

## Herefordshire & Gloucestershire Canal Trust comments on S106 Agreement relating to Bloor Homes Planning Application on Land North of the Viaduct Ledbury.

The Trust have had little time to appraise the latest version of the S106 but initial comments from our legal advisor are that though some of the more onerous and unenforceable text has been removed the Heads of Terms are still far too vague (and in some cases simply impossible) for the Trust to endorse in their present form. He feels that they should clearly state the objectives regarding the canal within the open space area and call on all parties to negotiate in good faith to achieve this.

The canal should be seen as an opportunity for the creation of an outstanding development but it appears that Bloor Homes see it as nothing more than an inconvenience and would prefer to be providing a straight forward open space area.

The council are obliged to preserve the canal route under Policy E4 of their Core Strategy 2011-2031 and are seeking a contribution of £1 million to facilitate this. We believe Bloor Homes are offering contribution of £60k towards secure a consent for the canal and further 3 payments of £60k to facilitate construction works on Property's A, B and C giving a Total of £240k – this differs with the £280k stated in the Heads of Terms "Canal Contribution".

Looking at the basic excavation of the canal through Phases A & B and assuming the canal follows the existing ground level a volume of 12500 m<sup>3</sup> would be generated. Current costs for excavation and cart off are £20 m<sup>3</sup> giving a total cost of £250,000. On this basis we are having difficulty understanding what the contribution is seeking to secure.

The preliminary canal design carried out for Bloor Homes indicated the need for 4 locks, 2 north of the viaduct and 2 to the south. Current estimates for lock construction estimate a cost of between £250k and £300k per lock.

On the basis of these figures it can be seen that the councils suggested contribution of £1 million is if anything low. An alternative approach could be that Bloor Homes carry out the bulk excavation of the canal and include it in their earthworks strategy for the site and ensure that the open spaces are delivered as phases of their development are completed. This would avoid concerns regarding the timing of the works and be much more efficient using contractors already on the site and reducing costs.

During discussions with Bloor Homes the canal trust have been keen to develop a sustainable approach to the surface water run off from the development. To this end the canal could provide the development with 1800 m<sup>3</sup> of storage using the canals freeboard. This arrangement would keep the canal topped up and avoid the need for dedicated attenuation areas within the site and their associated maintenance cost. These suggestions have been resisted by Bloor Homes.

The canal forms an integral part of the open space area and it seems unreasonable that its maintenance should not be covered by the developments management company. The canal trust would be willing to carry out the some elements of the maintenance work and long term would hope that new residents of the development would join the trust and help in the eventual completion of the canal project.

As presently drafted the whole approach is very short-term, with a maximum ten-year horizon for completion of all local canal works from the commencement of development. If the completion of the bulk excavation by Bloor Homes (out of the canal contribution) took place the concerns that the works would not be completed and so damage the image of the site would be completely overcome. It should be borne in mind that the Canal Trust is a volunteer organisation which operates with a longer time-scale than a commercial business and the expectations for the completion of work on the canal should be couched in that context.