

## 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 amended). 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 2021 to 31st March 2022.

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 & 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 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 **177** 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 the Trust’s notified zone
County Councils	15
National Park Authorities	2
Unitary Authorities	58
London Boroughs	20
Non-Unitary Authorities	81
Other – UDC’s, Olympic Legacy etc.	1
<b>TOTAL</b>	<b>177</b>

## Number Of Consultations Received

During the period 1 April 2021 – 31<sup>st</sup> March 2022 the Trust was asked to respond to 3,773 pre-application, planning and related application consultations. This figure includes:

- 785 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,
- 784 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 1,569 consultations have been excluded.

The Trust therefore received a total of 2,204 pre-application and registered planning application consultations in England to which there was a duty to respond within the period 1 April 2021 to 31 March 2022. The figures reported below relate to these consultations:

Consultation Type	Number of consultations received requiring a response in 2021/22
Pre-application consultations received from LPAs	73
Pre-applications received from others	103
Registered planning application consultations received from LPAs	2,028
<b>TOTAL</b>	<b>2,204</b>

Of these 2,204 statutory consultations received, the Trust did not receive sufficient information to enable us to make a substantive response to 58 of these consultations despite requests made. A further 3 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 2,143 consultations as follows:

Consultation Type	Number of consultations received requiring a response in 2021/22
Pre-application consultations received from LPAs	73
Pre-applications received from others	103
Registered planning application consultations received from LPAs	1,967
<b>TOTAL</b>	<b>2,143</b>

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	1,758	57	65	1,880
No. of consultations in compliance with agreed extensions to the statutory deadlines	186	15	28	229
No. of application consultations in non-compliance	23	1	10	34
	1,967	73	103	2,143

In summary **the overall response rate within 21 days or an agreed extension period is 98%**. This exceeds the MHCLG set target response rate of 80 – 95% of responses to be made within 21 days or an agreed extension.

### Reasons For Non-Compliance With 21-Day Deadline Or Agreed Extension For Consultations

A substantive response to 34 consultations was not provided by the Trust within 21 days of receipt or within an agreed extension period. For 46% 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	7	20%
2 – 3 days	2	6%
4 – 7 days	7	20%
8 – 14 days	8	24%
15 – 21 days	0	
22 – 28 days	2	6%
> 28 days	3	9%
No response made	5	15%
<b>TOTAL</b>	<b>34</b>	<b>100%</b>

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	4	12%
Extension requested but not agreed	7	21%
Public holidays	0	0
Delayed – Internal Consultations	9	26%
Other or reason not specified	9	26%
No Response	5	15%
<b>TOTAL</b>	<b>34</b>	<b>100%</b>

## Pre-application Consultations

In the period 1 April 2021 to 31 March 2022 the Canal & River Trust received a total of 176 pre-application consultations, which represents 8% of the total number of consultations requiring a response received. Of these 73 (41%) were received from LPAs whilst 103 (59%) were received from persons other than a Local Planning Authority (“LPA”).

## Key Issues for the Trust as Statutory Consultee

At the Canal & River Trust we are constantly championing the creation of safe, accessible and beautiful waterway places, the building block of which is the structural integrity of our waterway network and its associated assets. Our network also acts as critical national infrastructure (CNI) either directly such as through water transfer and supply or by hosting infrastructure provided by others, for example utility services. In many cities and towns, the towpaths are an integral part of the active travel infrastructure.

We seek to safeguard our network and promote beauty through our statutory consultee role. Our approach is to seek early engagement, offering realistic, robust and viable solutions. As a result of this approach, we objected to 1% of the consultations reported above, only objecting where there was an unresolved fundamental concern. Our ongoing challenge is obtaining pre-application engagement. We understand how important it is for certainty in the planning process. Obtaining the specialist input from the Trust at an early stage of a development proposal is vital to avoiding delay in the process or unintended consequences, and maximising the safety and benefits of waterside developments. Ultimately, if we are not asked to input decision makers and developers may be unaware of the potential impacts they may have. Failure to protect the structural integrity of the waterways can leave communities faced with the prospect of flooding through waterway breaches and CNI being put at risk.

We believe that recognising and realising the benefits of waterways by integrating them with development in their vicinity can assist with the levelling up and regeneration 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 BAME concentrations. Developments which embrace the waterways can unlock their many benefits helping 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.

Our towpath network has seen continued increases in use in recent years, demonstrating its value as a free asset to local communities for health and wellbeing purposes. It is therefore important that we continue to engage positively in the Development Management process as a statutory consultee, to ensure that the network remains fit for purpose and engages positively with new developments, their occupants and users.

Failure to recognise and address the specialist issues relating to our historic network, as part of the planning process, could 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 CNI. We therefore welcome the opportunity to engage with DLUHC to consider how our knowledge of the waterways and their benefits is best used to inform the planning system of the future. This is to ensure that development however it is granted safeguards our network, public safety and CNI and allows the waterways to play their full role in achieving sustainable beautiful places which deliver on the government’s policy agendas.

## Data compiled May 2022

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