

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 30 MARCH 2021



Title of Report	ASHBY CANAL INFRASTRUCTURE INVESTMENT	
Presented by	Councillor Tony Gillard Business and Regeneration Portfolio Holder	
Background Papers	<u>Cabinet Report 13 June 2017 - Ashby Canal Infrastructure Investment</u>	Public Report: Yes
		Key Decision: No
Financial Implications	£20,000 has been held in an earmarked reserve from the 2016/17 budget surplus since June 2017 for the purposes of Ashby Canal Infrastructure Investment.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None Identified.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None Identified.	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	To request Cabinet approval to reallocate funding previously allocated to Ashby Canal Trust and the reconstruction of the aqueduct over the Gilwiskaw Brook at Snarestone to Ashby Canal Association and the next phase of restoration of the Ashby Canal.	
Reason for Decision	Cabinet approval is needed to reallocate funding.	
Recommendations	THAT CABINET: <ol style="list-style-type: none"> 1. APPROVE THE REALLOCATION OF £20,000 TO ASHBY CANAL ASSOCIATION FOR THE PURPOSES OF THE RESTORATION OF THE ASHBY CANAL 2. ENDORSE THE CULTURAL SERVICES TEAM MANAGER TO ENTER INTO A GRANT FUNDING AGREEMENT WITH ASHBY CANAL ASSOCIATION AND MAKE PAYMENT ONCE THE TOTAL PROJECT FUNDING IS SECURED. 	

1.0 BACKGROUND

- 1.1 The Ashby Canal was built just over 200 years ago. The length of the canal was progressively shortened after the war and the last eight miles of canal were filled in. The last part to be filled in included the section to Measham (the only significant centre of population directly on the canal). This happened in 1966 and the immediate cause was subsidence from the mines under the canal bed. As part of the final closure the aqueduct at the Gilwiskaw Brook was knocked down. At this stage there were 22 miles of canal remaining in water.
- 1.2 There have been over 30 years of active restoration by Ashby Canal Trust (ACT), Ashby Canal Association (ACA) and Measham Canal Restoration Group (MCRG). In 2010 ACA brokered a deal with Leicestershire County Council (LCC) and UK Coal (UKC) which provided for a S106 Agreement giving LCC £1.26m for canal restoration. Over the past seven years 500m of canal, a substantial accommodation bridge and a modest winding hole have been achieved using this funding.
- 1.3 In June 2017, Cabinet approved a £20,000 allocation to Ashby Canal Trust (ACT) for the purposes of contributing towards the reconstruction of the aqueduct over the Gilwiskaw brook at Snarestone.
- 1.4 At the time of the Cabinet decision in 2017, Leicestershire County Council (LCC) were proposing to transfer part of the Ashby Canal Transport and Works Act Order (TWAO) and associated land to the Ashby Canal Trust. Since that time, there has been a change of approach and an application to Defra has been made for the TWAO transfer to be made to the Ashby Canal Association, this transfer should be concluded by June 2021. Refer to letter from LCC in appendix 1.
- 1.5 Due to the complexities associated with these transfers of responsibility it has not been possible to progress the aqueduct initiative as originally intended and within the original timeframe, it is highly unlikely that the aqueduct initiative will progress in the next two to three years. Refer to letter from ACT and ACA appendix t2.
- 1.6 Ashby Canal Association and Ashby Canal Trust remain committed to restoring the route of the canal and the reconstruction of the aqueduct is still a priority. Both organisations are committed to utilising the funding allocated to them by the district council in a timely manner and have requested that this funding is reallocated to a project that can be achieved in the next 12 months.

2.0 THE PROPOSAL

- 2.1 Ashby Canal Association and Ashby Canal Trust continue to restore the route of the Ashby Canal as a priority, the next phase of canal restoration is planned for 2021 at a cost of £72,000.
- 2.2 The proposal is to empty the infill from the first 200m of the canal after the existing terminus at Bridge 62. See map and photos in appendix 3.
- 2.3 When the canal was closed in 1965, there was no active destruction (apart from the Gilwiskaw aqueduct). The canal was drained and filled with available infill, the clay lining of the bottom and sides of the canal is still in place, and therefore the removal of the infill will reinstate the clay lined canal.

