

DEPARTMENT
OF THE
ENVIRONMENT



RICHARD JONES
HEAD OF DIVISION
PD3 DEVELOPMENT CONTROL POLICY
DIVISION

47/2 ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

The Chief Planning Officer:

County Councils }
District Councils } in England
Unitary Authorities }
London Borough Councils
Council of the Isles of Scilly

The Town Clerk, City of London

The National Park Officer, National Park Authorities in England

The Chief Planning Officer, The Broads Authority

The Chief Planning Officer, Urban Development Corporations

GTN CODE 3533

DATE 9 JUNE 1997

Dear Chief Planning Officer

**ADDITION OF BRITISH WATERWAYS TO THE LIST OF STATUTORY
CONSULTEES**

In December of last year, we issued a consultation paper on a proposal to make British Waterways (BW) a statutory consultee on planning applications which were likely to affect canals, river navigations and reservoirs which they owned or managed, and the associated canal feeders, watercourses and let-offs. This reflected concern that BW was not being made aware of a significant proportion of proposals for development which could affect the stability and integrity of waterways for which they were responsible.

The Department of the Environment has analysed the responses to the consultation paper and these have now been placed in the Department's Library. The proposal received considerable support and an order amending article 10 of the General Development Procedure Order 1995 was laid before Parliament on 17 March. A copy of relevant statutory instrument, which comes into force on 1 July, is enclosed. This letter provides advice for local planning authorities on the implementation of these new arrangements.

The statutory consultation arrangements

The new Order provides for British Waterways to be consulted on all planning applications involving development which is likely to affect either:

- (i) an inland waterway or reservoir owned or managed by British Waterways; or
- (ii) any canal feeder channel, watercourse, let-off or culvert;

and which is within an area which has been notified to the local planning authority by British Waterways. The term 'culvert' has been added to (ii) following the consultation exercise.

The types of waterway covered by the Order

The term, 'inland waterway' has the same meaning in the Order as it has in section 159 of the Transport Act 1968. The notification requirement therefore relates to both canals and river navigations owned or managed by British Waterways.

The terms, 'canal feeder channel', 'watercourse', 'let off' and 'culvert' have the following meanings.

A canal feeder channel is a natural or artificial watercourse used for supplying water to a canal from a reservoir or other source. Parts of some otherwise obsolete canals are retained for this purpose.

A watercourse is a stream flowing, or a ditch capable of discharging, into a canal.

A let-off is an appliance for getting rid of some of the water from a canal in rainy weather so that it does not overflow its banks. Normally, excess water is allowed to discharge through a sluice into an adjoining watercourse which may be dry for much of the time.

A culvert is an enclosed channel or conduit used for carrying a stream under a canal embankment and may extend for a considerable distance beyond the canal.

Types of development likely to affect these waterways

The Order provides for British Waterways to be consulted where development is likely to affect the particular waterway concerned. This covers:

- development which involves any digging of foundations;
- the building of anything large which could impose a loading on the side of the waterway;
- any development which could create a breach in the waterway for example by increasing surface water discharges; and
- any major change of land use, for example a change from fields to housing.

British Waterways do not need to be consulted, on a statutory basis, about various types of minor development which would not impact on the waterway structure or its integrity. This includes domestic roof extensions, changes to the external appearance of buildings which do not involve foundations or additional loadings, and the erection of sheds, fences, etc. where no significant foundation is required.

The provision of maps by British Waterways

The consultation paper proposed that all relevant development within 150 metres of an inland waterway or reservoir owned or managed by British Waterways should be covered by the new

consultation arrangements. Concern was expressed in a number of consultation responses that this distance might be too great in certain cases resulting in British Waterways receiving large numbers of notifications which were not of interest to them. The final Order therefore introduces an additional degree of flexibility. The new consultation arrangements will now apply, in all cases, to relevant developments within an area notified to the local planning authority by British Waterways. British Waterways have agreed that the edge of this area will be a maximum of 150 metres from a relevant waterway but, where possible, will be closer than this to minimise the extra work required of the local planning authority.

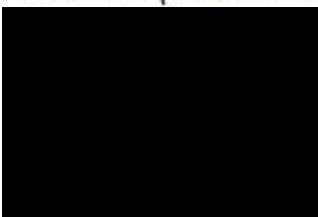
Before the Order comes into effect, British Waterways will provide all local planning authorities in England with maps showing those areas to which the new consultation arrangements will apply. As in the consultation paper, these maps will be on a scale 1:10,000 and will be based on Ordnance Survey maps. Any queries on the maps should be addressed to Judith Grice, Head of Environmental Design and Planning, British Waterways, The Locks, Hillmorton, Rugby, Warwickshire CV21 4PP, Telephone: 01788 570625.

Contacts within British Waterways to whom planning applications should be sent

Annex A to this letter sets out the contacts within British Waterways to whom planning applications should be sent for comment. The maps sent out by British Waterways will identify which regional office covers the area concerned. Some local planning authorities will find that one regional office has to be consulted about applications in part of their area and a different office about the remainder. Some authorities will, of course, find that they have no relevant waterways and are not affected by this new consultation requirement. British Waterways will be writing to all authorities before 1 July either sending them the necessary map(s) or confirming that there are no consultation requirements for their area.

Commencement

To allow British Waterways time to provide all local planning authorities with relevant maps, this Order will come into force on 1 July 1997. The new arrangements will then apply to all valid applications received on or after this date.



RICHARD JONES

Head of Division

Planning: Development Control Policy Division