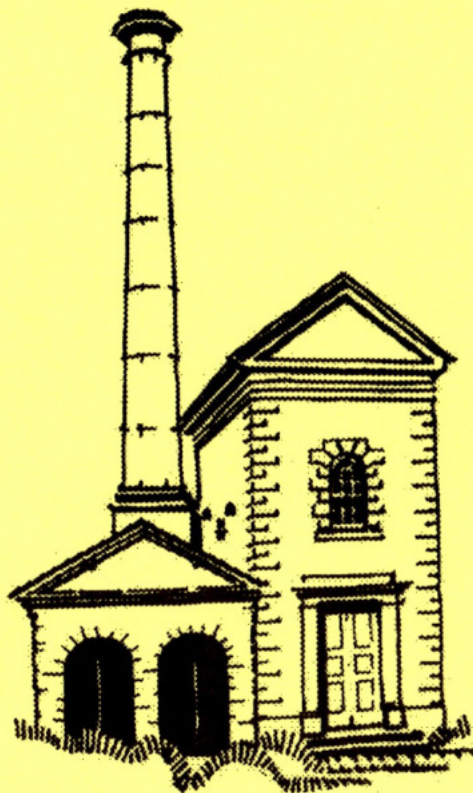


THE PORTAL



THE JOURNAL OF THE FRIENDS OF THE CROMFORD CANAL

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The Portal is the quarterly magazine of the Friends of the Cromford Canal.

The Friends of the Cromford Canal is a Registered Charity (Number 1100700) which exists to promote the restoration to navigable condition of the whole of the Cromford Canal.

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Last dates for acceptance of articles - end of March, June, September and December, for publication the following month. All articles for publication should be sent direct to the Editor, and can be submitted on paper, as text files preferably by e-mail to the Editor at: [REDACTED]. Pictures for The Portal or the Web Site should be scanned at 200 dpi (dots per inch) and saved to a size of 600 by 400 pixels and may be sent electronically or on disk or CD.

For all the very latest news, plus loads of other information and pictures, don't forget to visit our Web Site:

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The Editor is NOT responsible for blank or missing pages in this magazine - if you

have any, please return it to the Secretary at the address below.

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The Friends of the Cromford Canal are Corporate Members of:





British Waterways have just published a new document: "Waterways 2025", which details the restoration projects it feels it'll be able to support with the goalposts moved to their current positions. BW are now in a position where funding has been considerably reduced, resulting in some 200 people losing their jobs. This, coupled with the massive internal reorganisation which took place some time ago means that BW is now a totally different organisation from the one we started to deal with when the Friends was founded.

In this new document, BW sets out the criteria which it has used to decide which projects to support. There are a lot less of them, and ours isn't included. However, neither are the Derby Canal and many other equally deserving schemes. BW are NOT closing the door totally, but one can understand the need to cut their coat according to their cloth: there are also issues with the two recently reopened trans-Pennine canals, where there is still an awful lot of work to do to bring these waterways up to the same standard as the rest of the country.

However, the Inland Waterways Association has faith in us: they've given us a grant of £5000 towards our Ecological Assessment Study. The study will assess the ecological impact of the proposed restoration of the canal between Langley Mill and Ironville, either by its historic route or by a number of previously determined alternatives. It will assess the limitations and long term implications associated with restoration, produce an ecological impact assessment

and provide methodologies and recommendations on timing for carrying out the works.

Mike Kelley, chairman of the Friends of the Cromford Canal, said, "We are delighted to receive this funding from The Inland Waterways Association, which will go a considerable way towards the total estimated cost of approximately £15,000. Arkwright Mills at Cromford are designated as part of the Derwent Valley World Heritage Site by UNESCO. These mills were one of the world's first factory systems and were significant in the development of the industrial revolution. The canal was integral to the development of this area and has the potential to play an important role in the leisure, and cultural heritage of the area today. Therefore, with this protection being afforded to other industrial archaeology in the area, it is particularly appropriate that the canal should be protected and restored."

John Baylis, IWA East Midlands Region chairman and vice-chairman of The Friends of the Cromford Canal, said, "Some years ago Binnie & Partners carried out an engineering feasibility study on the section of the Cromford Canal between Langley Mill and Ironville for IWA and Groundwork Trust. The routes proposed by Binnie will be looked at in detail by the ecological study with a view towards restoration to navigation."

