



**Canal &
River Trust**

Making life better by water

Paul Singleton,
Examining Inspector
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref TR050005

Our Ref West Mids NSIP

Wednesday 24th April 2019

Dear Mr Singleton,

Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

Examination timetable – Deadline 3 submissions

Thank you for your consultation in respect of the above.

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. As you will be aware, the Trust is a statutory undertaker for the purposes of S.127 Planning Act 2008 ("the 2008 Act") and a statutory party for the purposes of s.88(3)(c) of the 2008 Act. In addition, the Trust are also a landowner

The Trust have previously submitted Representations in respect of the above submission. Unfortunately, due to the short timeframe between Deadlines 2 and 3 and the Easter holiday period it has not been possible for the Trust to fully review or provide comments on the Deadline 2 submissions by the Promoter or other third parties, particularly with regard to matters such as drainage proposals, engineering, ecology.

Our position therefore remains as per our Deadline 2 submission though we have sought to address some comments, as far as possible at this time, and these are detailed in the attached document.

The Trust provided FAL with a detailed response on the Statement of Common Ground on the 5th April (copy attached) The Trust received further comments from FAL on the 16th April though these did not include any substantive comments on the 'Matters not Agreed'. The Trust and FAL are therefore to meet on the 30th April to

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further discuss the draft Statement of Common Ground. The Trust will seek to discuss any comments / concerns as part of that process and provide an update to the Examining Authority as part of future submissions

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

Yours sincerely,

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Area Planner

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Deadline 3: Comment on submissions for deadline 2

Impact on the Heritage, character and amenity of the Staffordshire & Worcestershire Canal and Calf Heath Reservoir.

The Trust have previously raised concerns with the overall visual impact of the proposals on the conservation area and Calf Heath Reservoir. The canal is one of the earlier James Brindley Canals. It is an early contour canal with high archaeological and heritage value and unusual pioneering structures. A Statement of significance previously undertaken by the Trust concluded that the canal overall has a high level of significance.

The harm to the conservation area is determined by FAL as being less than substantial as it *'does not represent the total loss of the heritage asset or its heritage value'*. The Trust and FAL do not agree on the extent to which the current character of the canal corridor is affected by existing commercial development.

The canal sits within a predominately rural landscape, demonstrated partly by the amount of the site which is currently still within agricultural use. This character and setting will be affected by the proposed development and as acknowledged by FAL in their response to ExQ1.11.2 will cause harm to the character and appearance of the conservation area.

Whilst it is acknowledged that the site will impact a short section of the whole of the Staffordshire & Worcestershire canal it should be noted that the site sits between two important and busy locations on the canal: Gailey Wharf and the junction with the Hatherton Canal.

With regards to viewpoints along the canal the Trust wish to highlight that the canal and the conservation area designation extend eastwards beyond Long Molls Bridge. Views within Section A.3 may be restricted by landscaping within the proposed community park. However as demonstrated by Viewpoint 7 (ES Document 6.2 Chapter 12 Figure 12.13) open views from the canal, south of Straight Mile, to the site will remain.

Within the response to ExQ 1.11.9 FAL state that as the canal is travelling on an east-west axis the focus of the individuals will be straight ahead and not towards the site. The nature of canals is that they are not simply places people pass through. Pedestrians / cyclists and boaters are travelling at low speeds and part of the charm and attraction of the canal network for users is the ability to take in their surrounds and experience the tranquillity and rural setting of the canal corridor.

The focus of the individual does not and is not solely concentrated on the direction of travel as it may be on a road or motorway. In any event the canal to the east of Long Molls Bridge meanders with users, particularly those travelling north, getting a direct view across to the site, as per Viewpoint 7.

As stated in the Trust's Deadline 2 response the proposals have the potential to sterilise this stretch of canal, impacting on moorings, use of the canal as a leisure facility and use of existing business / facilities at Gailey Wharf and the Calf Heath reservoir. The positive contribution the conservation of the canal, as a heritage asset, can make to the local community and economy should be taken into consideration.

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The Trust have previously raised concerns in relation to the heights of the proposed landscaped bunds, their effectiveness at screening the proposed development in addition to concerns over the timing of their implementation relevant to the built development proposed. Whilst the proposals may not prevent use of the canal or reservoir, as stated within our Deadline 2 submission it will reduce its attractiveness for leisure / recreational purposes, especially in the short term during construction.

