

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 10th November 2015

Report of: Executive Director of Economic Growth & Prosperity

Subject Title: Shropshire Union Canal (Nantwich to Ellesmere Port):
Conservation Area Character Appraisal

Portfolio Holder: Councillor Ainsley Arnold, Planning and Housing

1.0 Report Summary

- 1.1 The Chester Canal follows a route from Ellesmere Port within the Cheshire West & Chester Borough Council area to Nantwich in Cheshire East. It was constructed when the Chester Canal Act was passed in 1772 and is the earliest part of the present day Shropshire Union Canal and one of the earliest main line canals built as a broad beam canal making it a unique part of this extensive and attractive canal.
- 1.2 It was built to provide a link from the port of Chester to its hinterland and the salt towns of Cheshire and is joined to The Trent & Mersey Canal at Hurleston, the Welsh canal system at Barbridge and also to the wider national canal network south of Nantwich when it was linked to the Birmingham and Liverpool Junction Canal by an embankment and aqueduct which enabled it to become part of the present day Shropshire Union Canal.
- 1.3 The Conservation Area Character Appraisal for the Chester Canal section of the Shropshire Union Canal sets out those aspects of the canal's architectural and historic interest which make it special, proposes that it be designated as a conservation area by Chester West & Chester and Cheshire East Borough Councils and identifies its proposed boundary. It includes a set of recommended management proposals which seek to balance environmental issues, social progress and economic development in order to sustain, preserve, protect and enhance its character and appearance.
- 1.4 The Appraisal was drafted by The Chester Canal Heritage Trust under the guidance of conservation officers from the former Chester City Council and has since been considered, reviewed and updated with input from The Canal and River Trust (formerly British Waterways), Cheshire West &

Chester Borough Council conservation officers, and by conservation landscape and nature conservation officers in Cheshire East Borough Council and the archaeological Planning Advisory Shared Service.

- 1.5 It is intended that the Appraisal will shortly form the basis of consultation with the public and those with an interest in the canal and its corridor in Cheshire West & Chester and Cheshire East on the proposal to designate a canal conservation area for the Chester Canal section of the Shropshire Union Canal from Ellesmere Port to Marsh Lane Bridge in Nantwich, its proposed boundary and its recommended management proposals to sustain, preserve, protect and enhance its character and appearance by balancing environmental issues, social progress and economic development.
- 1.6 Such consultations will be carried out by The Chester Canal Heritage Trust who will consult residents, and those with an interest in the canal and its corridor for both the Cheshire West & Chester Borough Council and the Cheshire East Borough Council parts of the canal. The Chester Canal Heritage Trust made copies of the document and an explanatory leaflet summarising the history of the canal and the effects of the proposed designation available at the National Boat Campaign Festival which they hosted in Chester at the beginning of June 2014. They have also consulted all parish councils in Cheshire West & Chester. The date of their proposed concurrent consultations for Cheshire West & Chester and Cheshire East Councils has yet to be confirmed, once the Chester Canal Heritage Trust have obtained Cheshire East's approval for this consultation..
- 1.7 It is intended that the proposed public consultation arrangements for Cheshire East parts of the canal will encompass sending a letter to all those affected, advising them of the proposal in the appraisal to designate a canal conservation area on the section of the current day Shropshire Union Canal within Cheshire East which stretches from the north of Bunbury locks to Marsh Lane Bridge at Nantwich, its proposed boundary and recommended management proposals. They will be advised that a copy of the appraisal can be viewed on The Chester Canal Heritage Trust's web site, at Nantwich library and at Cheshire East Borough Council's offices at The Civic Centre in Nantwich and at The Municipal Buildings in Crewe. They will also be sent the explanatory leaflet which summarises the history of the canal and the effects of the proposed designation together with a short questionnaire, for the submission of comments on the proposed boundary and recommended management proposals to The Chester Canal Heritage Trust during the twelve week consultation period for receipt of written comments.

- 1.8 Following completion of all these consultations and feedback from The Chester Canal Heritage Trust it is intended that a report will be written setting out Cheshire East conservation officer recommendations on the proposal to designate this canal as a conservation area, its proposed boundary and recommended management proposals and the feedback received during the consultation period, for consideration and approval by the Portfolio Holder.
- 1.9 A copy of the Canal Conservation Area Character Appraisal is given in **Appendix 1**. Its detailed gazetteers of features within the stretch of the canal lying within Cheshire East are given in **Appendix 1.1** and **1.2** and maps showing the proposed boundary for those stretches of the canal within Cheshire East are set out in **Appendix 1.3 – 1.8**. A summary of its recommended management proposals for the whole of the canal are set out in **Appendix 2** and those relating to the stretches of the canal within Cheshire East are set out in **Appendix 3** (taken from the appraisal). It should be noted that there are a number of awaited minor drafting amendments which need to be made to the documents attached to this report prior to the planned consultation, including: regularisation of some lines denoting the proposed boundary in two places on the maps; annotation of the maps and their titles in the appraisal; inclusion of missing officer contact details and names of organisations. None of these awaited amendments will affect the overall content of the documents or their consideration by the Portfolio Holder.