John Fletcher, IWA's national chairman, said, "We consider that the study is key to the scheme making further progress. We are, therefore, pleased to offer this grant to the Friends of the Cromford Canal."

It was with great sadness that we heard of the death of our Patron, Andrew Robert Buxton Cavendish, The Duke of Devonshire. He had been a keen supporter for the restoration of the Cromford Canal for a long time, and had also supported the former Cromford Canal Society. When I originally asked him to honour us by becoming our Patron, he had no hesitation in responding positively. He was aptly referred to as "The People's Duke".

The Smotherfly Site is not a name that is well known outside of its area, but it could become an important name to all those who are keen to see the restoration of the Cromford Canal. This site is on the two mile long Pinxton Branch of the Cromford; now locally referred to as the Pinxton Canal. In the days before the FCC came on the scene the Smotherfly Site was given over to UK-Coal for open-cast mining. The Pinxton Canal was then little more than a footpath and no restoration of this canal was even being considered. So, not surprisingly, the reinstatement of the Smotherfly Site did not, and currently does not, allow for the restoration of the Pinxton Canal.

The Erewash River runs through the site, which for opencast mining presented a problem. To allow for this the river was diverted to the approximate line of the canal. The new line of the river was extensively lined with stone, to prevent erosion of the banks. UK-Coal is the owner of the site and is charged with 'landscaping' the site at the conclusion of their work there, and nothing more. The river will stay in its current course and the canal will cease to exist, it is this we are hoping to change.

The only part of the canal still in water is at the Pinxton Wharf, along with the section of canal that runs from the wharf down by the Boat Inn. The public spirited and far sighted Pinxton Council retained this section and have transformed it into a very pleasant area. This council has been one of several very supportive local councils toward the aims of the FCC, and have been constructively helpful toward the restoration of the canal. Unfortunately this attractive, preserved section of the Pinxton Canal stands in glorious isolation, with the Smotherfly Site starting where the preserved terminus section of the canal finishes.

The FCC are saying that when UK-Coal bring their heavy machinery onto the site to landscape it, this will be the optimum time to reinstate the canal through the site. It will not cost much, if anything, extra because the required machinery will already be there. UK-Coal can then be seen as a benefactor of an area that has served them well in the past, and will bring immense benefits to a currently deprived area. UK-Coal can conclude their business leaving behind them an area of preserved wildlife that is environmentally attractive and can help increase the outdoor activities of walkers, fishermen and canoeists. With the canal restored across the Smotherfly Site, I am confident that the other concerned councils will then give permission for the short remainder of the Pinxton Canal to be reopened down to the Ironville reservoir. This would then give a length of canal from Pinxton to Ironville that can be used, not only by walkers and fishermen, but by local schools and groups for nature study and canoeing. To add to this improvement, because of this regeneration, would be regular pleasure boat trips for passengers between

Pinxton Wharf and Codnor Park (Ironville) reservoir that could soon become a regular feature.

This spring the FCC had a public meeting in the Pinxton village hall during which many of the local population fervently expressed their desire to see the restoration of the Pinxton Canal. This was followed by a number of the FCC committee members meeting with senior personnel from Derbyshire County Council, Amber Valley Borough Council and a Bolsover Councillor, at the head offices in Matlock. We were favourably received as we presented our vision for the Smotherfly Site. Any change in the original agreement will have to be approved by the Council, so this meeting was an important step. Our next step was to approach UK-Coal. We wrote two letters to them, but they didn't reply. Then the landlord of the Boat Inn, Ian McNeil, at Pinxton used some of his valuable contacts that led to Dennis Skinner, MP to write to UK-Coal. At the time of writing this we are hopeful that a meeting can now be arranged with UK-Coal, although their stance is that they have no obligation to reinstate the canal. I have a meeting with the Ironville Parish Council, and a second public meeting in the Pinxton village hall, so together with the hoped for meeting with UK-Coal we may get the momentum we require to reopen this part of the canal. I will report on the follow-up of this in the next Portal.

