

21st June 2018

Mr Bob Duxbury
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Our Ref CRTR-PLAN-2018-
24963
Your Ref 18/00904/F

Dear Mr Duxbury,

Proposal: Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake
Location: Glebe Farm, Boddington Road, Banbury
Waterway: Oxford Canal

Thank you for your consultation.

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”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

- a) Impact on the structural integrity and water resource of the Oxford Canal.
- b) Impact on the heritage, character and appearance of the waterway corridor.
- c) Marina entrance and proposed towpath bridge
- d) Impact on the structural integrity and water quality of the canal due to the drainage proposals.
- e) Impact on the biodiversity of the waterway corridor.

On the basis of the information available our advice is that **amendments and suitably worded conditions** are necessary to address these matters. Our advice and comments are detailed below:

Impact on the structural integrity and water resource of the Oxford Canal.

The Trust can confirm that the proposals, as submitted for this planning application, are within the Trust’s New Marinas application process and has successfully complied with our requirements at Expression of Interest and Feasibility stages.

We note that the submitted Planning Statement makes references to need and demand for marina facilities; we would comment that it is up to each developer/applicant to determine whether there will be demand for their mooring scheme.

The role of the Trust is to provide, on a consistent and fair basis, advice and a clear process for anyone thinking of developing a marina on its waterway network. The Trust has not provided any specific information on this matter for this scheme and we do not carry out studies into matters of need or demand for marinas on behalf of applicants. It is for the developer/applicant to deal with these matters if they consider it appropriate or if they are required to do so as part of their planning submission.

The Trust have assessed the water demands of the proposed 250no. berth marina for private leisure boats and the likely impact on the water resource available to the Oxford Canal hydrological unit to which it will be connected. Screening reports have been undertaken by our Water Management Team to ascertain any water sensitivities. On the basis of these the Trust are satisfied sufficient water resource is available for the marina as proposed.

With any development close/connected to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The proposals include a new connection to the mainline of the Oxford Canal and works to the towpath and it must be therefore be ensured that the works are carried out appropriately.

Any structural failure of the proposed marina could result in leakages or contamination adversely impacting on the water levels of the wider Oxford Canal network, navigational safety, water quality and biodiversity.

The Trust are satisfied that these construction details can be addressed by our Works Engineering Team and in accordance with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Impact on the heritage, character and appearance of the waterway corridor.

The site is located to the north-east of the Oxford canal, which is a designated conservation area. The canal in this area is passing through a very rural landscape and the proposed marina development will impact on the character and setting of the canal.

The proposed marina layout has been broken up into a series of 'lagoon bays' housing a number of boats and separated by landscaped peninsulas. This breaks up the waterspace, ensuring it is not a large and featureless waterbody, and aids in retaining the landscaped character of the canal corridor.

The design of the proposed clubhouse is reasonable though it is considered that amendments could be made to further improve its visual appearance. The central range of the southwest elevation is acceptable as it resembles a converted barn, or other agricultural building.

However, the single-storey elements create a fussiness to the overall composition, as do the splayed corners at ground floor, which have no perceived benefit. The single-storey additions read as 'add-ons' and are not well integrated into the overall form, with the gabled 'covered seating area' reading as particularly incongruous and having an almost domestic appearance.

A much simpler, robust form taking cues from agricultural and industrial waterway precedents would be much more appropriate and **amended plans should be submitted for consideration prior to determination** of the current application. The submission indicates that waste storage will be provided within the clubhouse though it is not clear from the submitted floor plan where these will be housed. This should be clarified on any amended plan.

Marina entrance and proposed towpath bridge

The Trust have considered the impacts of the location of the marina entrance in relation to navigational safety and access along the towpath. The submitted plans have taken onboard previous comments to ensure that the marina entrance is practical and the towpath bridge, and its approaches will not conflict with the approach from the existing road bridge.

The overall approach to the new bridge design appears to be largely appropriate though the proposed handrail to the bridge should be amended to remove the upstands on the balusters as these could snag tow-ropes. The handrail on the bridge must also tie in seamlessly with that of the approach ramps and not have a step in it.

The submission indicates a store will be included beneath the approach ramp for the storage of stop planks, and the doors to these should be designed to complement the bridge materials and colours. The bridge drawings indicate an epoxy resin bound finish on the metal bridge deck, and it needs to be demonstrated that this is slip proof and durable enough not to become delaminated over time. The ramp to the bridge should also be finished in the same material as the deck, to provide a seamless, high-quality finish. The applicant must take full responsibility for maintenance of the bridge, and the decking finish.

