

## **Statement of Common Ground between Wyre Forest District Council and the Canal & River Trust**

### **1) Introduction**

Under the National Planning Policy Framework (NPPF, 2019), strategic policy making authorities, such as local planning authorities, should produce, maintain and keep up to date a Statement of Common Ground (SofCG) to highlight agreement on cross boundary strategic issues with neighbouring local authorities and other relevant bodies.

This SofCG has been produced to support the Wyre Forest District Local Plan (2016 – 2036), which is currently at examination stage. It sets out how Wyre Forest District Council has engaged with the Canal & River Trust (The Trust) in order to fulfil its Duty to Cooperate requirements.

### **2) Parties Involved**

This SofCG has been prepared jointly by Wyre Forest District Council (WFDC) and the Canal & River Trust. The Trust is a statutory consultee in the development management process.

This SofCG specifically addresses the Inspector's question in the 'Matters and Questions for the Examination' (ED16):

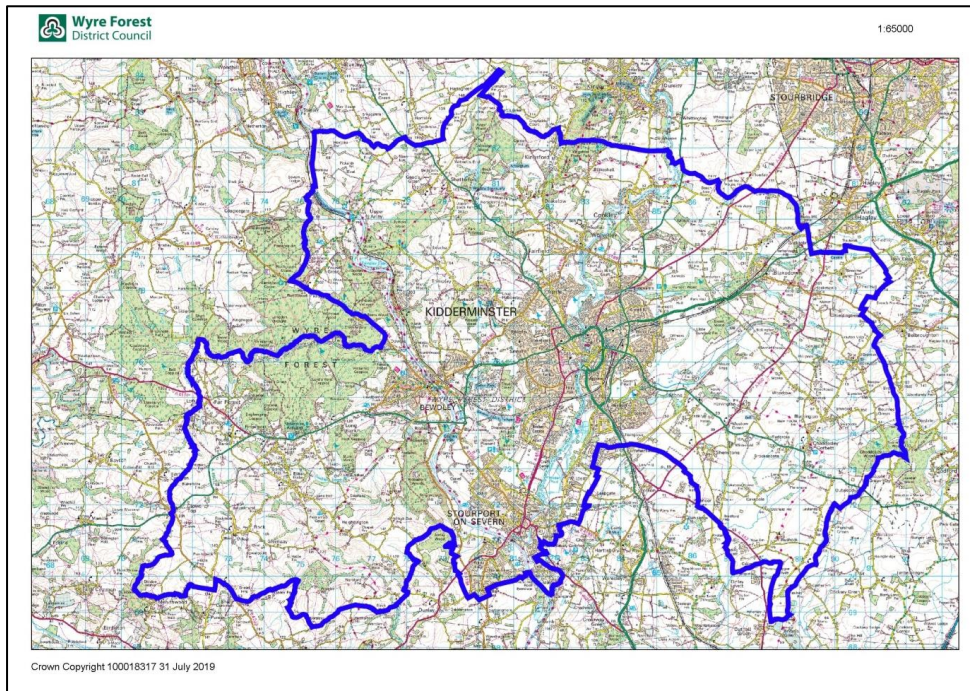
#### **Q8.4 How should any needs for non-conventional housing, particularly residential caravans/mobile homes and houseboats be addressed in the Plan?**

The SofCG covers the matter raised by the Inspector in relation to 'houseboats' (in Q8.4 above) with regards to the Wyre Forest District Local Plan (2016-2036), in order to fulfil the Duty to Cooperate requirements as outlined in paragraph 27 of the NPPF.

### **3) Strategic Geography**

This SofCG covers all of the Wyre Forest District and has been produced for the purposes of the Wyre Forest District Local Plan (2016-2036), which was submitted to the Planning Inspectorate on 30<sup>th</sup> April 2020. Figure 1 below shows the district boundary of Wyre Forest District.

**Figure 1: Map of Wyre Forest District**



#### **4) Background**

The Canal & River Trust own and maintain the Staffordshire & Worcestershire Canal and the Stourport basins within the Wyre Forest District.

The Trust act as Navigation Authority for the River Severn as it runs through the district, but they do not own it. The Trust do not own, maintain or act as Navigation Authority on the River Stour.

##### Staffordshire & Worcestershire Canal

There are five basins located on the canal network within the Wyre Forest District. These five basins are located at Stourport and comprise the following:

- 3 lower basins. The moorings here are directly managed by the Trust through their Waterside Moorings team.
- Upper Basins:
  - Central marina with the Trust's Waterside Moorings.
  - Starline Marine hire boat base leased through the Trust's Business Boating team – no permission for residential moorings.
  - Stourport Yacht Club leased through the Trust's Business Boating team – no permission for residential moorings.
  - Limekiln boatyard and moorings leased through the Trust's Business Boating team – no permission for residential moorings.