Coal mines were the main industry of the Pinxton area for many years. How wonderful it would be, and a fitting tribute, for the Pinxton Canal to become a 'Living Memorial' to the many hundreds of miners and their families who toiled in those mines, who's produce was shipped out along the Pinxton Canal.

By the time you read this you will know of the £5,000 grant we have received from the Inland Waterways Association.

Let me thank the IWA for this generous and very helpful offer toward the £15,000 we will need for an ecological study. This is one of the studies I referred to during our AGM, which we will have to have in place before any physical progress can be made. This particular study will be required to assess the ecological (environmental) impact of the restoration of the canal between Langley Mill and Ironville. If you are an environmentalist who would like to help us in our quest by giving some of your time to the FCC, I'd like to hear from you.

Talking of money; on our 'FCC Mailing List' we have many regular interesting topics coming up for written discussion. One of which was a suggestion that we, the membership, make a 'pledge' of money for the funds of the FCC. We will need more funds very shortly and a member asked if 250 of us could pledge £100 each? Well the response was very lively, so I will bring this up at committee level and see if we should make this an official request. If you do not sign up to this Mailing List I suggest you do - contact the Editor, who looks after this as well!. You can find out things far quicker than you may do otherwise. Members also express their views and stories for all to read.

I hope you have all made your plans for our annual sponsored walk on Sunday 19th September. This is an important event in our calendar and I would like to see more and more of you walking, if only for one of the three sections. We had over 100 walkers last year, can we beat that this year? (I dream of one day having 1,000 walkers) There will be a slight added detour, for it would appear that construction of the new house that is being built on that wonderful 200 year-old engineering structure, the Bullbridge aqueduct, is now underway. We all knew this was to happen, but still have trouble in accepting that this was allowed. (I wonder how history will judge

those responsible?) Well during the construction the aqueduct footpath is closed for the summer. This will necessitate a detour round by the Lord

Nelson Inn at Bullbridge. It will not add to the length of the walk, just to the sadness we feel that such a national treasure should be treated thus.

ITEMS FOR SALE

We now have a range of clothing with our logo embroidered on it. It all comes in one colour - you can have any colour you like, so long as it's Burgundy! This (of course) means that all of you who bought red, black or white items in the past will now have to buy new ones!

The range and prices are as follows:

T Shirts	£9.50 plus £1.50 P&P
Polo Shirts	£13.50 plus £1.50 P&P
Sweat Shirts	£17.50 plus £2.50 P&P

All the above are embroidered with the FCC Logo and are available in the following sizes: Med; Large; XL; XXL

We can also now offer:

Tea towels £5.00 each plus 50P P&P
100% cotton, the FCC design printed in full colour inside a black border

Mouse Mats £4.50 each plus £1.30 P&P
A quality rubber backed mat printed with the FCC design

Shopping Bags £7.50 each plus £1.50 P&P
A heavy canvas bag with generous handles, having the FCC design printed in full colour on one side. Size :18 inches wide and 17 inches deep.

Tote Bags £6.50 each plus 50P P&P
A smaller lighter bag than the shopper described above having the FCC Logo printed in black on one side. Size: 15 inches wide and 16 inches deep

Mugs £4.75
Look out for these on the sales stand, or they may be collected from Langley Mill Boatyard, by arrangement with the sales officer.

A Walker's Guide to the Cromford Canal £3.50 plus 50p P&P

Orders and enquiries for the above items should be addressed to: Friends of the Cromford Canal, Sales, Mrs V Roberts, Langley Mill Boatyard, Derby Road, Langley Mill, Notts. NG16 4AA. Tel: 01773 760758

Cheques made payable to Friends of the Cromford Canal, to be sent with the order please. Remember to state size required if applicable, and allow 28 days for delivery.

EXTRACTS FROM THE ACT

by The Editor

I'm greatly indebted (as should we all) to the sterling efforts of Derek Dixon, who has painstakingly transcribed the whole of the Preamble and XCVII clauses of the original Act, and the Preamble and XXVI clauses of the 1790 Act. His work now enables me to quote parts of the Acts.

In this extract, we'll look at the lifeblood of the Canal: the tolls charged for the carriage of goods.