The submission indicates that the 'Geobag' retaining structure to the bridge will be covered by the grass embankment. It is important to ensure that the retaining structure is not to be visible at all and if any sections remain visible these should be finished in brickwork.

The applicant / developer is advised that the bridge crossing and access points on to Trust owned land will require commercial Estates agreements from the Trust. With regards to the proposed bridge crossing the Trust will not take on responsibility for the bridge or the long-term maintenance liabilities and these details should be submitted for assessment as part of the application.

Therefore, whilst the general design of the bridge is considered acceptable the final design, including details on maintenance/management, should be required by condition. The Trust wish to be consulted on these details when they are available.

Condition – Marina Entrance & Towpath Bridge

Notwithstanding the information indicated on the submitted plans prior to the commencement of any works to the marina entrance from the mainline of the Oxford Canal full details for the marina entrance and towpath bridge shall be submitted to and approved in writing by the Local Planning Authority. These details shall provide for:

- *handrail details to the towpath bridge;*
- *Surface finishes for the towpath bridge and approach ramps;*
- *finishes for the ‘Geobag’ retaining structure;*
- *maintenance and management regimes for the marina entrance and towpath bridge.*

Thereafter the works shall be carried out wholly in accordance with the approved details. Reason: In the interests of the visual amenities of the Oxford Canal conservation area and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Oxford Canal in accordance with Paragraphs 120 & 121 of the NPPF.

Impact on the structural integrity and water quality of the canal due to the drainage proposals.

The Application Form states surface water is to be discharged to a ‘sustainable drainage system’ and foul to a ‘package treatment plant.’

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water or foul drainage and full details should be submitted and agreed. These details should also include details on petrol interceptors and maintenance regimes to ensure the systems continue to operate as intended.

The submitted Flood Risk Assessment considers the impacts of a breach from the nearby Wormleighton Reservoir. The applicant / developer is advised that it is their responsibility to consider the breach risk and that the breach modelled on the .gov.uk site may not be the worst case for the marina.

Failures of reservoirs in the UK are rare due to legislation and the inspection regime. The failure of an earth dam, such as Wormleighton, can be a rapid though rare process, that will not be covered by EA early flood warning procedures which do not include flooding from reservoir breaches. If time allows then warnings will be given but cannot be guaranteed such is the often-rapid nature of dam failures.

Impact on the biodiversity of the waterway corridor

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways.

The submitted ecological report and proposed planting are considered acceptable though full details on the maintenance and management regimes for the proposed landscaping are required. This could be required by condition.

Condition – Landscaping and Maintenance / Management

Prior to the first use of the marina hereby approved details of the maintenance and management regimes for all landscaped areas shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the planting shall be maintained/managed in accordance with the approved details.

The planting indicated on the approved landscaping plans shall be completed in all respects within the first planting season following the first use of development hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. The canal and its users should be considered as a 'sensitive receptor' for noise and dust in any construction phase.

The method of construction should be set out to ensure that there would be no potential threat to the water environment of the adjoining canal and the wider network. The proposals include reprofiling of the existing land levels and it is important to ensure that any imported material is appropriate and free from contamination that may present a hazard to water quality and waterway users.

Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. This could be addressed by the submission of a Construction and Environmental Management Plan.

Condition – Construction and Environmental Management Plan

The development (including any works of remediation) shall proceed only in strict accordance with a Construction and Environmental Management Plan which has been submitted to and approved in writing by the local planning authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- a) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development;*
- b) measures to control the emission of dust and dirt during construction;*
- c) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during construction;*

d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);

e) Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;*
- ii) Compliance with planning conditions relating to nature conservation*
- iii) Installation of physical protection measures during construction;*
- iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;*
- v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.*

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Oxford Canal.

The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any lighting should also not provide flood lighting to the canal corridor to show consideration for nocturnal species. The submitted lighting details appear appropriate though details on maintenance / management regimes should be submitted to ensure the lighting operates as intended.

The canal here has a large population of zander, a species classified as non-native and invasive, the Trust would require access to the marina with electrofishing equipment for the purposes of zander removal and other fish harvesting. Any fish that migrate into the marina would remain the property of the Trust.

Should planning permission be granted we request that the following informative is appended to the decision notice:

The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

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

Comments as Landowner

Part of the Application Site is owned by the Trust. However, we would also advise that no Notice appears to have been served on us by the Applicant.



If you have any queries please contact me, my details are below.

Yours sincerely

Anne Denby MRTPI
Area Planner
Anne.Denby@canalrivertrust.org.uk
01926 622752