Two of the 56 Berths owned and managed by the Trust are residential moorings. Two other leisure moorings are currently vacant.

The Trust is not involved in the day-to-day management of those operations leased to third parties by its Business Boating team.

### River Severn

Redstone Wharf and Stourport Marina, both on the River Severn are privately owned. The Trust are Navigation Authority only on the River Severn.

As the Trust do not own either of these sites, they have not leased either of them for any type of moorings, including residential.

The Trust do not have information on the use of the boats at Redstone Wharf (Sirius Marine boat yard) or Stourport Marina (Tingdene Marinas & Boat sales).

### **5) Duty to Cooperate**

There has been ongoing engagement between WFDC and the Canal & River Trust throughout the preparation of the WFDC Local Plan Review. WFDC has consulted with the Trust at every stage of plan making. The Local Plan Review consultation periods were as follows:-

- Issues and Options Consultation – September / October 2015
- Preferred Options Consultation – June / August 2017
- Pre-Submission Consultation – November / December 2018
- Pre-Submission Consultation (re-opened) – September / October 2019

The consultation responses received from the Canal & River Trust to the Local Plan Review consultations can be found in the Appendix chapters of this SofCG.

### **6) Strategic Matters Identified**

The Inspector has raised a question within the 'Matters and Questions for the Examination' (ED16) that needs to be addressed in this SofCG with regards to 'houseboats'. The Inspector's question is as follows:

#### **Q8.4 How should any needs for non-conventional housing, particularly residential caravans/mobile homes and houseboats be addressed in the Plan?**

The Council has responded to this question in its hearing statement for Matter 8. The Council's response referred to a Statement of Common Ground needing to be drawn up and completed with the Canal & River Trust, which is this document.

The Council commissioned Arc4 to undertake a Wyre Forest Gypsy and Traveller and Travelling Showperson Accommodation Assessment in 2020 (ED15). This study looked at houseboat need for the District, and included the following text:

### **Houseboat need**

6.47 The Housing and Planning Act 2016 (section 124) creates a new duty under section 8 of the Housing Act 1985 to consider the needs of people residing in or resorting to a local authority area with respect to sites for caravans and the mooring of houseboats as part of the periodical review of housing needs. It deletes sections 225 and 226 of the Housing Act 2004.

6.48 Discussions have taken place with the Canals & Rivers Trust, houseboat dwellers and marina owners to identify need for moorings for houseboats.

6.49 There are five historic basins in Stourport and a marina and Redstone Wharf along the River Severn off Sandy Lane. The Canals & Rivers Trust have issued some leases for moorings which may be being used for residential purposes. Council tax data reports at least 10 houseboats in the district houseboats located at Redstone Wharf, although several are not permanently occupied. There are no residential moorings at the Marina off Nelson Road according to the manager.

6.50 The general consensus from those interviewed is there is a need for more residential moorings in the area. Establishing an exact number is not possible but the CRT report that in general there are not enough moorings for residential use. Development options were mentioned including the use of land adjacent to the fairground site and the CRT is encouraging land owners to build marinas. It is recommended that the council hold further discussions with the CRT regarding the provision of additional moorings in the district.

*Source: Wyre Forest Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2020 (ED15)*

### **7) Matters that parties agree on**

Following the Inspectors question (Q8.4), the Council has been in discussions with the Canal & River Trust and both parties have considered and agreed the following:

- a) Both parties accept that the matter is not covered in the plan as proposed, and that the recent evidence base has not yet properly established whether there is a houseboat need.
- b) Agree that the Trust cannot provide information to help assess the houseboat need.
- c) The Council would be agreeable to undertaking a full needs assessment if the Inspector decides that this is necessary, but this cannot be done before the examination hearing sessions due to be held in January/February 2021.
- d) If the Inspector considers that it is necessary for the Council to undertake more work on houseboat need, then the Trust would be happy to help the Council to determine a way forward after that i.e. writing of a policy for inclusion at next local plan review etc.
- e) If the Inspector feels a policy on any type of moorings is deemed necessary now, then the Council and the Trust will work together on creating a suitable policy and supporting text to be included as a main modification.

### **8) Matters that parties disagree on**

There are no matters that parties disagree on.

## 9) Other Strategic Matters

There are no other strategic issues relevant to this Statement of Common Ground.

## 10) Governance Arrangements

The governance arrangements are key to the effectiveness and implementation of the Statement of Common Ground. The table below sets out the requirements for the authorities involved.

<b>Local Authority</b>	<b>Method of Approval</b>
Wyre Forest District Council	SofCG to be signed off by Corporate Director for Economic Prosperity and Place
Canal & River Trust	SofCG to be signed by Area Planner for the Canal & River Trust

## 11) Timetable for agreement

The table below sets out the timetable arrangement for the Statement of Common Ground to be agreed.

