

## 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 across England (and Wales). Our waterways contribute to the health and wellbeing of local communities by providing opportunities for exercise and active travel in a bio-diversity rich environment, as well as providing mental & physical 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 and habitats.

### 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 2024 to 31 March 2025.

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); 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 are included in the report below. This includes planning applications, pre-application consultations, prior approval applications (telecommunications), advertisement consent applications, EIA scoping opinion requests 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, heritage advisors etc.

The notified area for consultation with the Trust fell within **156** local planning authority boundaries in England during the 2024-25 year, as set out in the table overleaf:

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)	66
Other (e.g. Development Corporations)	1
<b>TOTAL</b>	<b>156</b>

### Number of Consultations Received

During the period 1 April 2024– 31 March 2025 the Trust was asked to respond to **2,918** pre-application, planning and related application consultations. This figure includes:

- **607** 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
- **704** 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 **1,311** consultations have been excluded.

The Trust therefore received a total of **1,607** pre-application and statutory planning consultations in England to which there was a duty to respond within the period 1 April 2024 to 31 March 2025. The figures reported below relate to these consultations:

Consultation Type	Number of consultations received requiring a response in 2024/25
Pre-application consultations received from LPAs	71
Pre-application consultations received from others	72
Statutory planning consultations received from LPAs	1,464
<b>TOTAL</b>	<b>1,607</b>

Of these **1,607** statutory consultations received, the Trust did not receive sufficient information to enable us to make a substantive response to **23** 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 **1,564** consultations as follows:

Consultation Type	Number of consultations received requiring a response in 2024/25
Pre-application consultations received from LPAs	71
Pre-applications received from others	71
Statutory planning consultations received from LPAs	1,422
<b>TOTAL</b>	<b>1,564</b>

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	1223	55	53	1,331
No. of responses made in compliance with agreed extensions to the statutory deadlines	186	16	16	218
No. of responses made beyond the deadline	13	0	2	15
<b>Total</b>	1422	71	71	1,564

The Trust did not provide a substantive response to **15** consultations within the prescribed statutory deadlines or an agreed extension period. For **73%** 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	% of non-compliant cases
1 day	4	73%
2 – 3 days	0	
4 – 7 days	7	
8 – 14 days	2	13%
15 – 21 days	0	
22 – 28 days	0	
> 28 days	2	13%
No response made	0	
<b>TOTAL</b>	15	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	1	7%
Extension requested but not agreed	4	27%
Public holidays	0	
Delayed – Internal Consultations	3	20%
Other or reason not specified	7	46%
No Response	0	
<b>TOTAL</b>	15	100%

## Pre-application Consultations

In the period 1 April 2024 to 31 March 2025 the Canal & River Trust received a total of **142** pre-application consultations, which represents **9%** of the total number of consultations received requiring a response.

## How we work

Whether advising on structural integrity or wider planning matters, 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 has failed to result in an acceptable development proposal. As a result of this, the Trust objected to **less than 1% (0.8%)** of the consultations reported above, only objecting where there was an unresolved fundamental concern. The Trust is only involved in planning appeals in exceptional circumstances because we seek to co-operate and engage with applicants/appellants to resolve issues. The Trust has never had costs awarded against it because of the professional & targeted nature of its involvement in planning appeals.

The Trust submits responses requesting further information where the specific issues relevant to the Trust in relation to the proposed development have been considered by our planners and relevant experts as appropriate, and it is agreed that sufficient information has not been provided to enable the Trust to make a substantive response (as is required by article 22(4) of the Development Management Procedure Order). These requests are considered to be quite different from 'holding objections', which are **not** issued by the Trust. Frequently requests for further information relate to matters relevant to the structural stability of the Trust's assets. Land stability is a recognised planning consideration under paragraphs 180 and 189 of the NPPF and the dedicated National Planning Practice Guidance on land stability.

