

Tuesday 24th July 2018

Eddie West
Principal Policy Officer
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire

Our Ref Market Drayton NP
Your Ref

Dear Mr West,

Re: Market Drayton Neighbourhood Development Plan – Regulation 16 Publication and Consultation

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 Shropshire Union Canal lies within the eastern area of the Neighbourhood Development Plan Area. The waterways can be used as tools in place making and place shaping and contribute to the creation of sustainable communities. The Trust seek for any development to relate appropriately to the waterway, minimise the ecological impacts and optimise the benefits such a location can generate for all parts of the community.

The Neighbourhood Development Plan (NDP) recognises the importance of the canal network and the role it can play in supporting sustainable communities. We note that the Vision clearly sets out the aspiration to support improvements to the environment and facilities, including the canal area.

The Trust have previously made comments on the NDP and although changes to the Plan are noted we remain concerned that the Plan as submitted does not meet the Basic Conditions on matters that are of relevance to the Trust. We have suggested amendments to the Plan which we believe would assist in enabling the relevant paragraphs and policies to meet the Basic Conditions and thus allow the Plan to proceed to a Referendum.

Policy MDNDP1 relates to the allocation of a site for a new marina and associated tourism, leisure and related development. The Trust are supportive of proposals that seek to unlock the potential of the canal corridor. However as advised previously we do have concerns with the specific allocation of a site for marina development.

Allocating a site as part of a development plan raises a number of issues regarding the compatibility of the approach to deliverability required by the current planning system, i.e. a scheme should be deliverable in the plan period. The Canal & River Trust's own process for dealing with marina or other offline moorings schemes that are seeking to connect to our waterways has yet to be followed and therefore we cannot confirm the acceptability of this in principle.

It is noted that an amendment has been made to the Plan to reference the need for any marina proposal to comply with the Trust's own process. However, whilst the intention of this is understood it is not considered that this addresses the issues previously raised.

The adopted Shropshire Core Strategy seeks to support development that promotes opportunities for accessing, understanding and engaging with the canal network (Policy CS16) subject to developments protecting, enhancing, expanding and connecting Shropshire's environmental assets (Policy CS17) The adopted 'Site Allocations and Management of Development (SAMDev) Plan similarly requires developments to consider and mitigate their impacts on the natural environment (SAMDevMD12)

Policy MD11 of the SAMDev sets out the requirements for canal side facilities and new marinas. This Policy is clear that for new marina proposals applicants need to demonstrate the capability of the canal network to accommodate the development. The Basic Conditions Statement seeks to establish the Neighbourhood Development plan's consistency with this Policy MD11 and therefore we assume that it is common ground that this is considered to be a strategic local plan policy.

To be able to demonstrate the capability of the canal network to accommodate the development it must have successfully passed through the Canal & River Trust's own application process. It would also have to obtain the necessary connection agreement which would permit it to physically connect to the Trust's waterway network.

As advised previously the acceptability or otherwise of a marina or other offline mooring proposal to the Trust is based primarily on consideration of availability of water resources, navigational safety considerations and potential impacts on SSSIs.

Whilst considered within the Trust's own process these are also matters covered by strategic policies within the adopted Core Strategy such as CS6, CS17, & CS18 and Policies MD2, MD8 MD11 & MD12 of the adopted SAMDev that should also be considered.

As acknowledged within the 'Consultation Statement' response to our previous comments the canal network is *'extensive and it contributes to the strategic ecological network which extends significantly beyond the limited boundaries of the NDP area. As such it's value to biodiversity is better protected through strategic policies within Shropshire Core Strategy and the SAMDev Policies.'*

The Plan however does not appear to have considered the wider impacts a marina allocation may have beyond the *'limited boundaries of the NDP area'*. The waterways cross administrative boundaries and the site of a proposed marina and its potential impacts cannot be viewed in isolation.

For example, whilst there are no SSSI designations within or adjacent to the NDP area there are SSSIs further afield which are directly connected to the canal network. A new marina would bring an increase in boat movements and the implications for the canal network with regards to water resource, navigational safety and environmental impacts need to be considered at a strategic level.

The Trust are therefore concerned that allocation of a marina is at odds with the adopted Policies as it has not fully considered the wider impacts on the canal network and may therefore undermine the adopted strategic policies.

However, in the event that the capacity of the canal network to accommodate the marina proposal was established this would still not cover the whole of the Plan period. As advised previously for each new applicant in the Trust's process, the assessment of water resources takes account of the other applications in the Trust's process at that time, and the cumulative impact is considered.

As has been evident on the site already, over time, schemes may be withdrawn or removed from the process - either voluntarily or by the Trust where there is a lack of progress, which can change the position regarding acceptability of new schemes seeking to enter the Trust's process. Environmental factors, together with new or changes to existing commercial abstractions (such as from farming, utilities companies and other industries) can also impact on the availability of water resources.

