development. The s106 agreement should set out that the design and specification of the lighting/artwork and all associated works would need to be agreed with the Trust. The works would need to be delivered before the development comes into use. The

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agreement would also need to set out who would be taking responsibility for the ongoing maintenance of the new lighting proposed under the bridges. The cost of providing, running and maintaining the lighting should be borne by the applicant. The Trust would also want to be engaged on the vegetation works and accesses that they would help open up to ensure that the Trust can focus our efforts elsewhere to complement accessibility the whole way along the Ashton Canal. We would also welcome further engagement in terms of waymarking and signage proposals as the Trust are currently undertaking a signage rebrand project and would want to ensure we get the right amount of signage in the area with the right messages. Regard would also need to be given to any heritage assets in terms of incorporating any artwork/lighting or signage.

If the Council are minded to approve this application and agrees that the above package of works meet the necessary tests we would be happy to work with the Council in terms of the wording for the works to be secured as part of the s106 agreement. Whilst there is no obligation on the Local Planning Authority to make the Trust a party to such an agreement where it has no legal interest within the application site boundary, the Trust would wish to be a signatory to any legal agreement where works are to be undertaken on our land.

Although not included in the package of benefits offered, given the anticipated uplift in usage on the towpath we would also welcome a financial contribution/commitment towards public realm improvements by providing safety railings at narrow points on the Ashton canal towpath and installing/upgrading safety equipment in the vicinity of the application site. We would be happy to discuss these further to agree what would be appropriate.

Surface water drainage

The application form sets out that surface water would be discharged to a combination of sustainable urban drainage (SuDs) and Main sewer. Provided this remains the case, then we have no further comment to make in relation to this matter.

If at a later date the applicant would wish to discharge surface water to the Ashton Canal then this would require the separate consent and agreement from the Trust.

Comment as landowner

The Canal & River Trust (the Trust) own and manage the Ashton Canal which forms the southern boundary of the application site. The applicant has served notice on the Trust and completed certificate B. The applicant should be made aware that the use of land in the Trusts ownership will require the prior consent of the Canal & River Trust. The proposal includes the potential for lighting, art work and associated works along the canal corridor, these would need to be agreed with the Trust. We also recommend that the Applicant contact us directly to establish the position regarding the need to obtain our consent for cranes to oversail our property and works along the Ashton Canal. The applicant is advised to contact the Trusts Estate Management Team on [REDACTED] or ema [REDACTED] directly to discuss this matter.

Finally, we welcome the clarification provided within the documentation in relation to the development on the site not prohibiting the Trusts operational activities and access, in particular the continued use of Carpark J for crucial ongoing access and maintenance of the canal corridor.

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

- 1) *The applicant/developer is advised to contact the Infrastructure Services Team on ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.*
- 2) *The Applicant should contact the Canal & River Trust directly to establish the position regarding the need to obtain the Trust's consent for cranes to oversail the canal and carry out works along the Ashton Canal,*

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including lighting, vegetation clearance and signage. The applicant is advised to contact the Trusts Estate Management Team on 0303 040 4040 or email Matthew.Hart@canalrivertrust.org.uk directly to discuss this matter.

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,

Tim Bettany-Simmons MRTPI
Area Planner

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

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