## The Trust as Statutory Consultee

The Canal & River Trust continues to participate in conversations with government reviewing the procedures and performance of statutory consultees. As part of this dialogue, the Trust has supplied a large quantity of information that sets out the nature and roles of the Trust, our responsibilities, the importance of our role as a statutory consultee, its origins & our consistently high performance.

### Who we are

The Canal & River Trust (the Trust) is a registered charity, formed in 2012 to care for 3219 km (2000 miles) of canals and river navigations, docks and 72 reservoirs across England and Wales. The Trust is also a **statutory undertaker** and **landowner** with enhanced legal duties and liabilities due to the nature and open access of our network. As the owner and operator of this significant national infrastructure with attendant wider liabilities our obligations with regard to caring for the nations canal network are significant. We are:

- the largest navigation authority in the United Kingdom
- reservoir undertaker and owner
- custodian of heritage and protected environmental sites
- water resource manager (Including land drainage, water supply and flood risk mitigation)
- harbour authority
- developer and joint venture partner
- statutory consultee for planning applications and prescribed consultee for development consent orders (NSIPs).

### What we care for

Our obligations with regards to caring for the nation's canals and associated assets are significant. This historic infrastructure is classified as high risk and the vital earth structures supporting our manmade canals, towpaths, reservoirs and docks are vulnerable to the effects of climate change and the increasing frequency of extreme weather events as seen in recent years and to the construction of new development and the ever-increasing demand for access and usage.

In December 2023, the Trust was invited to report to the Adaptation Reporting Power Fourth Round (ARP4) joining the group of nationally important infrastructure providers who regularly report their progress in adapting to climate change which can be viewed [here](#).

The reservoir dams and canal embankments we maintain protect many households, properties, businesses, utilities and other national infrastructure, such as electricity sub stations, schools and transport infrastructure. Around 1000 of our assets have a high consequence of failure.

The presence and resilience of this interconnected network is vital to the UK's energy, telecommunications and water supply and its flood protection. Our assets offer an estimated protection of £42 billion, benefitting 13.4 million people and 370k businesses as well as supplying drinking water for 5 million people. For more detail see [Impact report | Canal & River Trust](#)

### **Our role as a statutory consultee & why it matters**

The Trust (and its predecessor the British Waterways Board) has been a statutory consultee within the development management process for nearly 30 years. **Our role as statutory consultee helps us to protect the stability and structural integrity of our assets, to maintain and improve public safety by preventing flooding, avoiding loss of life, personal injury and damage to property and infrastructure and safeguard water resources.** Our status as a statutory consultee has been retained following previous reviews due to its importance and consequences. The Trust has maintained and reviewed its notified area to ensure that it is appropriate and fit for purpose, to support the efficiency of LPAs and the effectiveness of our role as a statutory consultee.

With over 96% of waterside land not in our control, including many significant embankments and cuttings, our aging assets are highly vulnerable to the impact of new development if not properly considered through the planning process.

**In addition to the vital role planning plays in protecting the resilience of our assets and ensuring public safety, we are also able to bring valuable insight and expertise in relation to other important planning issues.** These include:

- Addressing the impact of climate change and potential impact upon resilience & safety of ageing infrastructure, water availability and biodiversity loss
- Supporting sustainable urban living, development and placemaking – integrating land & water; access to green and blue space; removing barriers to use; enhancing connectivity and active travel
- Providing developers and local authorities with opportunities for biodiversity and Biodiversity Net Gain, nature recovery & renewable energy

### **Key challenges for the Trust**

Whilst the Trust is a high performing statutory consultee there are, we believe, opportunities to improve the planning system to help assist our approach of early engagement and consideration of matters to speed the planning process. These include the following matters:

1. **Greater understanding needed of land stability within the planning system.** Too often LPA planning officers and developers perceive this as a matter for building regulations or only of relevance in respect of coal or brine subsidence. Any development that increases loading, involves digging of foundations or piling, increased surface water discharges etc in proximity to our assets has the ability to impact land stability and the structural integrity of our assets, leading to potential risk of slippage, breach and flooding. This could be better reflected in National Policy or guidance to establish more firmly that land stability is a material planning consideration and how it should be addressed.