LXII. And be it further enacted, That it shall be lawful for the said Cromford Canal Company from Time to Time, and at all Times hereafter, to ask, demand, take, receive, and recover, to and for their own proper Use and Behoof, such Rates as shall be fixed by the said Cromford Canal Company, at a General Assembly, not exceeding the several Sums of Money herein-after specified; (that is to say)

For all Coal, Coak, and Lime, and Limestone intended to be burnt into Lime, which shall be navigated, carried, or conveyed upon any Part of the said intended Canal and Collateral Cut, or either of them, the Sum of One Penny per Ton per Mile:

For all Iron, Ironstone, Lead, and other Minerals, Marble, Alabaster, or other Stone, Timber, and all other Goods and Things whatsoever (except Coal, Coak, Lime, and Limestone intended to be burnt into Lime) which shall be navigated, carried, or conveyed upon any Part of the said intended Canal and Collateral Cut, or either of them, and which shall not have passed from the Erewash Canal to the said intended Canal, the Sum of Three Halfpence per Ton per Mile:

For all Goods and other Things which shall have passed from the said Erewash Canal to the said intended Canal; and for all other Goods and Things which shall be navigated, carried, or conveyed upon any Part of the said intended Canal and Collateral Cut, or either of them, not before specified to be subject to the said respective Tonnages of One Penny per Ton per Mile, or Three Halfpence per Ton per Mile, the Sum of Two-pence per Ton per Mile:

For all Coal and Coak which shall be navigated, carried, or conveyed upon any Part of the said intended Canal, from the Place where the said intended Canal shall cross the River Amber, or from any Place within Two Miles thereof, and passing in the Direction towards Cromford (over and above and in Addition to the Rate herein-before made payable for the same) the further Sum of One Shilling per Ton:

For all Goods and other Things whatsoever (except Lime, and Stone intended to be burnt into Lime) which shall be navigated, carried, or conveyed upon any Part of the said intended Canal, and which shall pass from the said intended Canal into the said Erewash Canal, or which shall have passed from the said Erewash Canal into the said intended Canal, the Sum of Three-pence per Ton, over and above and in Addition to the respective Rates herein-before made payable for the same.

LXIII. Provided always, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said intended Canal and Collateral Cut, or either of them, such

Fraction shall, in ascertaining the said Rates, be deemed and considered a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel, so to be navigated on the said intended Canal and Collateral Cut, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Cromford Canal Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered a whole Quarter of a Ton.

LXIV. And be it further enacted, That the Rates herein authorized to be demanded and taken shall be paid

to such Person or Persons, and at such Place or Places, at or near to the said intended Canal and Collateral Cut, and in such Manner, and under such Regulations, as the said Cromford Canal Company shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to such Person or Persons aforesaid, the said Cromford Canal Company may sue for the same, by Action of Debt, or upon the Case, in any Court of Record at Westminster, or the Person or Persons to whom the said Rates ought to be paid may, and he and they is and are hereby empowered to seize and distrain the Goods or other Things for or in respect whereof such Rates ought to be paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof, and of all Arrears of the said Rates, which may be due from the Owner of such Boat or Vessel to the said Cromford Canal Company, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same may be appraised and sold as the Law directs in Cases of

Distress for Rent.

LXV. Provided also, and be it further enacted, That small Rubbish or Waste Stones, from Delves and Quarries, and all Paving and other Stones, Gravel and Sand, to be employed for the Purpose only of making and repairing any publick or private Roads, not being Turnpike Roads, in any Township, Village, or Hamlet, through which the said intended Canal and Collateral Cut, or either of them, shall be made, and also Dung, Soil, Marl, Ashes of Coal and Turf, and all other Manure (except Lime) which shall be used for the Improvement only of the Lands and Grounds in any Parish, Township, Hamlet, Village, or Place, through which the said intended Canal and Collateral Cut shall pass, shall not be charged with or liable to the Payment of any of the Rates herein-before authorized to be taken, so that the same do not pass through any Lock to be made on the said intended Canal and Collateral Cut, or either of them, but at such Times when the Water shall flow over the Lock Weir of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Stones, Gravel, or Sand, for the making and repairing of Roads, or such Dung, Soil, Marl, Ashes, or Manure as aforesaid, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Cromford Canal Company, such Person or Persons not suffering the same to lie upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on board, and unloaded, and making good any Damages that may thereby, or on account thereof, be done to the Fences, Banks, or Towing Paths of the said intended Canal and Collateral Cut, or either of them, the Amount or Value of such Damages (in case of any Difference) to be settled and ascertained by the said Commissioners, provided that the Person or Persons

