



Canal & River Trust as Statutory Consultee: Duty to Respond and Report for England

Purpose of the Report

The Canal & River Trust is a statutory consultee as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a statutory consultee we are required to compile a report for the Secretary of State on our performance in responding to consultations. This is our annual report for the period 1st April 2020 to 31st March 2021.

We are the charity who look after and bring to life 2000 miles of canals & rivers across England and Wales. Our waterways contribute to the health and wellbeing of local communities by providing opportunities for exercise and active travel as well providing mental health benefits to those who spend time by water. Our waterways also contribute to local 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. The waterway network provides an incredibly important bio-diverse corridor.

Statutory Consultee Status for Planning Applications

The Canal & River Trust (“the Trust”) is a Statutory Consultee on planning applications involving:

Development likely to affect –

- *any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or*
- *any canal feeder channel, watercourse, let off or culvert,*

which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust.

In preparing a substantive response, the Trust’s Planners take advice from a range of internal specialists including, bridge, geotechnical and structural engineers, hydrologists, ecologists, heritage advisors etc.

The Notified Zone for Consultation with the Trust transcends **169** local-planning authority boundaries, in England as illustrated in the table below:

Type of Local Planning Authorities in England	No of Local Planning Authority administrative areas transcended by waterways owned or managed by the Trust
County Councils	17
National Park Authorities	2
Unitary Authorities	52
London Boroughs	18

Non-Unitary Authorities	78
Other – UDC's, Olympic Legacy etc.	2
TOTAL	169

Number of consultations received

During the period 1 April 2020 – 31st March 2021 the Trust was asked to respond to 3,231 pre-application, planning and related application consultations. This figure includes:

- 592 consultations to which the Trust has no statutory duty to respond, such as applications for listed building consent, applications for the discharge of conditions, but which we chose to respond to and,
- 640 consultations from LPA's which were outside the notified area for consultation and where the LPA was consulting us for no specific reason. These were returned to the LPA without further action.

For the purposes of the remainder of this report, these 1,232 consultations have been excluded.

The Trust therefore received a total of 1,999 pre-application and registered planning application consultations in England to which there was a duty to respond within the period 01 April 2020 and 31 March 2021. The figures reported below relate to these consultations:

Consultation Type	Number of consultations received requiring a response in 2020/21
Pre-application consultations received from LPAs	76
Pre-applications received from others	76
Registered Planning Application Consultations received from LPAs	1,847
Planning Application Consultations received from others	0
TOTAL	1,999

Of these 1,999 statutory consultations received, the Trust did not receive sufficient information to enable us to make a substantive response to 49 of these consultations despite requests made. A further 3 consultations were withdrawn within the statutory period and before the Trust made a substantive response.

We therefore consider that the Trust had a duty to respond to 1,947 consultations as follows:

Consultation Type	Number of consultations received requiring a response in 2020/21
Pre-application consultations received from LPAs	75
Pre-applications received from others	75
Registered Planning Application Consultations received from LPAs	1,797
Planning Application Consultations received from others	0
TOTAL	1,947

The following analysis is based on these figures.

The Canal & River Trust's Overall Performance.

The Trust is required to make a substantive response within 21 days of receiving sufficient information or within an extended period which has been agreed between the parties.

The table below sets out our compliance in this regard:

	No. of Registered Planning Application Consultations	No. of Pre-Application Consultations received from LPAs	No. of Pre-Application Consultations received from others	Total No. of Consultations
No. of consultations in compliance with statutory deadlines	1,608	64	54	1,726
No. of consultations in Compliance with statutory deadlines & agreed extensions	167	9	16	192
No. of application consultations in non-compliance	22	2	5	29
TOTAL	1797	75	75	1947

In summary **the overall response rate within 21 days and/or an agreed extension period is 98%**. This **exceeds** the MHCLG set target response rate for 80 – 95% of responses to be made within 21 days and/or an agreed extension.

