

In this situation the legally defined navigable channel is not a canal or river but a route through an open section of water. A two storey restaurant building on piles above the water was proposed on the site of an old harbourmasters office that was located at the edge of the water and the navigable channel.

A balcony was proposed to partly project out over the navigable channel at a low level quite close to the water. The Trust expressed concern through the application consultation response that this part of the structure encroached on the navigable channel and would not be highly visible to boaters.

Initially the Trust requested the removal of this element to overcome the concerns of its projection over the navigable channel.

However, negotiations between the Trust, the Council and the applicant resulted in changes to the legal agreement that previously defined the navigable channel so it was moved away from the proposed structure. The revised navigable channel also better reflected the route that boaters used to move through the open water following the relocation of the harbourmasters office. After the legal modifications to the navigable channel the

Trust was able to remove its objection to the planning application in respect of the balcony.

The building has now been constructed and fenders (as requested by the Trust) have been incorporated into the design to protect the balcony from passing boats.

The Trust is responsible for the safety of the navigable routes along the waterways it operates, and must therefore protect waterway users from encroaching development.

Seeking pre-application advice from the Trust is recommended where the developer is proposing development that projects over any land or water that is owned or operated by the Trust.

The LPA, by consulting the Trust on proposals within the consultation zones, will be provided with advice on all issues raised in relation to the waterway.