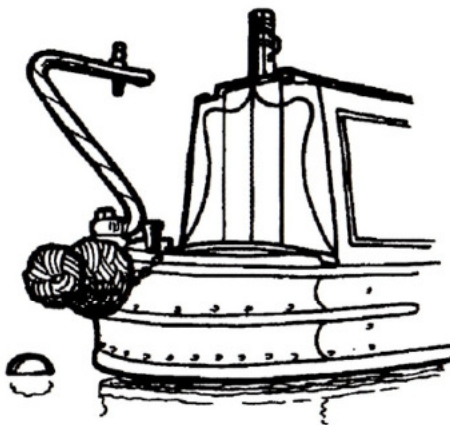
claiming such Exemption as aforesaid shall give Notice to the nearest Toll Gatherer or Lock Keeper of such his or their Intention to pass through any Lock or Locks, and shall specify the Lock or Locks through which he or they intend to pass upon the said intended Canal or Collateral Cut, Six Hours at least before the passing through such Lock or Locks as aforesaid; and if any Person or Persons shall claim and take the Benefit of any of the aforesaid Exemptions, who shall not be entitled thereto, or shall use or dispose of any of the Articles so exempted in any other

Manner than as before mentioned, or shall load any Dung, Soil, Marl, or Manure, higher than the Sides of the Boat or Vessel in which the same shall be carried or conveyed in or upon the said intended Canal or Collateral Cut, he or they shall for every such Offence forfeit the Sum of Forty Shillings.

LXVI. And whereas, by reason of making the said intended Canal, the Quantity of Goods and other Things which will be navigated or conveyed upon the said Erewash Canal will be greatly increased; and therefore the Company of Proprietors of the said Erewash Canal are willing that the Tonnage payable to them for all such Goods and other Things

(except Coal and Coke) should be lessened; be it therefore enacted, That from and immediately after a Communication shall be made between the said intended Canal and the said Erewash Canal, the Company of Proprietors of the said Erewash Canal, or any Collector or Collectors, or other Person or Persons acting under their Authority, shall not ask, demand, or receive, or be entitled to take, for or in respect of any Articles, Goods, or other Things (except Coal and Coke), which shall be carried or conveyed in any Boats, Barges, or other Vessels, upon the said Erewash Canal, any higher or greater Rates than One Half of the General Rates which they were before the passing of this Act entitled to ask, demand, receive, or take for any of the like Articles, Goods, or other Things (except Coal and Coke) under and by virtue of the said Act of the Seventeenth Year of the Reign of His present Majesty; any Thing therein contained to the contrary thereof in anywise notwithstanding: Provided always, That nothing in this Act contained shall extend to alter or vary the Tonnage payable for Coals and Coke under the said last mentioned Act.

Complicated, innit?



LOSING THE TOP LOCK

by Hugh Potter

Miss P. N. Harris of Blisworth was a keen canal walker and visited the Cromford Canal many times over the last 25 years. She kindly sent me all her prints to copy for our Archives and there were one set that were of particular interest. These show the canal at Ironville during the time that the top lock was being removed for the Codnor Park Reservoir 'safety' works in October 1985.

A new Reservoir Act imposed greater liability on those responsible for them and British Waterways reacted with absurd over-enthusiasm (or at least that is how it is seen by many today). Not only did they lower the reservoir level by a good 6ft, they removed the original top lock and excavated an enormous channel leading away from the reservoir. They also removed the concrete 'sills' from above the remaining locks, thus lowering the water level in all the pounds and making the flight look totally derelict and unsightly. The good work carried out by the Erewash Canal Preservation & Development Association ten years earlier was completely undone.

Miss Harris's pictures (on the following pages) show the work at an intermediate stage after the top lock had been removed but before work was completed.



The new reservoir overflow weir and the enormous channel beyond it, apparently designed to take the once in a million year flood!



