



**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 (IPP-22)

Friday 14<sup>th</sup> June 2019

Dear Mr Singleton,

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

**Examination deadline 4 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 application at relevant representations, written representation and deadlines 283. Our position as indicated in these remains.

Following the discussion at ISH 3 on 6 June, we have additional information on the following points:

**Noise**

At the hearing the ExA was keen to establish the nature of the use of the moorings along the canal, in order that an appropriate assessment of the impacts of noise, both during construction and operation, could be made on the amenity of boaters. This can then be further used to identify any necessary mitigation of the impacts. The Trust consider that it would be difficult to attach mitigation to individual boats in the way that items might be fitted to individual dwellings. However, it is likely that where mitigation is required, land-based mitigation, including the proposed bunds and planting east of the canal, could provide a similar function. If this were

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Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

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demonstrated to make impacts from the proposed development acceptable, it would need to be a requirement of the DCO.

The moorings available along the stretch of canal within the order limits are detailed in appendix 6 of the Trust's deadline 2 submission. We can now further confirm that the 12 month leisure moorings are let such that they are renewable and thus the same boat owner can occupy a mooring for a number of years in succession, with no maximum set. We can also confirm that any boat in the water network controlled by the Trust must be licenced, and these are renewed annually and monitored/enforced by the boat licencing team at the Trust.

As previously noted, this is a popular stretch of canal, with many boats passing through and making stops of various lengths. Therefore, if an individual boat moors up for only a single night, the mooring could be in use by other boats such that it is occupied for most of the year. Just because the occupiers are different, does not make any difference to the way that impact on amenity should be considered. (For example, a holiday let and a residential dwelling on land both fall within use class C3 and therefore unless there are particular conditions attached to individual planning permissions, their amenity and use will have similar characteristics.) Similarly, with boats, whether the same boat or a succession of boats occupy a mooring, the impact on their occupiers from adjoining activity remains the same.

The ExA demonstrated at ISH 3 an understanding of the sequencing concerns raised by the Trust in relation to the commencement of any potentially detrimental impact and the implementation of any necessary mitigation associated with it. This was also raised by the Trust in our written representation at deadline 2 and need not be rehearsed further here.

### **Landscape & visual effects**

Due to colleague annual leave and the very recent publication of the action note seeking our input on this matter, we are not yet able to respond on the detail of the additional information provided by the applicant on 29 May in relation to ecology and biodiversity issues. We are considering the information and our response will be provided as soon as possible.

### **Heritage**

At the ISH the ExA appeared to have a good grasp of the issues that have previously been raised in our written representations (see our deadline 3 submission), and of the points of difference between ourselves and the applicant, which have been part of the difficulty in concluding the SCG (see later for update).

Given that the Conservation Area Appraisal was compiled 41 years ago, and that many factors that affect the landscape and visual impact of the canal corridor can change over time, often without any control through the planning process (such as trees maturing and increasing in size) the Trust do not consider it reasonable to rely on the descriptions of the character of the conservation area within this document. Whilst it gives an indication of the character when it was designated and what was considered worthy of protection, more recent changes result in the current situation not entirely reflecting this. Therefore, the site visit of the ExA and the more recent information more closely reflect the current character and appearance of the conservation area that should be

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preserved and enhanced. The Trust's full representations on this can be found in our written representations submitted at deadlines 2 and 3.

## Connectivity

Whilst we did not attend ISH 2 following the publication of the agenda, we would refer the ExA to our previously submitted comments, especially those in relation to the use of the towpath and the need for its further assessment and possible upgrade beyond the order limits, which can be found in our Interested Party submission, and in section 3 of our written representation submitted at deadline 2.

## Statement of Common Ground update

The Trust have continued to work with FAL on a SCG and the most recent draft was returned to them with minor amendments on 11<sup>th</sup> June. Further to a conference call on 13<sup>th</sup> June, a final draft will be provided by FAL to the Trust today with a view to being signed and provided to the ExA by the end of the month (ahead of deadline 5). The format has been altered to make the issues agreed and not agreed clearer.

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

Yours sincerely,

**Ailith Rutt MRTPI**

Planning Manager

[ailith.rutt@canalrivertrust.org.uk](mailto:ailith.rutt@canalrivertrust.org.uk)

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