

**CANNOCK CHASE COUNCIL**

**CANNOCK CHASE LOCAL PLAN (Part 2) – SITE ALLOCATIONS**

**HATHERTON CANAL RESTORATION**

**DUTY TO CO-OPERATE MEETING**

**WEDNESDAY 14 JUNE 2017, 2.00pm, WESTERN SPRINGS RM, CANNOCK**

**PRESENT:**

John Morgan – Planning Policy, CCDC (Chair)  
Clare Eggington – Planning Policy Manager, CCDC  
Matthew Hardy – Planning Policy, CCDC  
Paul Rigby – Planning Policy, South Staffordshire Council  
Sarah Matile – Planning Policy, Lichfield DC  
Heidi Hollins – Planning Policy, Lichfield DC  
Mike Smith – Planning Policy Manager, Walsall Council  
Antony Muller – Natural England  
Ian Dickinson – Canal & River Trust  
Bob Williams – LHCRT  
Peter Buck – LHCRT  
Luke Walker - LHCRT

**APOLOGIES:**

Jane Field – Environment Agency

**1. Introduction**

**1.1 CCDC** welcomed everybody to the meeting. As the Local Plan (Part 2) Site Allocations consultations ended on 27 March, it was considered appropriate to meet to discuss issues raised and clarify any outstanding matters.

**2. Duty to co-operate**

**2.2 CCDC** explained that under the Localism Act, local authorities are required to engage constructively, actively and on an ongoing basis as part of their development plan preparation process on strategic and cross boundary issues. This meeting had therefore been convened under the ‘duty to co-operate’ requirement.

**3. Cannock Chase Local Plan (Part 2) Site Allocations**

**3.1 CCDC** had circulated the responses received on the recent Site Allocations,

Issues and Options consultation, as they related to the Hatherton Canal. It was proposed to submit the plan for Examination in early 2018. Following adoption of Part 2, a review of the Local Plan as a whole would be triggered to address a series of issues which it would not be possible to deal with at this stage.

#### **4. Discussion Matters**

##### **i. Water Supply**

4.1 **CCDC** highlighted that this was an outstanding issue regards to delivery of the Hatherton Canal as well to satisfy the requirements of the Environment Agency and Natural England. The earlier water study report for the separate Lichfield Canal project had been received. It was understood LHCRT were to commission a similar study for the Hatherton Canal. The EA have pointed out their involvement in this project is largely focussed around the issue of water availability to fill any restored sections, and the implications of that on the natural environment. They also acknowledge receipt of the Lichfield Canal water supply report 2016, which identifies a number of potential options for re-watering the canal. However, the report recommended that further work be undertaken to assess if these are viable and reliable. Until this further work has been undertaken, the EA consider there are still question marks over whether there is a guaranteed source of water. Most of these options will be linked to water licensing and the EA will continue to be involved the assessment of options as the project moves forward. LHCRT should therefore liaise with the EA and NE on this matter.

4.2 **LHCRT** propose to commission a water supply study for the Hatherton Canal in due course. They were not aware of any outstanding issues on the Lichfield Canal water supply study, 2016.

##### **ii. Boat turning movements**

4.3 **CCDC** pointed out this was an outstanding issue from the 2008 meetings and originally raised by the EA and NE and was intended to safeguard the floating plantain in the Cannock Extension Canal SAC from additional boat movements that might be generated on the opening of both the Hatherton and Lichfield canals in due course. There is a lack of evidence as to whether more or less boats would be beneficial. Access to the Montgomery Canal SSSI is regulated at the Frankton Lock, in which boats are only allowed through in a 2 hr window each day, advance booking required to access. (Welsh section now has SAC status).

4.4 **NE** highlighted their previous comments on the matter and which detailed various mitigation measures such as removing moorings. These were reiterated in their recent Local Plan Part 2 submission. Monitoring of boat movements would be an important requirement for a restored Hatherton Canal. NE and CRT will check any previous work on this matter. A Habitat Regulations Assessment would be relevant for new plans or projects such as this – dealing with extra traffic.

4.5 **CRT** queried what an acceptable level of boat movements along the Cannock Extension Canal SAC would be? There was a lack of evidence on this matter.

4.6 **Walsall MBC** highlighted their commitment to protect the canal route via the safeguarding Policy. Until evidence could be submitted for a deliverable canal scheme and mitigation measures, route protection is the best that can be offered at the present time. Representations had been received on the grounds that the promoters could not be held responsible for boat turning movements along a section that was outside of their control. If evidence is subsequently provided that boat turning movements was not an issue, the matter will have been resolved.