<b>Local Authority</b>	<b>Timetable for approval</b>
Wyre Forest District Council	- SofCG to be signed off by Corporate Director for Economic Prosperity and Place
Canal & River Trust	- December 2020

## 12) Conclusions

The parties agree that:

- i) WFDC has fulfilled its Duty to Cooperate with the Canal & River Trust.
- ii) The Canal & River Trust is satisfied that the matters raised in its representations to the WFDC Local Plan Review (2016-2036) have been broadly addressed by WFDC.
- iii) The Canal & River Trust is agreeable to 7a to 7e set out in section 7 of this SofCG.
- iv) The parties will continue to work positively together, including with other authorities where relevant on strategic cross boundary issues.

### 13) Signatories

This Statement of Common Ground has been agreed and signed by the following:-

<b><u>Canal &amp; River Trust</u></b>	<b><u>Wyre Forest District Council</u></b>
Name: Jane Hennell	Name: <u>_Mike Parker_____</u>
Position: Area Planner	Position: <u>_Corporate Director: Economic Prosperity &amp; Place_____</u>
Date agreed: 17/12/2020	Date agreed: <u>__17/12/2020_____</u>
Signature: Jane Hennell	Signature: <u>_____</u>

### 14) Appendices

- Appendix 1 – Canal & River Trust response to the WFDC re-opening of Pre-Submission consultation (Sept / Oct 2019)
- Appendix 2 – Canal & River Trust response to the WFDC Preferred Options consultation (June – August 2017)
- Appendix 3 – Canal & River Trust response to the WFDC Issues & Options consultation (2015)

# Wyre Forest District Local Plan Pre-Submission Publication 2019

## Consultation Response Form

2 September – 14 October 2019

**REF OFFICE USE ONLY:**

Representor number:

Representation number:

Plan reference:

Tests of soundness:

This form has two parts: **Part A** Personal Details and **Part B** Your Comments

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has issued this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the public examination. Using the form to submit your comments also means that you can register your interest in speaking at the examination.

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Please fill in a separate part B for each issue/comments you wish to make.

Any additional sheets must be clearly referenced. This form can be submitted electronically. If hand writing, please write clearly in blue or black ink.

Consultation response forms can be completed and submitted online at [www.wyreforestdc.gov.uk/localplanreview](http://www.wyreforestdc.gov.uk/localplanreview)

**Comments must be received by 5:00pm on 14 October 2019. Comments received after this time will not be considered.**

## Part A

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Gavin	
Last Name	Rutter	
Organisation (where relevant)	Canal & River Trust	
Job title (where relevant)		
Address – line 1		
Address – line 2		
Address – line 3		
Postcode		
E-mail Address		
Telephone Number		

# Part B - Please use a separate sheet for each comment

Your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**Name or Organisation**

### 3. Did you submit a consultation response form to the last Pre-Submission consultation held in 2018?

Yes  No

#### a) If yes, would you like to withdraw any/all of your previous comments?

Yes, all  Yes, specific comments

#### b) If specific comments only, please specify which ones?

Expand Box / Continue on a separate sheet if necessary

### 4. To which document of the Local Plan does this representation relate?

Amendments to Pre-Submission Local Plan (July 2019 version) Yes  No

Pre-Submission Local Plan (October 2018 version) Yes  No

### 5. Please specify which part of the Local Plan you are commenting on (e.g. paragraph, policy, map, table or figure reference)?

Paragraph  Policy  Other: e.g. Policies map, table, figure, key diagram



**6. Do you want to support/object/comment on this part of the Local Plan?:**

Support  Comment  Object

**7. Do you consider the Local Plan is:**

a) Legally Compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
b) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
c) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**8. If you answered 'No' to Question 7b, please specify on what grounds you consider the Local Plan to be unsound? (see guidance notes part 3 for explaining of terms)**

Positively Prepared  Justified  Effective  Consistent with National Policy

*Please Tick as appropriate*

**9. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible.  
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to co-operate, please also use this box to set out your comments.**

The site fronts on to the Staffordshire and Worcestershire Canal and we welcome policy wording that identifies the need for proposals to create a high quality pedestrian canalside environment and public realm.

Point 4 indicates that proposals should "Deliver a new landmark pedestrian bridge over the canal to Weavers Wharf". As landowner and navigation authority for the Staffordshire and Worcestershire Canal at this point, we would like to highlight that any such bridge would require the Canal & River Trust's prior agreement.

In addition, any new bridge would inevitably interact with the canal towpath on the eastern bank of the canal and would require the addition of adequate signage to ensure a clear and legible route for pedestrians and cyclists, which should be considered as part of any proposal. We believe this is necessary to achieve a safe and accessible environment alongside the waterway in line with paragraph 91b of the National Planning Policy Framework 2019.

We therefore consider that a number of minor modifications are necessary to aid clarity and to assist in the sustainable development of this set as set out in the following comments.