A muddy mess above Lock 2, the sill of which has been removed, and Bridge 36.



The Pinxton Branch junction bridge is left 'high and dry', barricaded off by dredgings from the huge channel to the left.



A closer view of the work at Lock 4 with Bridge 37 in the background.



The 'landscaped' channel below Bridge 37 looking down to Lock 4.



Work pauses for the weekend at Lock 4 where the concrete sill has been removed but the remains of the central sluice are still in place. In the background is the Erewash Valley line railway bridge.

WALKERS BEWARE!

by Derek Dixon

Further to the notes in the New Year edition of the Portal, there is more misery for walkers.

The footbridge over the River Erewash at Brinsley is still closed. English Nature and the local Wildlife Trust have delayed Derbyshire County Council workmen starting the work until the birds have flown. But it is hoped that they can do the work - replanting the bridge - within the next couple of months. Until then please use the alternative footpath along the foot of the railway embankment and Duke's Cut.

Also, at Bullbridge, work has commenced on the building of the controversial development on the top of the embankment over Drover's Way. This has caused the public right of way, the canal towpath, to be closed in the vicinity of these works for health and safety reasons. The closure is scheduled to last until November 2004. An alternative route is via the main A610 road to

Bullbridge and turn up the Crich road to the canal bridge further up. Contact will be made with the developers of the site to see if the footpath can be opened sufficiently over the weekend of the Sponsored Walk without endangering anyone walking along the path.

The canal towpath in the Jacksdale area, particularly between the wildlife meadows south of the site of bridge 39 and Portland Basin, is overgrown again. A footpaths inspector is going to have a look at it to see what can be done to improve it. Beware if you step off the path towards the canal side, as the edge is often very close to the path and the weeds in the canal makes it look like the land at the side of the path is level and firm. IT IS NOT. And there is several feet of thick sticky mud just inches away from your feet.

Apart from that, happy walking, and see you all on 19th September - don't forget to pre-register.

A DATE FOR YOUR DIARY

by Yvonne Shattower

For those of you who cannot make our main fund raising walk along the whole line of the canal, or those who would like a more gentle stroll, we have arranged a Fun Sponsored Walk from Codnor Park Reservoir to the Boat Inn at Pinxton. This is a distance of approximately 2 miles, and will take place on Sunday 3rd October 2004, starting at 10.30. Lunchtime sandwiches will be available at the Boat Inn, Pinxton courtesy of Sue and Ian.

We will also have our sales stand there with tee shirts, sweat shirts etc. available, and you can come and meet Sue and Ian's rabbits, ducks and other animals.

This is intended as a fun walk for all along a relatively easy path with no long steps or railway lines to tackle. No pre-registration will be required, just turn up on the day, but please note that we will not be providing transport in either direction. Sponsor forms will be available early in September from Sue and Ian at

the Boat Inn or by post from me, Yvonne Shattower at the address on the back cover. Please enclose a stamped addressed envelope if applying by post.

Do come and join us!

MEMBERSHIP MATTERS

by Yvonne Shattower

As I was entering the address details of our latest member, whose post code is NG16, it struck me that there are many members with that code, and I thought it would be interesting to find out just where our members live. Now that I have (at long last) got my new data base 'up and running', it is easy to sort the post codes into areas, and I found some interesting details when I looked at the list I had printed.

The greatest number of addresses in one area - sixty-one - are in fact in NG16. This is not surprising as it covers a large area including Ironville, Jacksdale, Westwood, Selston, Golden Valley, and Kimberley. The next area is Matlock, DE4, with forty-four, then Alfreton, DE55 with forty-two and Belper DE56 with thirty-eight. All these areas are of course on the line or very close to the Canal, so it is not surprising that we have so much support there. Our remaining members are spread out over England and Scotland, with three in America, one in Malaysia, and one in Australia.

Addresses come in all shapes and sizes. When I was at work we had to use the style set out in the Postal Address Book, which means no punctuation (anathema to anyone who learnt their English grammar in the 40s and 50s), no indents, and no underlining. The Postal Town has to be in capital letters, and this is where things get really interesting! For instance, Long Eaton, where I live, is in the county of Derbyshire, but our Postal Town is Nottingham. This is not the only example of a town being in a different county

according to the Post Office, and it does get very confusing to anyone not familiar with the areas. It also means that it is no good trying to sort addresses into Counties using the post codes.

