

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

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our national network of canals, rivers, docks, reservoirs and towpaths contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. The Trust's historic, man-made inland waterway network is vulnerable to new development and increasingly fragile in a changing climate. It includes earth embankments and cuttings, bridges, tunnels, aqueducts and culverts, providing protection to communities, businesses and other infrastructure providers, including critical national infrastructure (CNI), such as transport, telecommunications and utilities, that is hosted on our network. Our waterway network is a historic, natural and cultural asset that forms part of strategic and local green-blue infrastructure, connecting 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 (DM) process, a prescribed consultee for Nationally Significant Infrastructure Projects and a specific consultation body for local plan making.

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 amended) (the DMPO). 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 1 April 2025 to 31 March 2026.

The DMPO sets out that 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.*

Regulations (for full list see footnote at end of report) require that the Trust is consulted by LPAs as per a notified area provided to them by the Trust; that the Trust provides a substantive response within the prescribed timescales (14 or 21 days or longer where agreed); and that the Trust reports on its performance in relation to this requirement. The Trust has provided relevant LPAs with a notified area in which consultation should occur, which was last reviewed and updated in April 2023. These requirements are replicated for different types of application in different pieces of legislation. **All** cases where the regulations require the Trust to be consulted and to respond, and where the LPA notified us of the consultation or we were made aware of the case, are included in the report below. This includes planning applications, pre-application consultations, prior approval applications (telecommunications), advertisement consent applications, EIA scoping opinion requests, Technical Details Consents and applications for Permission in Principle.

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, environmental scientists, heritage advisors etc.

The notified area for consultation with the Trust fell within **155 local planning authority boundaries in England** during the 2025-26 year, as set out in the table below.

Type of Local Planning Authorities in England	No. of Local Planning Authority administrative areas within the Trust's notified area
County Councils	12
National Park Authorities	2
Unitary Authorities	57
London Boroughs	18
Lower-tier Authorities (e.g. districts)	65
Other (e.g. Development Corporations)	1
TOTAL	155

Number of Consultations Received

During the period 1 April 2025– 31 March 2026 the Trust was asked to respond to **2,945** pre-application, planning and related application consultations. This figure includes:

- **642** 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 to which we chose to respond, and
- **722** consultations from LPAs which were outside the notified area for consultation and where the LPA was consulting us for no specific reason. These were returned to the relevant LPA without further action.

For the purposes of the remainder of this report, these **1,364** consultations have been excluded.

The Trust therefore received a total of **1,581** pre-application and statutory planning consultations in England to which there was a duty to respond within the period 1 April 2025 to 31 March 2026. The figures reported below relate to these consultations:

Consultation Type	Number of consultations received requiring a response in 2025/26
Pre-application consultations received from LPAs	60
Pre-application consultations received from others	78
Statutory planning consultations received from LPAs	1,443
TOTAL	1,581

Of these **1,581** statutory consultations received, the Trust did not receive sufficient information to enable us to make a substantive response to **26** of these consultations despite requests made. In addition, **14** more were determined by the LPA without providing further information and a further **6** consultations related to applications that were withdrawn before the Trust made a substantive response.

We therefore consider that the Trust had a duty to respond to **1,535** consultations as follows:

Consultation Type	Number of consultations received requiring a response in 2025/26
Pre-application consultations received from LPAs	59
Pre-applications received from others	75
Statutory planning consultations received from LPAs	1401
TOTAL	1535

The following analysis is based on these figures.

The Canal & River Trust's Overall Performance

The Trust is required by the relevant regulations to make a substantive response within the prescribed statutory deadlines, or extended period agreed by the parties, once sufficient information has been received.

The table below sets out our compliance in this regard. In summary, **the overall response rate within the statutory deadline, or an agreed extension period, is 99%.**

	No. of statutory planning consultations	No. of pre-application consultations received from LPAs	No. of pre-application consultations received from others	Total no. of consultations
No. of responses made in compliance with statutory deadlines	1224	53	53	1,330
No. of responses made in compliance with agreed extensions to the statutory deadlines	168	4	20	192
No. of responses made beyond the deadline	9	2	2	13
Total	1,401	59	75	1,535

The Trust did not provide a substantive response to **13** consultations within the prescribed statutory deadlines or an agreed extension period. For **53%** of these consultations however, substantive responses were provided within 7 calendar 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	% of non-compliant cases
1 day	3	54%
2 – 3 days	2	
4 – 7 days	2	
8 – 14 days	2	15%
15 – 21 days	0	
22 – 28 days	2	15%
> 28 days	2	15%
No response made	0	
TOTAL	13	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	2	15%
Extension requested but not agreed	1	8%
Public holidays	0	
Delayed – Internal Consultations	3	23%
Other or reason not specified	7	54%
No Response	0	
TOTAL	13	100%

Pre-application Consultations

In the period 1 April 2025 to 31 March 2026 the Canal & River Trust received a total of **134** pre-application consultations, which represents **8.7%** of the total number of consultations received requiring a response.