**10. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 9 above where this relates to soundness. (NB Please note that any non-compliance with the Duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

We consider that the following change to Policy 30.6 and its reasoned justification would address the Trust's concerns

"4. *Aim to deliver a new landmark pedestrian bridge over the canal to Weavers Wharf*"

Para 30.17 "A footbridge would help to extend the town centre across the canal and revitalise this area of Kidderminster. *Any new bridge should reflect and complement the existing character and quality of the historic environment adjacent to the Staffordshire and Worcestershire Canal, respond to the setting of any listed buildings and ensure no detrimental impact to users of the canal corridor. New links to the canal towpath should be accompanied by appropriate signage and route-finding for pedestrians and cyclists. The Canal & River Trusts agreement will be required for any such crossing.*"

***Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.***

**11. If your representation is seeking a modification, do you consider it necessary to speak at the examination?**

**No** I do not wish to speak at the examination.

**Yes** I would like to speak at the examination.

**12. If you wish to speak at the examination, please outline why you consider this to be necessary:**

Expand box / continue on a separate sheet if necessary

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to speak at the examination.***

13. Are there any other comments you would like to make?:

Expand box / continue on a separate sheet if necessary

**Data Protection**  
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*Please see the Council's Data Protection and Privacy statement:*  
<http://www.wyreforestdc.gov.uk/the-council/data-protection-and-privacy.aspx>

**By signing this form you are agreeing to The Council's Data Protection Policy above and the storage of your information.**

Signature

Gavin Rutter

Date

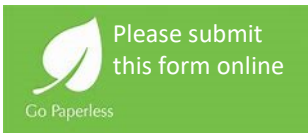
14/10/19

Please return the completed form by **no later than 5:00pm on 14 October 2019** to:

Email: [LPR@wyreforestdc.gov.uk](mailto:LPR@wyreforestdc.gov.uk)

Or post to: Planning Policy Team, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

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### Part A<sub>Mr</sub>

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Gavin	
Last Name	Rutter	
Organisation (where relevant)	Canal & River Trust	
Job title (where relevant)		
Address – line 1		
Address – line 2		
Address – line 3		
Postcode		
E-mail Address		
Telephone Number		

# Part B - Please use a separate sheet for each comment

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**Name or Organisation**

### 3. Did you submit a consultation response form to the last Pre-Submission consultation held in 2018?

Yes  No

#### a) If yes, would you like to withdraw any/all of your previous comments?

Yes, all  Yes, specific comments

#### b) If specific comments only, please specify which ones?

Expand Box / Continue on a separate sheet if necessary

### 4. To which document of the Local Plan does this representation relate?

Amendments to Pre-Submission Local Plan (July 2019 version) Yes  No

Pre-Submission Local Plan (October 2018 version) Yes  No

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Paragraph  Policy  Other: e.g. Policies map, table, figure, key diagram

**6. Do you want to support/object/comment on this part of the Local Plan?:**

Support  Comment  Object

**7. Do you consider the Local Plan is:**

a) Legally Compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b) Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c) Complies with the Duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**8. If you answered 'No' to Question 7b, please specify on what grounds you consider the Local Plan to be unsound? (see guidance notes part 3 for explaining of terms)**

Positively Prepared  Justified  Effective  Consistent with National Policy

*Please Tick as appropriate*

**9. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to co-operate, please also use this box to set out your comments.**

Whilst the Canal & River Trust is generally supportive of this policy and, in particular the need for development to respond to its canalside setting, we consider that a number of minor modifications are necessary to aid clarity and to assist in the delivery of sustainable development as set out in the comments below.

**10. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 9 above where this relates to soundness. (NB Please note that any non-compliance with the Duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

The Trust is supportive of this policy and the need for development to respond to its canalside setting. The policy states however that development 'must' provide a strong active frontage. Whilst as a principle for development this is supported it should be recognised that there may be instances where this is not appropriate, such as where existing landscaping needs to be retained or dominant buildings are better when visually screened. Developments should take account of the current setting/character of the specific site and surroundings and respond accordingly. This should be reflected in the policy.

The policy refers to the improvement of the towpath, appropriate to the urban area through which the canal passes. The canal however also passes through rural areas and any improvements to the towpath need to be appropriate for the use, setting and character of the canal corridor. This should be reflected in the policy.

We would suggest the following modification:

Development adjacent to the canal *should, where appropriate, must* provide a strong, active frontage onto the waterside providing natural surveillance and promoting high levels of activity during the day

*Development in proximity to the canal should promote its use* ~~The canal towpath should be developed and promoted as a sustainable pedestrian and cycle route with towpath surfacing paving appropriate to the area the urban areas through which the canal passes and its likely use~~

It should also be clarified in paragraph 3 of section C that such improvements will be sought from new development adjacent to the waterway where appropriate.