My list of post codes threw up some interesting details. There are several instances of members living in the same road, Golden Valley being one of the most supportive locations. Then there is another place where the residents seem to be most confused - four addresses, all with the same post code, but the addresses read as if they are all in different places. Sometimes I found two addresses with the same code, but with differing streets. A quick reference back to the membership form would reveal that I had misread one of the codes.

The Postal Address Book is published by the Post Office, and I have a rather old and very well thumbed copy for the Midlands. This has proved to be an invaluable tool when I am faced with an indecipherable address. The post code, especially, being a series of letters and numbers rather than a word, is easy to get wrong. Some times an address will give a list of villages, but with no post town, and here my book is again indispensable. I had thought that my list would be just for fun, but it has in fact thrown up a few errors which I have been able to correct, including the odd typing mistake!

Our Membership numbers remain steady, but there are still far too many Members who should have renewed in April, and

are still outstanding. Please fill in the reminder form you will have been sent and continue to support us in our efforts to get The Sleeping Beauty awakened.

This is our last edition of 'Portal' before the IWA Festival at Burton on Trent over

the August Bank Holiday. I will be there sharing my time between the Friends and the Erewash Canal Preservation and Development Association. Do come along and see us - we look forward to meeting you.

NOTES FROM THE DECISION - BUTTERLEY ENGINEERING PLANNING APPEAL

from the Hon Consulting Engineer

(Editor's Note: you may recall that Butterley Engineering applied for planning permission for housing on their site over Butterley Tunnel. This was rejected and Butterley Engineering appealed against this. These notes are from the [extremely long] judgement of the Inspector who conducted the Enquiry.)

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

3. British Waterways, and others, have raised concerns over the potential impact of the redevelopment proposals on the integrity of the Cromford Canal Tunnel which passes under the site. The appellant company subsequently commissioned a report from WSP Environmental addressing this issue. As a result of the recommendations in that report a revised illustrative plan was prepared. The principle (sic) features of this revised layout are the siting of dwellings in the vicinity of the canal alignment perpendicular to that alignment, and the maintenance of an area, referred to as the Cromford Canal Tunnel Easement, free

from buildings. The plan also includes a line along the western edge of the area to be developed for housing, showing the location of an acoustic screen to further protect the proposed dwellings from noise generated by the engineering works.

Main Issues

6. The main issues in this case are: (d) whether the development would prejudice the longer term integrity of the Cromford Canal Tunnel.

Issue d) - Cromford Canal Tunnel

32 It is of interest to note that the majority of 'third party' representations in this case were concerned to ensure that any works associated with the redevelopment of this site would not have a detrimental impact on the structural integrity of the tunnel. British Waterways (BW) are concerned to ensure that there is no damage to that part of the tunnel for which it is responsible. Others, including The Inland Waterways Association (IWA) and The Friends of Cromford Canal (FCC), local residents and people from further afield with a particular interest in this canal tunnel, wished to ensure that the appeal

proposals would not compromise the possibility of the canal being re-opened at some future date. Although not a scheduled monument the canal tunnel, with its former loading/unloading facilities connecting the Butterley factory with the barges below, appears to be a unique example of that practice and of more than passing historic interest.

33. As noted above, the illustrative layout was revised to take on board recommendations contained in the Preliminary Geotechnical Assessment of the Tunnel. For FCC it was accepted that, if implemented, these recommendations appeared to address its concerns. While I note that discussions with BW are continuing, there is no reason to suggest that its concerns will not also be addressed by any scheme that follows the reports recommendations.

34. BW seek the suitable treatment of any canal tunnel construction and operation shafts discovered as part of the development of the site. I have noted the suggestion by FCC that access should be provided and maintained to any such shafts discovered. I have also noted the appellants opposition to any such suggestion on safety grounds. On the basis of the information currently available any shafts of historic interest within the proposed residential area are likely to lie within that part where built development is to be excluded. Any shafts found would have to be treated to ensure appropriate levels of public safety. That does not, however, mean that those shafts have to be filled. The appropriate form of treatment would depend on the precise form and nature of any shaft or other remains found.