Trust engagement for positive outcomes

The Trust approaches its role in the planning system with a pragmatic and solution-focused approach that strongly values the benefits that high-quality, sustainable development has brought to the rejuvenation of our waterways. Objections are a last resort and only used where co-operation and engagement have failed to result in an acceptable development proposal. As a result of this, the Trust objected to less than 1% of the application consultations reported above (i.e. 14 applications) only objecting where there was an unresolved fundamental concern.

Supporting government planning reforms

It is important that the canal network is recognised for its multi-functional use and the potential of the nation's amazing living and working heritage - forming part of essential UK national infrastructure and being a network embedded in place and rooted in communities, in response to societal and climate adaptation challenges including water security, health and nature recovery, for example:

- As a strategic water management system that maximises the public value of water, forming part of the UK's national water infrastructure
- As a strategic blue infrastructure network – part of the nature recovery network, preventative public health infrastructure, climate adaptation infrastructure, supporting navigation and hosting third party utilities and telecommunications (CNI)
- Our network is embedded in place and rooted in communities – The canal network's geographical footprint is an integral part of urban fabric and community infrastructure (local blue infrastructure, spaces and routes – canals and towpaths), a heritage and cultural asset.

The Trust welcomes the ability to engage in strategic planning conversations, as this leads to increasing our ability to gain recognition of the broad range of benefits that our network can provide and their alignment with key objectives of government at all levels, embedding them in local and national policies as catalysts for improvements.

The Trust is compiling a 'design coding for canals' document to assist LPAs, developers and other partners by giving advice on design principles appropriate to development proposals near water. The Trust is working with MHCLG colleagues to align the launch of this document and ensure it is recognised in emerging national planning guidance.

The Trust is working proactively with combined authorities, LPAs and developers to ensure that the best possible social, environmental and economic outcomes are achieved in locations near our waterways, and that our canals are living assets, woven through our communities, shaping our identity, and offering solutions to the challenges of today and tomorrow, through the publication of specific documents such as our [prospectus](#) for the West Midlands Combined Authority area.

The Trust is engaging proactively with national and local stakeholders to influence positive outcomes for nature and biodiversity through the LNRS process and our [report on nature connectedness](#) to put principles in place that will assist in our statutory consultee role.

These are just some of the ways we are seeking to identify and maximise opportunities to assist with meeting the government's agenda for planning reforms.

Reducing risk, liability & public safety

The Trust continues to recognise the importance of ensuring land stability and the protection of our assets and the communities they run through in our statutory consultee capacity and embed this in the

core of our responses to LPA consultations. We continue to seek to reduce risk to the public and to the historic fabric of our network, by increasing resilience through early engagement in the planning process, climate adaptation and regular inspection & maintenance.

The Trust also recognises the many and wide ranging benefits (as detailed at the start of this report) that its network presents to the public and to external stakeholders, including the government, especially where it can be used to promote and assist with government initiatives to improve the lives and wellbeing of communities living and working along and in close proximity to the Trust's network. These increase the need for a well maintained, safe network of canals and rivers that can be used by all. The best way to ensure that future development does not prejudice this aim is early engagement in the planning process. Whilst already engaging in pre-application discussions about specific sites and proposals, it is also key to ensure that the benefits of the network are identified as opportunities and protected and promoted accordingly in local, strategic and national planning policy.

The Trust has submitted its [ARP4 report](#) to address the resilience of our network in the face of climate change, and the importance of this has been recognised recently in the '[Well adapted UK](#)' report that acknowledges our importance as a host of a significant quantity of CNI.

Planning policy consultations

In March, the Trust became a specific consultation body for plan making and a prescribed public body that LPAs can formally require to assist in the preparation or revision of a relevant plan. We strongly welcome this new status in respect of plan making and the opportunity it provides to embed consideration of our canal network and the wider opportunities it provides to help deliver an areas growth ambitions within planning policy. We look forward to hearing about any future monitoring requirements that there may be for consultees associated with this in due course.

We are already engaging with some plan-making bodies and anticipate further, ongoing engagement as well as introductions to new arrangements in some parts of the country. The Trust await further guidance to be published by government and will seek to ensure that we engage in the plan making process appropriately.

The Trust has always sought to engage with LPAs when collating evidence and proposing local plans and policies where they are of relevance to our network, as this is the most successful way of ensuring that decisions we advise on through our DM statutory consultee role can be underpinned through the UK plan-led planning system. We anticipate more and better engagement and outcomes as a result of this statutory change.

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Relevant legislation

The Town & Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) (as amended)
<https://www.legislation.gov.uk/uksi/2015/595/contents>

The Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)
<https://www.legislation.gov.uk/uksi/2015/596/contents>

The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
<https://www.legislation.gov.uk/uksi/2017/571/contents>

The Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)
<https://www.legislation.gov.uk/uksi/2007/783/contents>

The Town & Country Planning (Permission in Principle) Order 2017 (as amended)
<https://www.legislation.gov.uk/uksi/2017/402/contents/made> and
<https://www.legislation.gov.uk/uksi/2017/1309/article/4/made>