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<http://www.wyreforestdc.gov.uk/the-council/data-protection-and-privacy.aspx>

**By signing this form you are agreeing to The Council's Data Protection Policy above and the storage of your information.**

Signature

Gavin Rutter

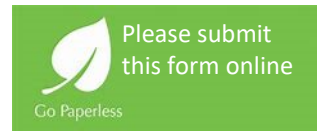
Date 14/10/19

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Or post to: Planning Policy Team, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

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### Part A

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Gavin	
Last Name	Rutter	
Organisation (where relevant)	Canal & River Trust	
Job title (where relevant)		
Address – line 1		
Address – line 2		
Address – line 3		
Postcode		
E-mail Address		
Telephone Number		

# Part B - Please use a separate sheet for each comment

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**Name or Organisation**

### 3. Did you submit a consultation response form to the last Pre-Submission consultation held in 2018?

Yes  No

#### a) If yes, would you like to withdraw any/all of your previous comments?

Yes, all  Yes, specific comments

#### b) If specific comments only, please specify which ones?

Expand Box / Continue on a separate sheet if necessary

### 4. To which document of the Local Plan does this representation relate?

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Paragraph  Policy  Other: e.g. Policies map, table, figure, key diagram

**6. Do you want to support/object/comment on this part of the Local Plan?:**

Support       Comment       Object

**7. Do you consider the Local Plan is:**

a) Legally Compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b) Sound	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
c) Complies with the Duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**8. If you answered 'No' to Question 7b, please specify on what grounds you consider the Local Plan to be unsound? (see guidance notes part 3 for explaining of terms)**

Positively Prepared       Justified       Effective       Consistent with National Policy

*Please Tick as appropriate*

**9. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible.  
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Expand box / continue on a separate sheet if necessary

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**11. If your representation is seeking a modification, do you consider it necessary to speak at the examination?**

**No** I do not wish to speak at the examination.

**Yes** I would like to speak at the examination.

**12. If you wish to speak at the examination, please outline why you consider this to be necessary:**

Expand box / continue on a separate sheet if necessary

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to speak at the examination.***

**13. Are there any other comments you would like to make?:**

The eastern edge of the site is located close to the Staffordshire and Worcestershire Canal and we welcome wording within the policy for proposals to reflect and complement the existing character and quality of the historic environment adjacent to the canal. We note that point 11 refers to the provision for ‘improvements to pedestrian links into the town centre and out into the surrounding countryside’. We feel that the aims of this point could usefully be expanded upon within the policy’s Reasoned Justification to include specific reference to the canal towpath as a link for pedestrians and cyclists, a connection that could be promoted with the addition of appropriate signage and waymarking.

**Data Protection**

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*Please see the Councils Data Protection and Privacy statement:*

<http://www.wyreforestdc.gov.uk/the-council/data-protection-and-privacy.aspx>

**By signing this form you are agreeing to The Council’s Data Protection Policy above and the storage of your information.**

Signature

Gavin Rutter

Date

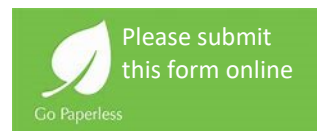
14/10/19

Please return the completed form by **no later than 5:00pm on 14 October 2019** to:

Email: [LPR@wyreforestdc.gov.uk](mailto:LPR@wyreforestdc.gov.uk)

Or post to: Planning Policy Team, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

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# Wyre Forest District Local Plan Pre-Submission Publication 2019

## Consultation Response Form

2 September – 14 October 2019

<p><b>REF OFFICE USE ONLY:</b></p> <p>Representor number:</p> <p>Representation number:</p> <p>Plan reference:</p> <p>Tests of soundness:</p>
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This form has two parts: **Part A** Personal Details and **Part B** Your Comments

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has issued this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the public examination. Using the form to submit your comments also means that you can register your interest in speaking at the examination.

**Please read the guidance notes carefully before completing the form.** If you responded to the last Pre-Submission consultation held in 2018, you do not have to respond again unless you want to add to them, withdraw them or make completely new comments.

Please fill in a separate part B for each issue/comments you wish to make. Any additional sheets must be clearly referenced. This form can be submitted electronically. If hand writing, please write clearly in blue or black ink. Consultation response forms can be completed and submitted online at [www.wyreforestdc.gov.uk/localplanreview](http://www.wyreforestdc.gov.uk/localplanreview)

**Comments must be received by 5:00pm on 14 October 2019. Comments received after this time will not be considered.**

### Part A

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Gavin	
Last Name	Rutter	
Organisation (where relevant)	Canal & River Trust	
Job title (where relevant)		
Address – line 1		
Address – line 2		
Address – line 3		
Postcode		
E-mail Address		
Telephone Number		

# Part B - Please use a separate sheet for each comment

Your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

**Name or Organisation**

### 3. Did you submit a consultation response form to the last Pre-Submission consultation held in 2018?

Yes  No

#### a) If yes, would you like to withdraw any/all of your previous comments?

Yes, all  Yes, specific comments

#### b) If specific comments only, please specify which ones?

Expand Box / Continue on a separate sheet if necessary

### 4. To which document of the Local Plan does this representation relate?

Amendments to Pre-Submission Local Plan (July 2019 version) Yes  No

Pre-Submission Local Plan (October 2018 version) Yes  No

### 5. Please specify which part of the Local Plan you are commenting on (e.g. paragraph, policy, map, table or figure reference)?