2. **Securing meaningful pre-application consultation.** Some pre-application engagement is little more than a tick box exercise, conducted late in the design process with little/no feedback on how comments have/haven't been considered through the design process. In addition, the Trust is not always included within LPA pre-application consultations (despite offering free pre-application advice) which can result in issues being raised at an advanced stage in the design and planning process.
3. **Quality of information submitted with applications.** Often applications are missing key information such as cross sections, accurate plans, and accompanying documents. This highlights the importance of effective validation, registration and technology for data sharing to help speed the planning process. Where requests are made for additional information to be provided by the applicant these should be passed on by the LPA at the earliest possible opportunity to help speed the process.
4. **Submitted amended plans or additional information.** Applicants should be required to provide information which explains and directs consultees to relevant amendments, and the reasons behind the changes. Whilst there are good examples of this happening, there are many instances where this does not happen.
5. **Resourcing.** The Trust and LPAs struggle with the recruitment of professional planners and with resources to ensure that the systems are in place to conduct ourselves efficiently and effectively within the planning system.
6. **Keeping pace with technological progress.** Increasingly there is greater diversity in how LPAs seek to communicate and engage with consultees, which makes receiving consultations complex/time consuming and reduces the time available to the Trust to consider proposals and respond meaningfully. As the government's digital agenda seeks to improve the speed and quality of data sharing between LPAs, the public and applicants, this must not be at the expense of other stakeholders within the planning system, who also need to act promptly and be well informed.

We also meet with other organisations who have a role in the planning system to identify ways in which we can benefit from a joined up approach to particular themes. Examples of this include working on sustainable travel routes with Active Travel England (ATE) & Sustrans; working with Natural England and Defra on the Biodiversity Net Gain (BNG) metric; and working with TCPA and RTP1 on profession related interests.

### **In conclusion**

We believe that recognising and realising the benefits of waterways by integrating them with development in their vicinity can assist with the planning 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/or have high concentrations of people from ethnic minority backgrounds. Developments which embrace the waterways can unlock their many benefits helping to deliver on the public health, net zero carbon, digital connectivity and social inclusion agendas whilst providing a platform to assist with addressing the biodiversity crisis and for creating beautiful places for existing and emerging communities and supporting economic activity.

Further information and evidence of the Trust's recent work can be found in our [Impact report](#) and our [Waterways & Wellbeing technical report](#). The Trust is also supporting the government agenda working with local authorities on Local Nature Recovery Strategies; a guide has been produced by the Trust and circulated to all responsible authorities involved in this process (this is available on request). The Trust is drafting a design coding for waterways document which will be published in due course to guide LPAs and developers in designing good quality waterside developments.



Failure to recognise and address the specialist issues relating to our historic network as part of the planning process, can 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 critical national infrastructure.

We are keen to ensure that development, however it is granted, safeguards our network, public safety and critical national infrastructure and allows the waterways to play their full role in achieving sustainable, accessible and resilient places which deliver on the government's policy agendas.

We continue to engage with the government to discuss any future changes to the planning system and how they might assist the Trust in protecting and providing the best possible network of waterways for the benefit of the public in the future.

#### Data compiled June 2025

##### Contact Details

**Heather Clarke**  
Strategy & Impact Director  
Canal & River Trust  
Mobile: 07801 079856  
[heather.clarke@canalrivertrust.org.uk](mailto:heather.clarke@canalrivertrust.org.uk)

*Or*

**Ailith Rutt**  
Planning Manager  
Canal & River Trust  
Mobile: 07824 356538  
[ailith.rutt@canalrivertrust.org.uk](mailto:ailith.rutt@canalrivertrust.org.uk)

#### Relevant legislation

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

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

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

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

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