The mitigation measures include the provision of landscaped bunds to screen receptors from noise though these are currently proposed to be at their lowest and narrowest at the point adjacent to Gailey Wharf. The submission has identified there are a number of sensitive receptors at this location, such as the leisure moorings, Roundhouse etc. ES 6.2 Chapter 14 Para 14.251 states that noise effects are expected to be significant, especially for users to the moorings and this may affect the amenity and leisure users of the canal and therefore have the potential to affect some businesses that rely on this trade though effects are expected to be short term and intermittent

FAL's response to ExQ 1.12.8 acknowledges that pre-commencement or early formation of the landscaped bunds will generally reduce the level of the effect during construction on some receptors. The landscaping bunds though are not currently proposed to be installed as part of the first phase of the development thereby exposing users to significant adverse impacts for longer periods of time. This in turn will prolong the impact on businesses that rely on the trade on the canal. There is therefore a concern that the potential of the landscaped bunds to buffer visual/noise impacts has not been maximised.

The Trust are seeking to include wording in the Protective Provisions which clarifies that Four Ashes' indemnity to the Trust shall include any loss sustained by the Trust in the event that the Trust's tenants/licensees terminate their agreement in respect of the use of the waterway (including the reservoir and marina) as a consequence of the effects of the DCO. The Trust consider this to be reasonable because this loss is reasonably foreseeable particularly given that some of the Trust's tenants have already raised concerns regarding the proposals.

The Applicant in their response to ExQ 1.4.17 states that the effects of the development are not expected to result in displacement of local businesses or the loss of employment in such businesses. However, to date the inclusion of the wording in the Protective Provisions, sought by the Trust in respect of this matter, have not been agreed by FAL.

The Trust have set out the details in relation to moorings at Gailey Wharf and along this stretch of the Staffordshire & Worcestershire Canal in our Deadline 2 response. FAL in response to ExQ 1.14.2 do not consider the moorings at Gailey to be particularly unique or important given that there are alternative moorings sites at Penkrige and elsewhere along the canal.

As identified by the IWA within their Relevant Representation, the moorings at Gailey are an important stopping point at the end/start of the lock flight from /to Penkrige and are at a historically important point on the canal network, Gailey Wharf, which is an additional visitor attraction and where services for boaters are available.

It is not clear if FAL have considered the implications on other moorings sites if users of the Gailey moorings are to be displaced due to the proposed development or the impact to the existing businesses at Gailey Wharf. The CES does not currently provide for any mitigation outside the Order of Limits and as highlighted above wording requested within the Protective Provisions has not been included.

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Bridge Crossings

FAL in responding to ExQ 1.11.3 acknowledge that the removal of Bridge 78A would enhance the character and appearance of the conservation area. The removal of this bridge would be consistent with Para 5.137 of the National Policy Statement for National Networks (December 2014) which requires Applicants to look for opportunities to enhance or better reveal the significance of the conservation area/ heritage asset.

The Trust would therefore like to reiterate our previous comments in relation to the removal of Bridge 78A and enhancement of Bridge 78 and highlight that these works should be included as part of the proposed development.

The details of the Canal Enhancement Scheme (CES) have not been agreed with the Trust. An indicative list as to what could be included has been provided though this does not include elements such as a Heritage Trail and does not extend beyond the Order of Limits. It is therefore difficult for the Trust to fully quantify the effectiveness of this mitigation as there is no agreed list of the works or indication as to the extent of works that could form the final CES.

In addition, within FALs response to ExQ1.11.4 it appears that the CES will be approved in stages within each relevant phase of the development. This was not previously fully appreciated, and the Trust are concerned that this will result in provision for enhancements coming forward piecemeal and prevent early implementation of mitigation measures along the canal. The Trust would welcome further discussion / clarity from FAL on this matter.

Surface Water Drainage

Whilst the Trust have previously advised that surface water discharge to the canal from the whole site may be feasible this is currently subject to a full review being undertaken by our hydrologists. This is part of a recent formal application submitted to the Trust by FAL and this will confirm the exact amount of surface water that the canal is able to accept along with discharge rates etc. Only following this review will be Trust be able to confirm the capacity of the canal to accept the water.

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