

Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

Your Ref

Our Ref CRTR-POL-2025-43899

Wednesday 14 May 2025

Dear Rugby Borough Council,
Rugby Borough Local Plan - Preferred Option Consultation

Thank you for your consultation on the above document.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Canal & River Trust (the Trust) is a statutory consultee in the Development Management process, and as such we welcome the opportunity to input into planning policy related matters to ensure that our waterways are protected, safeguarded and enhanced within an appropriate policy framework.

Within Rugby Borough, the Trust owns and operates approximately 34km of the Oxford Canal, 4km of the Ashby Canal and 4km of the Grand Union Canal. The canal network in the Borough primarily runs through rural areas, but the Oxford Canal does also run around the northern and eastern fringes of Rugby. Over 40% of the population of the Borough live within 1km of at least one of the Trust's waterways.

Inland waterways are acknowledged as significant green infrastructure, but they also function as blue infrastructure, serving as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; a contributor to water supply and transfer, drainage and flood management. The waterway network also forms part of the historic environment, character, and cultural and social focus of Rugby Borough.

Please find below the Trust's response to the Local Plan Preferred Options consultation. We hope that the comments provided are clear and helpful. We are willing to continue to work with you, to meet and discuss these points for clarity and to seek to work together towards a high-quality borough that relates positively with the waterway network.

Policy S6- Residential Allocations

Site 40- Land East of Kilsby Lane, Hillmorton

Site 40 adjoins the Oxford Canal and towpath for about 230m along its eastern boundary. There is currently a substantial mature hedgerow interspersed with trees separating the site boundary from the canal towpath.

We note that the development requirements set out in the Development Site Allocations Annex identify a requirement to provide pedestrian access from the site to the canal towpath as well as ensuring that dwellings are designed to have frontages onto the canal towpath. We consider that these are appropriate principles for any

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development of this site to follow; it is important that any development engages positively with the canal and takes advantage of the opportunities presented by the waterside location of the site. Any access onto the canal towpath will require the prior consent of the Trust in the form of a commercial agreement and we recommend early discussion with the Trust over the location and design of any proposed accesses.

Access to the canal towpath would provide future residents with both a recreational resource and an active travel link towards Hillmorton. The canal towpath offers a safe, convenient and attractive walking and cycling network which links with the wider walking and cycling network across the Borough and increasing its use and improving its accessibility will help to promote the health and well-being of future occupiers of the development and local communities generally, consistent with the aims of the NPPF.

The Trust generally maintains towpaths in a 'steady state' according to existing levels of use. Where new development is likely to significantly increase footfall, it is important to consider the ability of the towpath to accommodate this. In this location the towpath does not have a sealed surface and is not suited to year-round use either by pedestrians or cyclists. We have produced guidance on how towpath improvements should be undertaken to ensure that they are suitable for the anticipated levels of use and appropriate in character and appearance for their location; this is particularly relevant in locations such as this where the current character is semi-rural. The cost of any improvements to the towpath to facilitate improved active travel links between the site and the surrounding area would need to be borne by the developer of the site and the Trust would expect this to be secured via a S106 obligation as part of any planning permission.

We therefore consider that the development requirements should include a clear requirement for a developer contribution to be provided via a S106 planning obligation for upgrading the canal towpath to ensure that it can provide an active travel link northwards to Hillmorton that is suitable for year-round use. The Trust is happy to engage further in discussions over the specification and likely cost of such works and how best to secure their delivery.

We also note that development proposals for the site are required to come forward in accordance with a master plan which is produced in consultation with the Canal & River Trust, and we welcome the inclusion of this requirement. The Trust will be happy to engage further with the Local Planning Authority and any prospective applicants over the design of any proposals to develop this site.

Any development proposals should include careful consideration of the character of the canal corridor and its role as a strategic blue/green infrastructure corridor and wildlife habitat. The canal sits in a cutting where it adjoins the north-east corner of the site and is at a lower level than the site there. It will be important to ensure that any development in close proximity to the cutting slope avoids adversely affecting its stability. Similarly, any built development close to the eastern site boundary could have the potential to affect the canal structure by imposing additional loadings on it or otherwise affecting its stability as a result of earthmoving or excavations during construction operations. These matters should also be taken into account in any proposals to develop this site. Should any prospective applicant wish to explore the feasibility of discharging surface water from the site to the canal, they should contact the Trust's Utilities Team for further advice. Please note that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will be subject to completion of a commercial agreement.

Policy S7- Employment Allocations

Site 95- Crouner Fields Farmand Home Farm, Ansty

Site 95 is located to the south of the Oxford Canal and extends northward to adjoin the canal and towpath for a distance of about 30m to the south-east of Ansty Road Bridge (Br. 14). The site is crossed by a number of public footpaths, and PRoW R31a and R31b both link to the canal towpath and PRoW 32 crosses the canal via Bridge 16.

We note that planning permission to develop this site has recently been granted (your ref: R23/1027) and the Trust has provided advice on that application in our capacity as a statutory consultee. We note that the planning permission includes requirements to provide active travel links between the development and Ansty; this is likely to involve use of the canal towpath. This requirement is reflected in the development requirements set out in the Development Site Allocations Annex. We suggest that the development requirements should explicitly state that any active travel links that involve use of the canal towpath must include provision for upgrading the towpath surface to ensure it is suitable for year-round use.

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Policy EN2- Landscape Protection

We consider that this policy is appropriate, but we suggest that the supporting text at paragraph 5.6 could be expanded to include waterways as an example of important elements within landscapes that make a significant contribution to their character and setting.

Policy EN7- Environmental Protection and Amenity

Policy EN7 seeks to ensure that new development does not cause or be affected by, amongst other things, land instability. The Trust considers this to be an extremely important issue which needs to be taken into account when assessing potential risks to infrastructure close to developments, such as canals and associated structures such as embankment or cutting slopes. New developments involving construction operations taking place in close proximity to the Trust's canals and associated structures presents a risk that these operations, including any excavations required for foundation construction, may create land instability or otherwise adversely affect the stability or structural integrity of the canal.

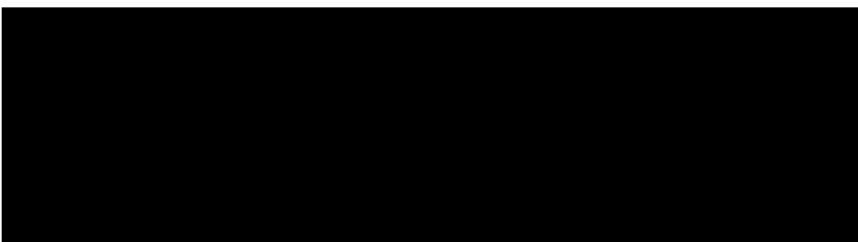
Canals are not water-tight and retain their water through a combination of waterway wall construction, clay lining and earth pressure. Vibrations (for example, from piling operations, ground compaction or plant/vehicle movement) and excavation of the ground in the vicinity of the canal can create land instability and lead to leaks or even, in extreme cases, breaches of the canal which in turn results in flooding of adjacent land.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability. In particular, paragraph 197 of the NPPF is also clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

We recommend that the supporting text at paragraph 5.24 be expanded to highlight the need for new development proposals to consider potential land stability risks and to ensure that they are appropriately addressed in relation to both impacts on the development proposed and on surrounding land/infrastructure.

We hope that these comments are of assistance, but please do not hesitate to contact me with any queries you may have.

Yours sincerely,



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