Conditions and agreement

37In addition, it was acknowledged that DCC's positive response to the outcome of the archaeological desk study was dependant on the further recording of any finds associated with the industrial history of the site and that this could be addressed by way of condition. I am satisfied that it is necessary to impose such conditions.

Formal Decision

.22) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological surveying and recording of the upstanding structures should be undertaken by a suitably qualified archaeological contractor, and such work shall be undertaken and completed prior to the commencement of any development activity.

.23) The developer shall notify the Local Planning Authority in writing when development commences, and afford access at all reasonable to any officer nominated by the Local Planning Authority, and shall allow him or her to observe the excavations and/or record items of interest and finds.

.25) The Butterley Tunnel (Cromford Canal) structure shall be protected from any additional loading; any former construction or operational shafts that may be found during site investigations shall be treated or otherwise made safe in accordance with details to be submitted to and approved in writing by the Local Planning Authority.



Some of you may be aware of Gift Aid and others will have seen it mentioned in the Portal from time to time, well this is what it is all about.

If you are thinking of making a gift to us you should consider the benefits of tax-efficient giving. This can make it cheaper to donate to us or it can benefit us by making your donation go further. There are a number of schemes operated by the Inland Revenue, which make it easy to give to charity in a tax-efficient way.

If you pay tax in the UK, then Gift Aid is a simple way to increase the value of your gift to a charity. Making your donation using Gift Aid will enable the charity to reclaim the basic rate tax on your gift to them. This means that if you give £10 to charity using Gift Aid in the tax year 2003-04, that gift is worth £12.82 to the charity. You can make payments by cash, cheque, postal order, direct debit, standing order, debit or credit card or even in a foreign currency (including the Euro). Subject to a few rules, you can give any amount, large or small, regular or one-off and the charity can reclaim the tax. If you are a higher rate taxpayer, you can claim relief on the difference between the basic rate and higher rate of tax. If you do not pay tax in the UK, you should not use Gift Aid.

How does my gift qualify for Gift Aid?

The FCC will ask you to consider making your donation using Gift Aid. We will give you a simple form (enclosed) to complete declaring that you wish to make donations under Gift Aid. The charity can only reclaim the basic rate of tax if you have paid enough tax in the tax year to cover

the amount reclaimed on your gifts. The tax year runs from 6 April one year to 5 April the next.

We can only reclaim tax on your gift at the basic rate. If you are a higher rate taxpayer, you can claim the difference between the higher rate of tax at 40% and the basic rate of tax at 22% in your Self-Assessment return. You will not have to make a declaration with every gift. One declaration will cover all the gifts you make to a charity for whatever period you wish.

Can I pay my membership subscriptions through Gift Aid?

You can pay membership subscriptions to a charity through Gift Aid. Where a charity offers you free or reduced entry to view heritage property or wildlife, the preservation of which is the charity's main aim, the value of that benefit is disregarded, in the Friends instance this is not the case.

Does a gift I make jointly with someone else qualify for Gift Aid?

Yes, but you must tell the charity how much is from each of you, and you will both need to give declarations if the whole amount is to qualify.

Can I make a Gift Aid payment to an UK charity if I do not live in the UK?

In certain circumstances. You may do so if you are a Crown employee serving overseas. You can also use Gift Aid if you are not an UK resident, but you make your gift out of income or gains charged to UK tax.

WHAT'S ON

August 7 th & 8 th	Steaming at Leawood Pump House
August 29 th & 30 th	Steaming at Leawood Pump House
August 28 th , 29 th & 30 th	IWA National Waterways Festival at Shobnall Fields, Burton on Trent - we'll have a stand there!
September 19 th	Third Sponsored Walk
October 3 rd - 10.30	Fun Walk from Codnor Park to Pinxton - see article on page 14.
October 18 th	Public Meeting - Ironville Church Hall - speaker Vic. Smallshire on the Dudley Tunnel Restoration.
December 6 th	Public Meeting - Ironville Church Hall - speaker Mick Golds from the ECD&PA - expect a gallop round the country and LOTS of pictures of mud & bricks!

If YOU have an FCC-related event taking place, PLEASE get in touch with the Editor and we'll publicise it for you!

