



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

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 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 1st April 2019 to 31st March 2020.

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 as well providing mental 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 as well as habitats. The waterway network provides an incredibly important bio-diverse corridor.

Statutory Consultee Status for Planning Applications

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.

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 Zone for Consultation with the Trust transcends 169 local-planning authority boundaries, in England as illustrated in the table below:

Type of Local Planning Authorities in England	No of Local Planning Authority administrative areas transcended by waterways owned or managed by the Trust
County Councils	17
National Park Authorities	2
Unitary Authorities	52

London Boroughs	18
Non-Unitary Authorities	78
Other – UDC's, Olympic Legacy etc.	2
TOTAL	169

Number of consultations received

During the period 1 April 2019 – 31st March 2020 the Trust was asked to respond to 3149 pre-application, planning and related application consultations. This figure includes:

- 641 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 which we chose to respond to; and,
- 597 consultations from LPA's which were outside the notified area for consultation and where the LPA was consulting us for no specific reason. These were returned to the LPA without further action.

For the purposes of the remainder of this report, these 1,238 consultations have been excluded.

The Trust therefore received a total of 1,911 pre-application and registered planning application consultations in England to which there was a duty to respond within the period 01 April 2019 and 31 March 2020. The figures reported below relate to these consultations:

Consultation Type	Number of consultations received requiring a response in 2019/20
Pre-application consultations received from LPAs	86
Pre-applications received from others	73
Registered Planning Application Consultations received from LPAs	1,752
Planning Application Consultations received from others	0
TOTAL	1,911

Of these 1,911 statutory consultations received, the Trust did not receive sufficient information to enable us to make a substantive response to 48 of these consultations despite requests made. A further 4 consultations were withdrawn within the statutory period and before the Trust made a substantive response.

We therefore consider that the Trust had a duty to respond to 1,859 consultations as follows:

Consultation Type	Number of consultations received requiring a response in 2019/20
Pre-application consultations received from LPAs	86
Pre-applications received from others	73
Registered Planning Application Consultations received from LPAs	1,700
Planning Application Consultations received from others	0
TOTAL	1,859

The following analysis is based on these figures.

The Canal & River Trust's Overall Performance.

The Trust is required to make a substantive response within 21 days of receiving sufficient information or within an extended period which has been agreed between the parties.

The table below sets out our compliance in this regard:

	No. of Registered Planning Application Consultations	No. of Pre-Application Consultations received from LPAs	No. of Pre-Application Consultations received from others	Total No. of Consultations
No. of consultations in compliance with statutory deadlines	1,479	74	48	1,601
No. of consultations in Compliance with statutory deadlines & agreed extensions	182	8	15	205
No. of application consultations in non-compliance	39	4	10	53
TOTAL	1700	86	73	1859

In summary **the overall response rate within 21 days and/or an agreed extension period is 97%**. This **exceeds** the MHCLG set target response rate for 80 – 95% of responses to be made within 21 days and/or an agreed extension.

Reasons for Non-Compliance with 21-day deadline or agreed extension for Consultations

A substantive response to 53 consultations was not provided by the Trust within 21 days of receipt and/or within an agreed extension period. For 43% 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	%
1 day	12	23%
2 – 3 days	5	9%
4 – 7 days	6	11%
8 – 14 days	9	17%
15 – 21 days	4	8%
22 – 28 days	3	5%
> 28 days	10	19%
No response made	4	8%
TOTAL	53	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	9	17%
Extension requested but not agreed	10	19%
Public holidays	0	0
Delayed – Internal Consultations	10	19%
Other or reason not specified	20	37%
No Response	4	8%
TOTAL	53	100%

Pre-application Consultations

In the period 01 April 2019 to 31 March 2020 the Canal & River Trust received a total of 159 pre-application consultations, which represents 8.5% of the total number of consultations requiring a response received. Of these 86 (54%) were received from LPAs whilst 73 (46%) were received from persons other than a Local Planning Authority (“LPA”).

Key Issues for the Trust as Statutory Consultee

Please see the covering letter to this report.

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