Reasons for Non-Compliance with 21-day deadline or agreed extension for Consultations

A substantive response to 29 consultations was not provided by the Trust within 21 days of receipt and/or within an agreed extension period. For 52% of these consultations however, substantive responses were provided within 7 days of the deadlines as shown in the table below:

No. of additional days that statutory deadline and agreed extension of time exceeded	No. of Consultations	%
1 day	5	17%
2 – 3 days	3	10%
4 – 7 days	7	25%
8 – 14 days	4	14%
15 – 21 days	0	0
22 – 28 days	3	10%
> 28 days	4	14%
No response made	3	10%
TOTAL	29	100%

The reasons for non-compliance are below:

Principal reasons for non-compliance	No. of Consultations	%
Resourcing issues e.g. annual leave, sick leave, internal consultations	3	10%
Extension requested but not agreed	3	10%
Public holidays	0	0
Delayed – Internal Consultations	5	18%
Other or reason not specified	14	48%
No Response	4	14%
TOTAL	29	100%

Pre-application Consultations

In the period 01 April 2020 to 31 March 2021 the Canal & River Trust received a total of 150 pre-application consultations, which represents 7.5% of the total number of consultations requiring a response received. Of these 75 (50%) were received from LPAs whilst 75 (50%) were received from persons other than a Local Planning Authority (“LPA”).

Key Issues for the Trust as Statutory Consultee

At the Canal & River Trust we are constantly championing the creation of safe, accessible and beautiful waterway places, the building block of which is the structural integrity of our waterway network and its associated assets. Our network also acts as critical national infrastructure (CNI) either directly such as through water transfer and supply or by hosting infrastructure provided by others, for example utility services. In many cities and towns, the towpaths are an integral part of the active travel infrastructure.

We seek to safeguard our network and promote beauty through our statutory consultee role. Our approach is to seek early engagement, offering realistic, robust and viable solutions. As a result of this approach, on average, we object to 2.5% of consultations received, only objecting if there is an unresolved fundamental concern. Our ongoing challenge is obtaining pre-application engagement. We understand how important it is for certainty in the planning process. Obtaining the specialist input from the Trust at an early stage of a development proposal is vital to avoiding delay in the process or unintended consequences. Ultimately, if we are not asked to input decision makers and developers may be unaware of the potential impacts they may have. Failure to protect the structural integrity of the waterways can leave communities faced with the prospect of flooding through waterway breaches and CNI being put at risk.

We believe that recognising and realising the benefits of waterways by integrating them with development in their vicinity can assist with the levelling up agenda. Our waterways are on the doorstep of 9 million people and reach some of the most deprived communities within the UK. Over 60% of these communities experience some measure of deprivation and with high BAME concentration. Developments which embrace the waterways can unlock their many benefits helping deliver on the public health, Net Zero carbon, digital connectivity and social inclusion agendas whilst providing a platform to assist with addressing the bio-diversity crisis and for creating beautiful places for existing and emerging communities and supporting economic activity. Parts of our network saw a significant uplift in the number of people using our towpaths for health and wellbeing purposes during the Covid 19 Pandemic lockdowns, demonstrating the value of this type of accessible and free to use asset for local communities.

Failure to recognise and address the specialist issues relating to our historic network, as part of the planning process, could lead to adverse consequences for the health and well-being of communities, strategic and local connectivity as well as the resilience of place and the safeguarding of CNI. We therefore welcome the opportunity to engage with MHCLG to consider how our knowledge of the waterways and their benefits is best used to inform the planning system of the future. This is to ensure that development however it is granted safeguards our network, public safety and CNI and allows the waterways to play their full role in achieving sustainable beautiful places which deliver on the government's policy agendas.

Contact Details

Heather Clarke
Strategy, Engagement and Impact Director
Canal & River Trust
Mobile: 07801 079856
heather.clarke@canalrivertrust.org.uk

Or

Helen Edwards
National Spatial Planning Manager
Canal & River Trust
Mobile: 07717 760302
helen.edwards@canalrivertrust.org.uk