2.0 Recommendations

- 2.1 That the Chester Canal Heritage Trust be authorised to consult residents, relevant parish and town councils within the Cheshire East parts of the canal and those with an interest in the canal and its corridor, on the proposal to designate a canal conservation area, its proposed boundary and recommended management proposals to sustain, preserve, protect and enhance its character and appearance, based on the recommendations in the Appraisal in **Appendix 1**.
- 2.2 That those consulted be sent a copy of the explanatory leaflet in **Appendix 4** summarising the history of the canal and the effects of the proposed designation, to ease understanding of its context and implications.
- 2.3 That those consulted also be sent a copy of the questionnaire in **Appendix 5** to facilitate the submission of clear written comments for consideration.

2.4 That officers subsequently submit a report to the Portfolio Holder setting out their recommendations on the feedback on the consultation, and if proposing the designation of this canal conservation area, its proposed boundary and recommended management proposals to sustain, preserve, protect and enhance its character and appearance as set out in an attached Appraisal, for consideration and approval. Any decision to be made by the Portfolio Holder to consider an officer recommendation to designate the conservation area will then become a key decision and will need to be put on the forward plan at that stage.

3.0 Reasons for Recommendation

3.1 To enable public consultation on the proposal to designate a conservation area for the historic Chester Canal along a section of the present day Shropshire Union Canal within the boundary of Cheshire East Borough Council, its proposed boundary and recommended management proposals to sustain, preserve, protect and enhance its character and appearance, as set out in the Chester Canal Conservation Area Character Appraisal.

4.0 Wards Affected

4.1 Bunbury, and Nantwich North & West.

5.0 Local Ward Members

5.1 Councillor Michael Jones, Councillor Penny Butterill, Councillor Arthur Moran.

6.0 Policy Implications

6.1 This appraisal does not include any policy implications..

7.0 Implications for Rural Communities

7.1 This appraisal does not include any policy implications for rural communities.

8.0 Financial Implications

8.1 The subsequent costs associated with the formal designation of the conservation area involving placing notices in the local press and in the London Gazette will be met within the Development Management's 2015/16 approved budget.

9.0 Legal Implications

- 9.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on local authorities to determine which parts of their area are areas of special architectural and historic interest, the character and appearance of which it is desirable to preserve and enhance and to designate those areas as conservation areas, and to register the designation as a land charge.
- 9.2 Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to notify the Secretary of State and English Heritage of the designation, and to advertise the designation in the London Gazette and a local newspaper in the area.
- 9.3 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas, submit them for consideration to the public in the area to which they relate and have regard to the views concerning the proposals expressed.
- 9.4 Pursuant to the Local Government Act 2000 s13 and the Local Authorities (Functions & Responsibilities) (England) Regulations 2000, decisions relating to the designation of conservation areas belong to the Executive and have been delegated, by the Council's Constitution, to the Portfolio Holder.

10 Risk Management

- 10.1 Statutory requirements for the appraisal and its proposals have been met.

11 Background and Options

- 11.1 Local authorities have a responsibility to determine which parts of their area are considered to be of architectural and historic interest, the character and appearance of which it would be desirable to preserve or enhance, and to designate such areas as Conservation Areas.
- 11.2 Conservation Area Character Appraisals are the established best practice for identifying their potential merit for conservation area status and proposals to preserve and enhance their character and appearance, involving public consultation.

- 11.3 The Draft Chester Canal Conservation Area Character Appraisal and the proposed consultation on its proposed designation and proposals to preserve and enhance its character and appearance is the first stage in the process leading up to the proposed designation of the Chester Canal Conservation Area.
- 11.4 The subsequent officers report to the Portfolio Holder will set out officer feedback on the consultation, with recommendations on the designation of this canal conservation area, its proposed boundary and recommended management proposals to sustain, preserve, protect and enhance its character and appearance as set out in an attached Appraisal, for consideration and approval.

12 Access to Information

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

Officer: Conservation Officer, Elizabeth Rodgers
Telephone: 01270 686742
Email: Elizabeth.rodgers@cheshireeast.gov.uk

Appendices

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| Appendix 1 | The Draft Canal Conservation Area Character Appraisal; |
| Appendix 1.1 | The Appraisal's Gazetteer relating to the Cheshire East stretch of the canal (section I from the appraisal); |
| Appendix 1.2 | The Appraisal's Gazetteer relating to the Cheshire East stretch of the canal (section J from the appraisal); |
| Appendix 1.3-1.8 | The Appraisal's six maps relating to the Cheshire East stretch of the canal (north of Bunbury locks to Marsh Lane Bridge in Nantwich); |
| Appendix 2 | Summary of recommended management proposals for the whole of the canal (taken from the appraisal); |
| Appendix 3 | Summary of recommended management proposals which relate to the Cheshire East stretch of the canal (taken from the appraisal); |

Appendix 4

Explanatory Leaflet summarising the history of the canal and the effects of the proposed designation;

Appendix 5

Questionnaire for submission of comments.