- 2.4 The removed infill material will not leave the site, as it will be needed to raise the ground levels at the back of Bosworth Grange, to compensate for the approximately 6m of subsidence that occurred at this location in 1965.
- 2.5 The restoration of this section of the canal will be undertaken during the summer months of 2021, the land is currently water-logged and the site will be more accessible during the summer, it is anticipated that this work will take eight weeks to complete.

3.0 FINANCIAL IMPLICATIONS

- 3.1 It is estimated that this phase of canal restoration will cost £72,000.
To support this, it is proposed that Cabinet approve the reallocation of £20,000 held in an earmarked reserve for Ashby Canal Trust to Ashby Canal Association towards the total funding required to enable the progression of the next phase of Ashby Canal restoration. This amount would be awarded via a grant agreement between North West Leicestershire District Council and Ashby Canal Association, payable once the Association has secured and confirmed funding for the total cost of the project.

Ashby Canal Association plan to use its own funds to cover the remaining £52,000 which they have committed to this restoration phase.

4.0 OUTPUTS AND OUTCOMES

- 4.1 As a result of this phase of restoration a further 200 metres of watered canal and footpath/cycleway will be achieved.
- 4.2 The 200 metre extension supports the wider canal restoration programme by developing the canal closer to Measham. Connecting the canal to Measham into the national canal and waterway network will provide significant economic and social benefits to the district, the National Forest and surrounding area.
- 4.3 ACA intend to apply to the next round (Spring 2021) of the Green Recovery Challenge Fund (DEFRA), the application will seek to restore Ashby Canal to the Gilwiskaw Brook. If the application is successful the district's council contribution will be included in the wider restoration scheme.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Developing a clean and green district - Our communities are safe, healthy and connected
Policy Considerations:	North West Leicestershire Local Plan – Policy IF6 – Ashby Canal.
Safeguarding:	None.
Equalities/Diversity:	None.
Customer Impact:	<p>Improve the environmental quality of the area.</p> <p>Provide a recreational, cultural and social resource for the local community</p>
Economic and Social Impact:	<p>Positive economic and social impact</p> <p>Ashby Canal is a place where people visit for tourist and leisure purposes, the continued restoration of the canal route increases its appeal to both residents and visitors.</p> <p>The continued restoration of the canal will advance and accelerate continuing economic regeneration of the area and contribute to rural diversification and social inclusion through opportunities for employment, leisure, recreation, learning and skills.</p> <p>The restoration supports the objective of connecting Measham, and ultimately Moira, to the national waterways network.</p>
Environment and Climate Change:	<p>Improve the environmental quality of the area.</p> <p>This supports the ambition to provide a green gateway to the National Forest and develop and link the recreational tourism facilities.</p>
Consultation/Community Engagement:	<p>Consultation with:</p> <ul style="list-style-type: none"> • Ashby Canal Trust • Ashby Canal Association • Leicestershire County Council – Head of Service – Environment and Waste Commissioning
Risks:	All risks will be managed as part of the development plan.
Officer Contact	<p>Paul Wheatley Head of Regeneration paul.wheatley@nwleicestershire.gov.uk</p>

Appendix One - Letter from Leicestershire County Council



North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

Date: 2nd February 2021
My Ref:
Your Ref:
Contact: Vicky Cormie
Phone: 0116 305 7291
Fax:
Email: Vicky.cormie@leics.gov.uk

Dear Sir / Madam,

Funding for the Ashby Canal project

I am writing to confirm that Leicestershire County Council supports the application to provide £20,000 grant funding approved by the North West Leicestershire District Council Cabinet on 13th June 2017 to the Ashby Canal Association rather than the Ashby Canal Trust as originally intended.

At the time of the Cabinet decision, the County Council were proposing to transfer part of the Ashby Canal Transport and Works Act Order and associated land to the Ashby Canal Trust. Since that time, there has been a change of approach and an application to Defra has been made for the transfer to be made to the Ashby Canal Association.

Please feel free to contact me if you require any further information.

