Canal & River Trust
Making life better by water

John Holmes
Kirklees Metropolitan Council
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

Your Ref 2023/91126

Our Ref CRTR-PLAN-2023-38854

Monday 15 May 2023

Dear John Holmes,

Proposal: Variation of conditions 2 (plans and specifications), 3 (access retaining structures), 4 (Finished Floor Levels), 5 (lighting), 6 (invasive species), 7 (Ecology), 8 (Hedge Planting) 9 (surfacing) on previous permission 2019/90988 for use of land for provision of camping facilities, formation of camper van sites, erection of 4 camping pods, toilet block and associated works to amend unit dimensions, layout and associated alterations and to address matters requiring submission of of details by conditions 3, 4, 5, 6, 7, 8 9.

Location: Land adj, Lock 38, Marsden Lane, Marsden, Huddersfield

Waterway: Huddersfield Narrow Canal

Thank you for your consultation on the above application to vary conditions.

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 Trust is a statutory consultee in the Development Management process.

The Trust own and manage the Huddersfield Narrow Canal, located to the north of the application site. We also own the existing access track within the application site. The applicant has a right of access over this track, limited to cars and light vans not more than 7.5 tonnes or over 2.5m wide.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The amendments to the plans are considered acceptable in principle, and we take no issue with the amendments proposed to condition 2.

We note that information has been received in order to help satisfy conditions originally placed on the original consent. Our comments on the information provided is summarised below:

Condition 3

The supplied details show the provision of passing areas, which will help facilitate two way travel on the access track.

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The cross section provided shows the existence of a steep drop to the canal towpath. **To avoid instances where vehicles could cross the grass verge onto the towpath by accident (such as when passing vehicles incorrectly away from passing areas), we would advise that knee height rails or rocks are installed between the verge and the road to avoid vehicles accidently falling over the wall.**

Condition 4

The Trust take no issue with the details provided.

Condition 5

Although the Trust take no issue in principle with the lighting shown, we request that the Local Planning Authority, taking account of expert advice as necessary, ensure that the illumination provided at night will not disturb native species, including bats. This may require the submission of additional illumination reports.

This would help ensure compliance with the aims of policy LP30 from the adopted Local Plan, which seeks to ensure development will result in no significant loss or harm to biodiversity in Kirklees.

Condition 6

The Trust take no issue with the details provided.

Condition 7

The Trust take no issue with the biodiversity mitigation measures proposed to address this condition.

Condition 8

The Trust take no issue with the details provided to address this condition.

Condition 9

The Trust take no issue with the details provided to address this condition.

Other Comments

The Trust have ownership of the access track to the north of the site, with the exception of the proposed passing places. The applicant is advised to contact the Trust's estates section via switchboard on 0303 040 4040 to ensure that works will occur with the Trust's agreement.

Canal & River Trust Planning Team
Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW
T: 0151 355 5017 **E:** nationalwaterwaysmuseum@canalrivertrust.org.uk **W:** canalrivertrust.org.uk

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Due to the Trust's ownership of the access track, the applicant/developer would also likely need to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.

We therefore request that, in the event of a positive determination, the following informatives are appended to the decision notice:

- *"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 or via email tpwnorth@canalrivertrust.org.uk at in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust"*
- *"The applicant/developer is advised to contact the Canal & River Trust's Works Estates Section via switchboard on 0303 040 4040 in order to ensure that any necessary consents are obtained for works on Trust owned land"*

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Simon Tucker MRTPI
Area Planner

Simon.Tucker@canalrivertrust.org.uk
07885 241223

https://canalrivertrust.org.uk/specialist-teams/planning-and-design