

Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Your Ref 26/00274/FUL
Our Ref CRTR-PLAN-2026-46729
Tuesday 26 May 2026

Dear Sophie Iliffe,

Proposal: Single-storey extension and replacement of existing shipping containers with a new storage building and shower block

Location: Hinckley Sea Cadet Corps, Wharf Yard, Hinckley

Waterway: Ashby Canal

Thank you for your consultation.

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

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

Potential impact on the Ashby Canal

The application site is located to the north of the Ashby Canal and adjoins the offside (non-towpath) bank of the canal. The canal is designated as both a conservation area and a Local Wildlife Site (LWS); the conservation area designation extends to include the application site as well. Although the proposed extension to the existing building is described as being 'single storey', it is evidently a two-storey structure, and we recommend that the application description should be amended to more correctly reflect what is actually proposed to be constructed.

We do not consider that the design of the proposals should have any adverse impact on the character or appearance of the conservation area, but the proposed development will involve construction operations (including excavations for foundations) in proximity to the canal bank which could affect the physical structure of the canal.

Whilst the new building and the extension to the existing building should not in themselves impose any significant additional load on the adjacent canal bank once completed, the method of construction, including the operation of any plant and machinery near to the canal edge could present a risk to the stability of the canal structure. Canals are not water-tight and retain their water through a combination of waterway wall construction, clay lining and earth pressure. Construction operations and excavation of the ground in the vicinity of a canal can lead to the creation of leakage pathways not previously present, and in extreme cases can cause instability that leads to a breach of the canal and flooding of adjacent land.

Canal & River Trust Spatial Planning Team

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As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 187 (e), 196 and 197 of the NPPF and is the subject of more detailed discussion in the NPPG (see <https://www.gov.uk/guidance/land-stability>). We consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

In particular, paragraph 197 of the NPPF is clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

We therefore consider that the potential effect of construction operations in proximity to the canal is a material planning consideration and that submission of a construction method statement for works close to the canal should be secured via a planning condition to ensure that the development can be undertaken without creating instability likely to affect the structural integrity of the adjacent canal.

We can confirm that we are happy to provide technical advice to the Local Planning Authority to assist in the subsequent discharge of the requested condition.

Condition

No development shall take place until a construction method statement for both the new building and the extension to the existing building hereby permitted has first been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all foundation designs and construction methods together with details of any other proposed earthmoving or excavation works required in connection with the development and shall identify and incorporate any measures necessary to minimise the risk of adversely affecting the stability of the adjacent Ashby Canal bank (such as vibration monitoring if a piled foundation solution is proposed or the establishment of stand-off distances from the canal bank for operating plant or machinery or for storing materials). The development shall thereafter only be carried out in accordance with the approved details.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from construction, earthmoving, excavations or other associated operations which could adversely affect the stability of the Ashby Canal bank in accordance with the advice and guidance on land stability contained in paragraphs 187, 196 and 197 of the National Planning Policy Framework and in the National Planning Practice Guidance. A pre-commencement condition is necessary as the information is required to inform construction operations from the outset.

We further consider that construction and other environmental impacts should be managed through the implementation of an appropriately detailed Construction Environmental Management Plan (CEMP). The CEMP should be a bespoke site-specific document and should identify measures to minimise the risk of debris, dust, material and contaminants including silty or otherwise contaminated run-off entering the canal during construction operations in order to ensure that water quality in the canal is not adversely affected in the interests of protecting the LWS designation of the canal and the wellbeing of wildlife supported by the canal.

Condition

No development shall take place until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to minimise the risk of dust, debris and silty or otherwise contaminated runoff entering the Ashby Canal adjacent to the southern site boundary during construction operations. The development shall thereafter only be carried out in accordance with the agreed CEMP.

Reason

In order to minimise the risk of contaminants, debris or other material entering the Ashby Canal during construction operations and adversely affecting water quality or wildlife supported by the canal. A pre-commencement condition is necessary as the information is required to inform all construction operations on the site from the outset.

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Potential impact on protected species

Although the application form indicates that there are no protected species on or near to the site, we have records of water voles being present in the canal and wharf banks next to the proposed development. As water voles are a protected species, we recommend that the LPA considers whether a protected species assessment should be undertaken to ascertain whether they are still present in the vicinity and if so, to identify any likely impacts from the proposed development and how they can be appropriately mitigated.

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

Yours sincerely,

Ian Dickinson MRTPI

Area Planner

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

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