Yours sincerely,

Vicky Cormie
Head of Service – Environment & Waste Commissioning

Environment and Transport Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RJ
Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007
Email: etd@leics.gov.uk

Ann Carruthers, Director

www.leicestershire.gov.uk

Appendix Two – position statement letter from Ashby Canal Trust and Ashby Canal Association (March 2021)



Ashby Canal Trust
The Gatehouse
Bath Yard
Moirā
Leicestershire
DE12 6BD

Bev Smith
Chief Executive
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

3 March 2021

Dear Bev Smith

ASHBY CANAL INFRASTRUCTURE INVESTMENT

In June 2017 North West Leicestershire District Council approved a grant to Ashby Canal Trust (ACT) for £20,000 to enable the reconstruction of the aqueduct over the Gilwiskaw Brook at Snarestone. To date ACT has been unable to claim the grant funding from the district council as it has not been possible to progress the reconstruction project as originally intended.

In 2017, after the grant was awarded a problem arose when Leicestershire County Council (LCC), Ashby Canal Association (ACA) and ACT discovered that the legal process of creating a suitable licence for ACT to build the aqueduct was fraught with legal problems. LCC suggested that the best way forward would be for either ACT or ACA to take over all LCC's canal land, rights under the Transport & Works Act Order of 2005 and residual earmarked canal money. ACA was willing to take on the responsibilities of taking over canal restoration and ownership from LCC and the final parliamentary steps to make this happen are due to be signed off by DEFRA in March 2021. ACT decided at a board meeting in 2018 that it wasn't a practical proposition for ACT to take over LCC's responsibilities for several reasons, but supported ACA in doing so.

A further reason for directing responsibility and funding to ACA rather than ACT is that ACA intends to become VAT registered this year, meaning the funding will stretch further. It's not possible for ACT to be registered under HMRC regulations.

The aqueduct crosses a Special Area of Conservation (SAC), so very high levels of scrutiny from Natural England and the Environment Agency are required. This will inevitably take time and since the project will require applications for external match funding, the timescale isn't auspicious.

To ensure that the grant from the district council can still be used to benefit the restoration of Ashby Canal, it is proposed that an alternative project is considered and that the £20,000 grant is transferred to ACA.

The alternative proposal is to empty the infill from the first 200m of the canal after the existing terminus at Bridge 62 (see map and photos below). One photo shows the stretch from Bridge 62 and the other is a ground level photo of the site. Both photos taken this month, hence the pooling of water. When the canal was closed in 1965, there was no active destruction (apart from the Gilwiskaw aqueduct sadly). All that happened was that the canal was drained and filled by available infill. So, the clay lining of the bottom and sides of the canal is still there.

ACA have had a quote from this work from a reputable specialist waterways civils contractor. The work would cost ACA £60,000 plus VAT =£72,000. ACA is willing and able to add £52,000 to the district council grant in order to take this important next step in canal restoration to Measham.

ACA should have possession of the land by the end of June 2021. The land is currently water-logged (not surprising if the canal lining is intact), therefore it is proposed that this work takes place in the summer. Our contractor estimates the work will take eight weeks and so we will complete the work by winter 2021.

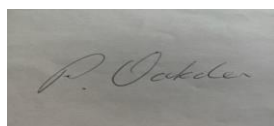
On completion of this project we will have dug out another section of canal which will greatly help with future fund-raising. We will also have raised the ground level in the next area and so undone the damage from subsidence, making the next stage of restoration easier. We will have determined whether the canal bed has been left in a satisfactory condition after the infilling 60 years ago. This will be valuable knowledge for the next stages of restoration and could save significant costs in the long run if the buried canal is intact.

To conclude, ACT would like to request that the £20,000 is reallocated to ACA for the purposes of canal restoration as described above and give assurances that the grant will be spent on canal restoration during 2021.

Yours sincerely



Geoff Pursglove
Chairman Ashby Canal Trust



Peter Oakden
Chairman Ashby Canal Association

Appendix Three

Canal route map, showing 200 metres of proposed canal restoration (A to B)



Photo One – view from Bridge 62, foreground shows the watered section and the background shows the infill section to be excavated.



Photo Two – close up shot of the infill section to be excavated.