Paragraph  Policy  33.2 Cheapside AKR/2 Other: e.g. Policies map, table, figure, key diagram



**6. Do you want to support/object/comment on this part of the Local Plan?:**

Support  Comment  Object

**7. Do you consider the Local Plan is:**

a) Legally Compliant Yes  No   
b) Sound Yes  No   
c) Complies with the Duty to co-operate Yes  No

**8. If you answered 'No' to Question 7b, please specify on what grounds you consider the Local Plan to be unsound? (see guidance notes part 3 for explaining of terms)**

Positively Prepared  Justified  Effective  Consistent with National Policy

Please Tick as appropriate

**9. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to co-operate, please also use this box to set out your comments.**

We note the allocation of this former manufacturing site within the Stourport-on-Severn No.1 Conservation Area. The character of this Conservation Area was formed by the construction of a group of canal basins from the late eighteenth century, many of which still exist and form the southern part of the historic core of the town. One such basin existed in the area bordered by Cheapside, the River Severn and the Angel Public House but has since been infilled. As acknowledged within the policy wording, parts of the basin, including the retaining walls, exist to this day.

We welcome the inclusion of Point 5 of Policy 33.2 which notes the need for proposals to preserve or enhance the character of the Conservation Area, but feel this is partially undermined by the wording of point 7 which notes that future proposals should only 'aim' to retain the most significant surviving elements of the former canal basin. We believe that point 7 does not go far enough in requiring proposals to consider the positive contribution made by the remnants of the basin to the Conservation Area as required by the National Planning Policy Framework 2019 (NPPF).

Paragraph 201 of the NPPF notes that the "Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area...should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196".

Even if the harm was considered to be less than substantial, Paragraph 196 would still require an assessment of whether its loss is outweighed by the public benefits of the proposal. Therefore, we consider the policy should carry an expectation that the remaining remnants of the historic basin would be retained, placing the onus on developers to assess the level of harm to the Conservation Area and, if applicable, show how this is outweighed by the public benefits.

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We believe the suggested wording for point 7 would ensure the policy complies with paragraph 201 of the National Planning Policy Framework 2019:

“Policy 33.2 Cheapside AKR/2

Proposals should:

...

7. ~~Aim to~~ Retain the most significant surviving elements of the Vinegar Works, the Gas Works and the former canal basin (eg: retaining walls) in order to preserve some industrial characteristics of the Conservation Area and incorporate these into new development”

***Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.***

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Signature

Gavin Rutter

Date

14/10/2019

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Consultation response forms can be completed and submitted online at: [www.wyreforestdc.gov.uk/localplanreview](http://www.wyreforestdc.gov.uk/localplanreview)



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**From:** Ailith Rutt [Ailit]  
**Sent:** 11 August 2017 14:22  
**To:** LPR Consultation  
**Cc:** Anne Denby  
**Subject:** Wyre Forest Local Plan consultation response  
**Attachments:** CRT response.pdf

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**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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Please find attached our response to your consultation  
Many tanks  
Ailith

Ailith Rutt MRTPI  
Planning Manager (Midlands)

Follow @canalrivertrust from the Canal & River Trust on Twitter

Please visit our website to find out more about the Canal & River Trust and download our 'Shaping our Future' document on the **About Us** page.

Canal and River Trust, Heritage Skills Centre, Canal Lane, Hatton, Warwickshire, CV35 7JL

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The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk) - Sign up for our newsletter at [www.canalrivertrust.org.uk/newsletter](http://www.canalrivertrust.org.uk/newsletter)

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Mae'r e-bost hwn a'i atodiadau ar gyfer defnydd y derbynnydd bwriedig yn unig. Os nad chi yw derbynnydd bwriedig yr e-bost hwn a'i atodiadau, ni ddylech gymryd unrhyw gamau ar sail y cynnwys, ond yn hytrach dylech eu dileu heb eu copïo na'u hanfon ymlaen a rhoi gwybod i'r anfonwr eich bod wedi eu derbyn ar ddamwain. Mae unrhyw farn neu safbwynt a fynegir yn eiddo i'r awdur yn unig ac nid ydynt o reidrydd yn cynrychioli barn a safbwyntiau Glandŵr Cymru.