Therefore, due to the way in which the Trust's process works, a site may be deliverable in respect of water resources at the time that a plan is prepared (if the site successfully passes the first stage of our process) but may not be deliverable on adoption or during the lifetime of the plan if the applicant has withdrawn it or it is removed from the process. A site allocated for a marina in a development plan may not be delivered if it comes back into the Trust's process and insufficient water resources were available.

Marina proposals in the Trust's process are confidential until such time as the applicant determines they wish to make the proposal public knowledge, and there may be a number of

proposals in the process at any given time on a particular waterway. As waterways (and hydraulic units) may span several local authority boundaries, it is possible that proposals falling within different local authority areas could have implications for site allocations for marina developments in another local authority area.

Consequently, it is difficult for both the Trust and accordingly the Town Council, to determine the deliverability of a scheme, given the competing factors and variables between the Trust's own application process, the planning process and the timescales involved in both plan preparation/adoption and actual delivery of marina schemes from initial proposal to commencement of work on site.

As you are aware the concerns of the Trust in relation to the deliverability of marinas led to amendments to Policy S8 of the SAM Dev. We attach our representations and the subsequent amendment for your information. As outlined above these concerns are further reflected in Policy MD11 which, whilst supporting canal side facilities and new marinas, acknowledges the technical constraints that can affect the location of marinas such as matters of water resource, navigational safety and topography and requires applications to demonstrate the capacity of the canal network to accommodate the development.

In addition, the Trust reiterates concerns with regards to the compatibility of the uses proposed with the residential moorings at Noden's Victoria Wharf and the impact of highway works and access arrangements on the heritage, character and appearance of the waterway corridor.

Policies CS7, CS16 & 17 of the adopted Core strategy require developments to consider the impact the existing highway network and the heritage, character and ecological function of the waterways. This is further reinforced within Policies MD2 & MD13 of the SAMDev.

The main access to the marina development is proposed from the A53 via Betton Road and amendments to the access arrangements here will be required. These have the potential to adversely impact on the canal corridor and further details on the highway works are required to enable an assessment of the potential impacts of the site allocation on the canal corridor to be undertaken in accordance with the above Policies.

There will also be an impact to the existing bridge crossing at Maers Lane (Victoria Bridge) Whilst the NDP seeks to direct traffic to the site from the A53 with the housing proposed under MDNDP4 it is likely that traffic levels across this bridge would increase. There does not appear to be any further detail provided to confirm whether any modelling work has been undertaken to assess the impact.

The existing bridge at Maers Lane is Grade II listed and whilst it is currently in a generally fair condition it has suffered weathering and this is a "Weak Bridge". As such its load capacity is under review, and the imposition of a weight limit may be required.

The road over the bridge is very narrow, with a partially sighted, humped profile, there are also gouges in the road surface, indicating grounding of long vehicles. Therefore, the use of Mears Lane over the bridge is not suitable for significant HGV traffic (such as construction traffic or the movement of boats (on low-loaders) or cranes to/from the proposed marina) unless traffic management is implemented on the bridge (e.g. traffic lights), while re-profiling of the road approaches to reduce the hump-back nature of the bridge should also be seriously considered.

The provision of pedestrian/cycle movements across the bridge would also need to be considered in the light of increased traffic movements as there is currently only a very limited width pedestrian footpath. The Plan makes reference to the need to consider heritage assets and references the Market Drayton Canal Basin Conservation Area. The Plan however fails to acknowledge that the canal is in its own right, a non-designated heritage asset and any proposals / allocations need to have full regard for this and their impact on the setting of the asset, as per Policy MD13 of the SAMDev.

It is therefore considered that the marina allocation within Policy MDNDP1 is not in general conformity with the adopted strategic policies. We would therefore request that the Examiner consider a revision to Policy MDNDP1, as below, with the site being allocated for 'Tourism, Leisure and related development' only.

The provision of a marina on the site could be referenced though it needs to be clearly identified as an aspiration for the site rather than a specific allocation. Subsequent amendments would also be required to Policy MDNDP2 and the supporting text to both Policies:

Policy MDNDP1 – Tourism, Leisure and Related Development

Land amounting to some 36.5hectares (approximately) identified on Map 3 will be supported for Tourism, Leisure and related development suitable for canalside rather than town centre, including uses such as; marina, canal-side public house/restaurant, tourist accommodation, housing development.

Development will be supported where a comprehensive proposal, in the form of a masterplan is submitted in accordance with the provision of Policy MDNDP2. The Masterplan shall identify the uses proposed on the site and demonstrate that those uses will not preclude the provision of a marina on the site or that a marina is unviable.

The Trust are happy to meet with you to discuss any of the above and therefore if you have any queries please do not hesitate to contact me, my details are below.

Yours sincerely

Anne Denby MRTPI
Area Planner