

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

**PROPOSED NETWORK RAIL
(STALYBRIDGE TO DIGGLE (SADDLEWORTH) ENHANCEMENTS) ORDER**

Proof of Evidence

-of-

**Dr Adam Comerford
Canal & River Trust**

1. INTRODUCTION

1.1 My name is Dr Adam Comerford. I hold a Bachelor of Science degree (with Honours) in Geography from the University of Southampton and a PhD in Geography from the University of Exeter. I am a Chartered Member (C.WEM) of the Chartered Institution of Water and Environment (CIWEM) and a member of the British Hydrological Society (BHS). I have over twenty-five years' career experience of working in the fields of canal hydrology, abstraction and water management, both with the Canal & River Trust, its predecessor body British Waterways and also with the Environment Agency.

1.2 I am currently employed as National Hydrology Manager for the Canal & River Trust, and I lead the Trust's Water Management team, part of the Operations Performance team within the Operations Directorate of the Trust. I have held this specific role since 2009. My primary responsibility is to ensure my team provides all aspects of operational and strategic advice and support on all matters relating to water resources management and flood risk management across the whole of the Trust, particularly for operational teams but also for specialist functions such as our spatial planning team. I am responsible for securing and managing all of the water abstraction licences that are needed for supplying our network, and I am the authorised signatory (delegated powers from the Company Secretary) on behalf of the Trust for any new, varied or renewed abstraction licence for canal water supply.

1.3 I will provide evidence on the following topics, which go to matter 5 in the Statement of Matters:

Water resource management for the Trust's network;
Abstraction licences for the HNC;
Management of discharges into the Trust's network.

2. EVIDENCE SUMMARY

The evidence set out describes the main aspects of the Trust's water resources management and flood risk management activities. Particular focus is made of the requirements the Trust has for any proposals in relation to abstractions and discharges, given the potential impacts these can cause for the network and why the Trust has established formal processes to assess, manage and mitigate these impacts, which sit alongside regulatory requirements set out by the Environment Agency. The evidence gives details of the specific water control and abstraction arrangements the

Trust has for the Huddersfield Narrow Canal and also why flow capacity in the Trust's feeder channels needs to be maintained during any works.

3. EVIDENCE

3.1 Water resource management

- 3.1.1 The Canal & River Trust (the **Trust**) is responsible for around 2,000 miles of inland waterways of which around two-thirds (by length) are artificial canals; the majority of these canals were originally constructed in the late 18th and early 19th century under various enabling Acts of Parliament, which provided rights to take water from rivers and streams to supply the network, as well as powers to acquire land, build reservoirs and associated assets and to manage the network for navigation.
- 3.1.2 Canals are managed systems which require intervention to maintain navigable levels for boats and other users/purposes. To do this, the Trust operates a significant number of water control assets which abstract and transfer water within the system in response to demands such as leakage, seepage, evaporation, transpiration and lock usage which allows boat passage. The abstractions are made from streams, rivers and groundwater via a system of control structures including pumps, weirs and sluices, as well as associated 'feeder' channels. These feeder channels are typically artificially engineered channels which convey abstracted water to our canals and both into and out of reservoirs. Many of these abstraction locations are regulated by abstraction licences issued under the Water Resources Act 1991 (**WRA 1991**) (as amended), managed by the Environment Agency (**EA**) in England.
- 3.1.3 The Trust's arrangement of abstractions to meet canal demands is an intrinsic and essential part of day-to-day operations and is at the core of its remit as a navigation authority. Water is the lifeblood of the canal system that the Trust cares for, and managing our sometimes limited water resources has always been a significant and complex activity since the canals were first constructed over two centuries ago. Therefore, the Trust needs to and is able to closely manage the water resources within its system via its water control activities, both manual (by operatives and volunteers) and automated (via telemetry activated structure).