Elusen newydd yw Glandŵr Cymru sy'n gofalu am 2,000 o filltiroedd o ddyfrffyrdd yng Nghymru a Lloegr. Cymerwch ran, ymunwch â ni - Ewch i Rhoddion a Gwirfoddoli yn [www.glandwrcymru.org.uk](http://www.glandwrcymru.org.uk)

Mae Glandŵr Cymru yn gwmmi cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestrdig 1146792. Swyddfa gofrestrdig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.



Canal &  
River Trust

11 August 2017

Helen Smith,  
Spatial Planning Manager,  
Wyre Forest Planning Policy,  
Wyre Forest House,  
Finepoint Way,  
Kidderminster  
Worcestershire  
DY11 7WF

Dear Ms Smith,

**Re: Wyre Forest Local Plan “Preferred Options”**

Thank you for your consultation on the above document.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”.

Following consideration of the document we have the following comments to make:

The Staffordshire & Worcestershire Canal is within the Plan area and the document recognises the benefits it can bring to the area from aspects such as tourism, biodiversity and walking/cycling. The Trust welcome this recognition and support for the canal network, including the canal basins as valued resources for residents and wildlife.

The waterways are acknowledged as significant Green Infrastructure, but they also function as ‘Blue infrastructure’ which serves in a variety of roles, including: an agent of or catalyst for regeneration; a contributor to water supply and transfer, drainage and flood management; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape, open space and ecological resource; sustainable modes of transport; and routes for telecommunications. They also offer opportunities for leisure, recreation and sporting activities as part of the ‘natural health service’ acting as ‘blue gyms’ and supporting physical and healthy outdoor activity.

As acknowledged in the document the Canal corridor is a designated conservation area and the Trust welcomes the references throughout for development to build on the historic significance of

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the canals whilst protecting their character and historical integrity. Policy 11B however could include specific reference to the Stourport basin.

The Trust welcomes Policy 11E which supports positive canalside development for the creation of an attractive and high-quality environment.

### **Policy 12 – Strategic Infrastructure**

The Trust have previously commented on the Infrastructure Delivery Plan and highlighted infrastructure that would be required to meet the needs of the proposed level of development in the Plan area. These comments do not appear to have been taken into account and none of the requirements set out by the Trust have been included / referenced within either the IDP or this current document (see our separate response).

### **Policy 13 – Transport and Accessibility**

This policy states that priority will be given to improving infrastructure to support active travel (walking and cycling).

The canal towpath is an important car-free walking and cycling route for both leisure and utility walkers/cyclists and these improvements should be included as infrastructure needs to be delivered as they would encourage use of the towpath for pedestrians and cyclists thereby contributing to providing sustainable transport to support the infrastructure needs of future development proposed within Wyre Forest

**Para 13.9** states that the inland waterway network offers longer term opportunities for the movement of freight. The Trust would in principle support the use of the canal to carry freight though this would largely depend on the extent required and maintenance implications for the waterway. The Trust should be contacted for further discussions if this is to be pursued as an option as the particular working practises and frequency required would be key to determining the overall suitability of any proposals for freight on the waterway. The impact of any such proposals on the conservation area would also need to be fully explored.

### **Policy 16A – Pollution and Land Instability**

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 120-121 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability, and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability. This should be clearly reflected within this policy.

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### **Policy 23B – Supporting Tourist Attractions**

The supporting text identifies the Staffordshire & Worcestershire canal as a tourist attraction and the Trust welcomes such recognition. The Policy however is clear that any development proposals whilst supported do need to be appropriate and give sufficient consideration to heritage assets, their setting and character, which we welcome.

### **Policy 24B – Renewable and Low Carbon Energy**

The waterways are also supporting climate change, carbon reduction and environmental sustainability initiatives by assisting in the mitigation of flood risk, playing a role in urban cooling, providing sustainable means of transport, supporting biodiversity and forming ecological corridors and contributing to local renewable energy targets through the use of canal water for the heating and cooling of buildings. These opportunities could be reflected in the policy and / or supporting text.

### **Policy 26 – Safeguarding the Historic Environment**

As stated within the document the Staffordshire & Worcestershire Canal is a designated conservation area throughout the Plan area. There are a number of statutory designations along the canal network in terms of buildings / bridges etc in addition to non-designated heritage assets such as mileposts / sluices etc.

The policy requires developments to consider fully their impact on the historic environment through appropriate assessment / understanding of their significance. The Trust welcomes the protection afforded to non-designated heritage assets within the policy/supporting text and the need for development to assess impact upon them as well as designated heritage assets.

### **Policy 27C – Landscaping and Boundary Treatment**

The Trust welcome the policy and the need for developments to include appropriate native landscaping. Landscaping adjacent to the canal should also be appropriate for the waterside location and set back sufficiently to allow for future growth whilst minimising impact to the structural integrity and safe navigation of the waterway through potential root damage/erosion or overhanging of foliage.

