

Please return this form with your representations to Planning Services by **5pm on Thursday 18th September 2014** either by email to cil@bathnes.gov.uk post to PO Box 5006, Bath, BA1 1JG

This form has two main parts:

Part A – Personal Details

Part B – Your representations(s)

Please fill in Part A once, and a separate sheet for each representation you wish to make on Part B.

Please note all names and comments will be made publically available.

Part A

* If an agent is appointed, please complete only the Title, Name and Organisation Boxes below but complete the full contact details of the agent

1.	Personal Details*	Agent Details
Title:	Mrs	
First Name:	Jane	
Last Name:	Hennell	
Job Title: (where relevant)	Area Planner	
Organisation: (where relevant)	The Canal & River Trust	
Address Line 1:	The Dock Office	
Address Line 2:	Commercial Road	
Address Line 3:	Gloucester	
Address Line 4:		
Postcode:	G11 2EB	

2. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?

- No, I do not wish to participate at the oral examination
 Yes, I wish to participate at the oral examination

3. If you wish to participate at the public hearings, please outline why you consider this to be necessary:

We would prefer to hold an informal discussion with the Council initially, although it may be necessary to participate at the examination in due course.

Signature: Jane Hennell

Date: 17/09/2014

Part B: Representations

Comments:

The Canal & River Trust (the Trust) is the guardian of the Kennet & Avon Canal as it runs through Bath & North East Somerset, passing through Bath where it joins the River Avon and out into the Countryside to the east. The Council understands the benefits that the canal and river corridor brings to the area and we acknowledge your support and recognition of these benefits in policy documents as multi-functional green infrastructure.

The Trust promotes the canal as a wildlife corridor, heritage asset, as well as an attractive route for sustainable transport, a free local health resource providing informal leisure and recreation, both on the water and on the towpath, as well as providing a sense of place.

The Canal & River Trust support the proposed Draft CIL Charging schedule and Draft Planning Obligations SPD but we would wish to meet the Council to discuss particular issues surrounding the canal and towpath with the Council.

We are concerned that, some types of mitigation and improvements may fall between the type of development funded through CIL and those fundable through S106 planning obligations. Development in the vicinity of the canal can have a significant impact on our infrastructure, for example as a result of increased use of the waterway and towpath by pedestrians and cyclists, and it is essential that this impact is mitigated in the future.

At present the council have not recognised our concerns or supported requests for S106 funding to militate against the impact of development through increased usage and maintenance costs, although other Councils adjacent to the Kennet & Avon canal support such requests. We wish to ensure that this anomaly does not continue or become exacerbated as a result of these policy documents.

We are concerned that when the new Planning obligations SPD and CIL charging schedule is brought into use in 2015 it may be even harder to obtain such support. We would therefore wish to ensure at this stage that the council is aware of our concern and that we have considered together how best to deal with any necessary mitigation, supported, if necessary, by changes to the emerging guidance

Transport improvements and Green infrastructure are included on the proposed Regulation List 123 list as strategic infrastructure. The IDP lists canal infrastructure under reference DWI.36 as desirable strategic infrastructure and states that no large scale new infrastructure is required to meet increased population numbers. It is not clear if this is intended to relate solely to water based infrastructure such as the channel, sluices, weirs etc, or includes the associated towpath or riverside walkways. Since the document was written a major application alongside the canal has come forward, which we feel does have an impact on the quality of existing infrastructure and which may as a result require mitigation.

Continued:

Continue on a separate sheet if necessary. Please include your name/organisation on each separate sheet used.

Please note that the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Representations may be accompanied by a request to be notified at a specified address of any of the following: that the Draft Charging Schedule has been submitted for independent examination; the publication of the recommendations of any person appointed to carry out an independent examination of the Draft Charging Schedule and the reasons behind those recommendations; and the approval of the Charging Schedule.

If you would like help completing this form or need more copies, please ring the Planning Policy Team on 01225 477548. More information can also be found at www.bathnes.gov.uk/CIL

Part B: Representations

Comments:

Part B continued:

Improvements to the towpath are mentioned in the Infrastructure Delivery Plan and it is expected that more detail of areas of improvement and costings will be provided in the future once the Kennet & Avon Waterway plan has been finalised. This type of improvement has been characterised as desirable but it should be acknowledged that whilst towpath improvements are desirable across the entire length, in certain areas they may be essential or critical, particularly as a result of increased usage. The towpath is not mentioned in the section on cycling and pedestrian facilities although it is part of the Sustrans NCR4 network.

We have read with interest the explanation of the type of development which can be funded through CIL and those which should continue to be funded by S106. Our concern, nationally, not just in relation to this document, is that unintentionally a situation may occur where specific types of infrastructure, such as the canal network, fail to actually benefit from CIL and at the same time cannot be funded through s106 agreements. We note that S106 planning obligations can be used for off-site mitigation and we hope that this would allow the Council to consider and be more supportive of our requests in the future, provided that they meet the tests laid down in the CIL regulations.

In the past towpath improvements have been achieved elsewhere as a result of S106 funding but it now seems that the aim is to be to prevent projects being given S106 funding if they are eligible to be funded through CIL, even when the chance of actually receiving CIL funding for this type of development may be very low.

While the Regulation 123 List remains as a list of broad categories of infrastructure, including transport and green infrastructure it may be that the canal should be specifically excluded if this will heighten chances of receiving funding through S106 obligations.

It is not clear if the council will support a request for a financial contribution towards mitigation to cope with additional usage, either now or in the future and we would welcome the opportunity to discuss this with the council. If necessary then clarification, or adaptation to the Regulation 123 list or SPD may be necessary. Alternatively the text of the IDP could be amended to state in the SPD that developers of sites in the vicinity of the canal may be asked to contribute towards localised waterway or towpath improvements through Section 106 where these are reasonably necessary and justified even though the whole scale improvement of the canal is recognised as a CIL project.

We are involved in similar discussions with other local authorities at present as they too progress their CIL guidance. And we feel it would be useful to establish at this stage your views on whether there is indeed a need to deal with this potential concern, in order to make any changes necessary in advance of the implementation of CIL.

As such we would welcome the opportunity for an informal meeting to discuss this response.

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