



**Canal &
River Trust**

Making life better by water

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Your Ref 23/00977/OUT

Our Ref CRTR-PLAN-2023-38817

Friday 12 May 2023

Dear Katherine Daniels,

Proposal: Outline Planning Application (except for access) for residential development of up to 60 dwellings (Use Class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure

Location: OS Parcel 9195, North of, Claydon Road, Cropredy

Waterway: Oxford Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and 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. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. The impact of the Proposal on the Oxford Canal Conservation Area
- b. The impact of the proposal on the ecology of the canal corridor
- c. Accessibility

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions and/or a legal agreement are necessary** to address these matters. Our advice and comments follow:

Impact on the Oxford Canal Conservation Area

Design and layout

The Trust note that the land adjacent to the canal and marina is not included within the redline site boundary. This, as well as the proposed set back of development from the canalside is welcomed as it minimises the impact of the proposal on the Canal Conservation Area and is in accordance with Policy ESD 16 of the adopted Cherwell Local Plan 2015. It also provides a degree of separation from those using the marina and as canal boats do not have the same level of noise protection as traditional dwellings, this will help protect the amenity of those using the marina.

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The illustrative plans show the area closest to the canal to comprise of an access road, garage block and the side of at least one house. This section of the site is poorly designed and could be improved by moving the access road to the rear, making the parking more discrete and by ensuring houses front the open space improve passive surveillance of the public open space.

The retention of the field boundary hedgerow to the east of the proposed housing is crucial to help screen the development from the waterway and it may help screen the road and parked vehicles, but this is unclear without cross sections. However, the boundary hedge also obscures views of the play area from the houses. By bringing the houses further forward with the road behind this may be improved.

Heritage

The proposed 'buffer' between the proposed housing and the canal would seem to be sufficiently wide to preserve, for those approaching southward along the canal, the sense of arrival at the village of Cropredy, whose northernmost historic buildings lie on the north side of Creampot Lane and are captured within the Cropredy conservation area.

The Oxford Canal forms one of the most important corridors from which the historic core of Cropredy and the well-defined transition to open countryside at its edges may be appreciated. More design work would be required on the configuration of elements of the proposal in plan, to ensure that any harm to the setting of the Oxford Canal conservation area is minimised.

Aside from the Oxford Canal conservation area, heritage assets on the canal itself are considered sufficiently distant from the proposal not to be at risk in terms of harm to their setting.

Whilst not affecting the Canal Conservation Area we note that the remains of ridge-and-furrow, evident in aerial photos, and any implicitly surviving underlying archaeological deposits, would be impacted by the proposal.

Ecology

Drainage

The proposed surface water outfall is shown as discharging into the Cropredy Marina development which is directly connected to the Oxford Canal. Therefore, the Trust is essentially receiving the additional water even though there is no direct connection to the canal. In order to assess the impact of this the Trust would recommend that this goes through our mandatory process for the approval of SWD's to ensure that there is no detrimental effect on our asset. Water quality will also be of concern and oil interceptor traps etc will be required to prevent indirect pollution of the canal. It is suggested that more information on the proposed surface water drainage arrangements should be required by way of a suitably worded condition.

Canal buffer

A wildflower meadow is proposed adjacent to the canal with a 10m buffer to the canal for maintenance and to ensure that the recreational impacts on the canal's wildlife are minimised. It is not clear what will happen in this 10m buffer, will it be planted or left as scrub? Who will maintain this area of land in the future as it will not form part of the Canal & River Trust's ownership. Will it be planted with suitable canalside species? Further information should be included as part of a detailed landscaping plan.

Lighting

Further details of any proposed lighting should be submitted and agreed to ensure that there is no lightspill over the dark canal corridor. This should be required by way of a suitably worded condition.

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CEMP

The illustrative plans show that the housing is set well back from the canal edge. However, the reserved matters may include development closer to the canal corridor. A CEMP should be required by way of a pre-commencement condition, to ensure that the water environment is protected from pollution during the construction phase. This should include information on management practices to prevent wind and water borne pollution.

Water voles present on much of the Oxford canal and so heavy machinery should be prevented from accessing the bank as this could result in compaction of their habitat and the CEMP should include a barrier to prevent machinery accessing the canal bank.

Accessibility

The Cherwell Developer Contributions SPD was adopted in February 2018 and sets out the Council's approach to ensuring that S.106 agreements can be used to address the impacts of developments sufficiently in the context of there being no CIL Charging Schedule in place in the district. In addition, the NPPF requires development to promote sustainable transport options.

The canal and towpath adjacent to the site are recognised as important multi-functional Green Infrastructure which provides off road, active travel routes to open countryside for recreational purposes.

The Trust and Oxfordshire County Council have worked in partnership for a number of years to improve accessibility for pedestrians and cyclists along sections of the canal towpath in Oxfordshire. The towpath immediately opposite the site is not in a condition that could readily support the additional footfall generated by the proposed development. The increase in the number of residential units in the area as a result of this development will increase the usage of the canal towpath, resulting in additional wear and therefore maintenance cost.

Policy ESD 16 states that the Oxford Canal corridor which passes south to north through the District as a green transport route will be protected and enhanced and ensure that the towpath alongside the canal becomes an accessible long distance trail for all users, particularly for walkers, cyclists and horse riders where appropriate.

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 levels. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to upgrade the towpath to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The Trust request that the Council and Highway Authority consider whether a S106 contribution towards towpath improvements would be appropriate here. If so a further, more detailed response will be provided on this matter.

Other matters

Bridge

The transport assessment and heritage assessment both mention a possible bridge over the canal, however it is noted that this is not mentioned anywhere in the planning document or shown on the illustrative plan. Any new bridge will require agreement from both the Canal & River Trust and Defra consent. The Trust will not contribute towards, take ownership or maintenance responsibilities for a new bridge over the canal. If the applicant or council wishes to discuss a potential bridge further, please contact the Trust, my details are below.

Heating and cooling

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The applicant should contact Darren Leftley at the Canal & River Trust by email to Darren.Leftley@canalrivertrust.org.uk to discuss whether the adjacent canal can be used to provide heating and cooling for the proposed properties, more details of which can be found at [Heating and cooling systems | Canal & River Trust \(canalrivertrust.org.uk\)](#).

Conditions

Should the contribution toward the mitigation of the impact of the proposal on the towpath be secured then the Canal & River Trust ask that the following conditions are imposed should permission be forthcoming.

Pre-commencement conditions

1. Prior to the commencement of development, a Construction Environmental Management plan shall be submitted and approved in writing by the Local Planning Authority. This shall particularly include measures to protect the canal and the protected species which use it. All works shall comply with the details so approved.
2. Reason: To accord with the requirements of paragraph 170 of the NPPF and because the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

Other conditions

3. Details of the proposed boundary treatment with the waterway (showing height, specification, and materials and/or planting) shall be submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with the requirements of section 170 of the National Planning Policy Framework and ensure that the external appearance of the development is satisfactory. The boundaries adjacent to waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived.

The construction of foundations for fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure.

4. Details of a landscape management plan for the area adjacent to the boundary of the canal shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To accord with the requirements of paragraph 170 of the NPPF. Landscaping should enhance the biodiversity of an area and provide screening. Landscaping and trees also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

5. Details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 180 of the NPPF as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

6. Details of the proposed surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

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Reason: To comply with paragraph 170 of the National Planning Policy Framework and to determine the potential for pollution of the waterway and likely volume of water.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Jane Hennell MRTPI
Area Planner

Jane.Hennell@canalrivertrust.org.uk
07747 897793

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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