It should be noted that developments adjacent to the canal need to consider the provision of robust, visually appropriate barriers to ensure vehicles do not enter the waterway. Developments should also be required to include appropriate details on landscape maintenance and management.

### **Policy 27E – Wyre Forest Waterways**

The Trust is supportive of this policy and the need for development to respond to its canalside setting. The policy states that development 'must' provide a strong active frontage. Whilst as a principle for development this is supported there may be instances where this is not appropriate, such as where existing landscaping needs to be retained or dominant buildings are better when visually screened. Developments should take account of the current setting/character of the specific site and surroundings and respond accordingly. This should be reflected in the policy.





The policy refers to the improvement of the towpath, appropriate to the urban area through which the canal passes. The canal however also passes through rural areas and any improvements to the towpath need to be appropriate for the setting and character of the canal corridor. This should be reflected in the policy and further consultation with the Trust undertaken to determine how this is to be provided / funded.

The supporting text recognises the benefits and potential of the waterway. The Canal & River Trust have identified specific towpath improvements required in Kidderminster Town Centre, from Caldwell Hall Bridge (Bridge no.15, Castle Road) to Stourvale New Bridge (Stourvale Drive) and to the canal bridge underwalk at St Marys Ringway. These improvements include towpath works, improved lighting, bridge painting and measures to improve public safety.

In addition to support proposed growth around Stourport Basin it is important to ensure that development provides necessary infrastructure for the basin such as the installation of services (i.e. electricity, water and waste collection).

In relation to the schedule of sites provided these have been reviewed and the following have been identified as being within close proximity of the Waterway corridor and /or directly adjacent to Stourport Basin:

BHS/16 – Timber Yard Park Lane  
BW1 – Churchfields  
BW/2- Limekiln Bridge  
FPH/10 – Silverwoods phase 2  
FPH/23 – Silverwoods Phase 1  
FPH/25 – Rear of Vale industrial Estate  
FPH/1 – Settling Ponds

#### Stourport

AKR/1 – Bridge Street Basins  
AKR/2 – Cheapside  
AKR/7 – Swan hotel/working men's club  
AKR20- Carpets of Worth  
MI/1 – County Buildings  
MI/3 – Parsons Chain  
M1/5 – Baldwin Road

The Canal & River Trust generally seeks to maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable that in relation to those identified sites Towpath and access enhancement works could form part of the infrastructure needs of these developments.

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We look forward to further consultation. Please do not hesitate to contact me on the details below should you have any queries or seek further clarification.

Yours sincerely

Anne Denby MRTPI  
Area Planner (West Midlands)

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**Events: Local Plan Review Issues and Options**

Reporting Name	ID	Number	Order	Title	Type of Response -	Response - Please set out your comments
The Canal and River Trust	<a href="#">LPRIO515</a>	Question 38	292		Comment	The Canal & River Trust support option B as often this is the best, or only, way to secure funding opportunities for improvement. We have published a document titled 'Policy Advice Note:Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System'. Whilst some of this document is now out of date it does continue to explain the multitude of ways in which waterways help deliver the key priorities of local planing authorities.It shows how to 'waterway proof' development and raise awareness of the issues that should be considered when developing alongside waterspace.
The Canal and River Trust	<a href="#">LPRIO516</a>	Question 39	298		Comment	The Canal & River Trust welcomes the recognition given to the Staffordshire & Worcestershire Canal as important multi- functional green infrastructure. It is important to ensure that existing green infrastructure is not degraded as a result of development. Additional usage, as a result of development nearby, can cause degradation of the environment through additional litter, grafitti or anti social behaviour and can result in a reduction in the quality of surfacing through additional wear and tear. This can place additional financial burdens on those who own or maintain the asset. It is important that this is considered as part of a development proposal and mitigation provided to ensure that the asset is fit for purpose for both existing and new users at no additional cost to the owner.
The Canal and River Trust	<a href="#">LPRIO517</a>	Question 41	311		Support	The Canal & River Trust supports both options.
The Canal and River	<a href="#">LPRIO518</a>	Question 42	324		Support	The Canal & River Trust support all three options. The importance of the canal towpath as a sustainable transport route should be recognised

Reporting Name	ID	Number	Order	Title	Type of Response -	Response - Please set out your comments
Trust						and, if development is proposed in the vicinity which is likely to result in additional usage, the implications of this should be considered as part of the proposal. It may be necessary to secure S106 funding to allow improvements to help mitigate against the negative impacts of an increase in usage and make the towpath fit for purpose for both existing and new users.
The Canal and River Trust	<a href="#">LPRIO519</a>	Option B - Horsefair AQMA	357		Comment	Early discussions should take place with the Canal & River Trust if an additional bridge is proposed.