4.7 **CCDC** had identified a need for a Local Plan review, following the adoption of Part 2 which would give an opportunity to reassess route safeguarding and potentially progress to allocating the route provided that the relevant evidence and assessments had been undertaken to satisfy NE and the EA.

4.8 **Lichfield DC** had made reference to the outstanding water supply and environmental issues in their latest Plan, but regarded these as solvable.

### iii. **Cannock Extension Canal SAC**

4.9 **NE** highlighted its recent representations on Local Plan (Part 2), as some of the identified sites were in close proximity to the Cannock Extension Canal SAC.

4.10 **Walsall MBC** drew attention to a minerals planning consent at Brownhills Common that will become extant in 2042. There had also been expressions of interest on the Yorks Bridge site for fireclay and coal extraction during the Black Country Core Strategy Examination (50% of site in CCDC). The Regulations require that an in combination effect need to be considered.

4.11 **NE** highlighted that to secure SAC status, the water quality had to be good for its SAC designation. Water supply for the canal remains a challenge.

### iv. **Other ecological issues**

4.12 **Lichfield DC** confirmed that the Anglesey Basin was a SSSI.

4.13 **NE** confirmed that Chasewater Country Park was not a SSSI in itself, but various habitats had Sites of Special Scientific Interest status.

4.14 **CCDC** enquired re the status of the floating plantain populations in the Wyrley and Essington Canal.

4.15 **NE** would need to clarify this.

### v. **Lichfield Canal**

4.16 **LHCRT** provided an update on progress. Planning applications had recently been submitted to Lichfield DC for the canal and towpath safeguarding.

Progress was moving at a steady pace in Lichfield including reconstruction works between Summerhill and the M6T aqueduct. An appeal to build a navigable culvert under the Cross City railway line and a new road were the subject of recent funding appeals. Quarterly meetings are held with Lichfield DC, and regular meetings with CCDC, SSDC and Walsall as required.

4.17 **Lichfield DC** pointed out that the route goes across the aquifer and water levels need to be rebalanced.

**vi. Plan period**

4.18 **CCDC** - These would be relevant to the canal safeguarding policies, in which Identified projects should be deliverable within the plan period.

**5. Other local authorities – Walsall/BC-Lichfield-South Staffordshire**

5.1 **CCDC** reiterated that the meeting was arranged under its 'duty to co-operate' obligations. At the current time there wasn't sufficient evidence to formally allocate the canal as a Proposal in the Local Plan, but to continue route safeguarding as a Policy. In 2008/9, the seven relevant local authorities commissioned a Barrister's advice, from Francis Taylor. At the time, a distinction was made between formal route safeguarding as a Proposal and route safeguarding as a Policy. A safeguarding Policy would not require an Appropriate Assessment. However, a Proposal would require the commissioning of a Habitats Regulations Assessment. NE confirmed this position still stands.

5.2 **SSDC** confirmed the Site Allocations Publication Plan consultation had recently ended. Only a few representations had been received regards the canal, which includes a route safeguarding Policy. It was intended to go for formal Submission late Autumn with a January 2018 Examination.

5.3 **Walsall MBC** – The Publication version of the Site Allocations Plan was subject of recent consultation. Route safeguarding of the Hatherton Canal is included. Further work on the Modifications completed. Strong representations were received on the Hatherton Canal. A HRA will need to be commissioned in due course. The Plan was submitted to the Secretary of State on 7 June, with an anticipated Examination in September. Today's meeting was useful and has established the key principles. The four Black Country authorities have also started a review of the Black Country Core Strategy for the period 2026-36. A report is going to cabinet on 21 June with consultation planned for July to August. A Question posed is should the Hatherton Canal still be protected? This does not reflect any diminishing support from the Council and is purely designed to promote discussion.

5.4 **Lichfield DC** – Consultation on the Local Plan Allocations Plan ended on 12 May. Representations are currently being assessed. Modifications will follow and

then Submission.

## **6. AOB**

6.1 Nothing further to report.

## **7. Future meetings**

7.1 To be arranged as required.

## **ACTION ITEMS**

**LHCRT** to commission Hatherton Canal water supply study.

**LHCRT** to liaise with the Environment Agency and Natural England re existing and proposed water supply studies for the Lichfield and Hatherton canals.

**CCDC** to arrange further meetings as required.

**CCDC** to update all parties on Local Plan (Part 2) Submission.

**NE & CRT** to provide updates on any experience of boat movement monitoring.