3.2 Abstraction licences for the Huddersfield Narrow Canal (HNC)

- 3.2.1 The Trust holds four abstraction licences in relation to the waterbodies affected by the Order scheme in order to supply the Huddersfield Narrow Canal (**HNC**), as follows:
- 3.2.1.1 Diggle Reservoir Outflow NW/069/0012/015 (abstraction from Diggle reservoir to Huddersfield Canal via feeder channel)
 - 3.2.1.2 Diggle Reservoir input feeder NW/069/0012/016 (abstraction from Diggle Brook to Diggle reservoir)
 - 3.2.1.3 Ward Lane feeder NW/069/0012/018 (abstraction from Diggle Brook to canal)
 - 3.2.1.4 Brun Clough Inlet NW/069/0012/017 (abstraction from Brun Clough to canal)
- 3.2.2 In addition, Black Moss Reservoir feeds into Diggle Brook, which can then be abstracted into Diggle Reservoir or into the canal at Ward Lane. This reservoir does not have an associated abstraction licence (but it is nevertheless a lawful, exempt abstraction), but water discharged from Black Moss could be at risk of abstraction by Network Rail under powers sought in the draft Order if the Trust does not have suitable protective provisions in place.
- 3.2.3 The Trust carefully manages all these abstractions on a day-to-day basis, to ensure compliance with the conditions on the licences and to meet water demands on the HNC. Failure to comply with licence conditions is a criminal offence, which can result in a range of enforcement action by the EA, including prosecution with an unlimited fine. Offences are ‘strict liability’, which means that there is no defence to a breach of licence conditions, even if caused by a third party.
- 3.2.4 Under section 66 Water Resources Act 1991, only the Trust is entitled to apply for abstraction licences from its canal network (with some specific exceptions relating to river navigations). This enables the Trust to control which abstractions it allows from its network in order to ensure it retains sufficient resources for navigation.
- 3.2.5 Those parties wishing to abstract from the Trust’s network must request that the Trust apply for the abstraction licence on their behalf; prior to making such an application the Trust has a process to assess the availability of water resources. In terms of managing any changes to abstraction potentially affecting the HNC, the Trust would always assess the impact by considering water supplies and canal demands. The HNC already has an especially poor level of water resources reliability and therefore the Trust would not ordinarily allow any 3rd party consumptive abstraction from this canal or associated feeders and reservoirs if it

would reduce the ability for boats to navigate the canal, for example during the drier summer months or times of drought. The Trust must therefore be able to properly assess any proposals for abstraction before determining whether there are resources available. Even an abstraction of below 20m³ per day (the abstraction licence *de minimis* set out in WRA 1991 etc) would require assessment of the water resources impacts as noted above, as well as the Trust's consent to access its land and install any apparatus. A period of 56 days to determine any request for abstractions from its network is appropriate and reflects the requirements from other schemes- for example for the HS2 project. This time period allows for the Trust's Water Management team to assess the proposals against any relevant hydrological model or spreadsheet model to compare the baseline water resource position with the proposed abstraction scenario(s) to quantify any adverse impacts on water availability that would affect navigation. This time period also allows for any iterations with the proposer of an abstraction, for example to consider mitigations and the Trust to assess these before giving consent.

- 3.2.6 The evidence of Tim Bettany-Simmons (**OBJ 211/TBS/1**) (section 7) sets out the protective provision for the Trust that would, if the powers are given in the Order, enable the Trust to manage any abstraction from its network proposed by Network Rail exercising the power in Art. 6 of the draft Order.

3.3 Discharges

- 3.3.1 Similarly to the points made above, the Trust's operational management of water levels also extends to reviewing, approving and managing discharges into its network. The Trust formally reviews all proposals to discharge water into its network of canals, reservoirs and feeders, given the potential flood risk management and/or water quality impact, and has a long-established Code of Practice which we require all developers to adhere to. The artificial canal network was not designed to accept or manage large flood inflows, given the relatively modest flow conveyance capacity of the channels and limited freeboard that canal and feeders possess.
- 3.3.2 In practice the Trust often requires proposers/developers to undertake detailed hydraulic modelling of water level changes due to discharges to identify whether they can be safely accommodated or if mitigation works are required. These works can include raising canal banks and towpaths to increase freeboard or enhanced/additional water control structures such as weirs or sluices to convey

flood flows out of the network, or additional telemetry/monitoring/control to provide automation. Alongside the flood risk management implications, there are also water quality risks associated with discharges to the network, and our formal processes ensure that discharges do not lead to adverse environmental impacts and, unless only discharges of clean surface water, will normally require Environmental Permits to be sought and issued by the regulator (EA). We also highlight that a developer obtaining an Environmental Permit from the regulator does not confer permission to discharge from the Trust as landowner. Similarly to the situation with abstractions, the Trust's key concern with discharges is to ensure visibility, assessment and mitigation of any works or operations that could increase flood risk and/or environmental impact, both to our network, as well as from our network.

- 3.3.3 The evidence of Tim Bettany-Simmons (**OBJ 211/TBS/1**) (section 7) sets out the protective provision for the Trust that would ensure the Trust has sufficient time to review any discharges proposed to be made, by Network Rail into the Trust's network, under powers in the Order. As above, it takes time for the Water Management team to properly assess the impacts on water resources and/or flood risk of any proposed discharge; other teams within the Trust also assess the impact on the canal water body of any discharges; my team will consider the water resources and/or flood risk impact of discharges and whether it is possible to manage these in the volumes and timings proposed.

3.4 Maintenance of flow rates during works

- 3.4.1 For the reasons outlined above, it is important that the appropriate flow rates in the Trust's feeders are maintained during the course of the construction works. Any proposals to impact on the Trust's feeder channels during construction- whether planned or otherwise- would need to provide for overpumping or appropriate mitigation (such as phasing of works) as necessary to ensure the continued supply of water to the Canal.

Declaration: The evidence that I have prepared and provide for this inquiry in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

Signed:

A handwritten signature in black ink, appearing to read 'Adam Comerford', with a stylized, sweeping flourish at the end.

Dr Adam Comerford

Dated: 12 May 2026