

WATERWAYS & DEVELOPMENT PLANS



Foreword

Our inland waterways are a unique asset. They form part of our environmental and cultural inheritance and contribute to the local distinctiveness of the areas through which they pass. They act as a catalyst for urban and rural regeneration, stimulate leisure, recreation and tourism, and can contribute to an integrated transport system.

In *“Waterways for Tomorrow”* the Government said that it would support the development of waterways through the planning system.

IWAAC’s *“Planning a Future for the Inland Waterways: A Good Practice Guide”* (2001), offers much useful advice but also a process for integrating inland waterways into the development plan system. By establishing a clear vision for waterways, adopting a corridor wide approach to their planning and development and fully integrating them with other policy objectives, real benefits can be achieved for the local communities who live nearby.

This new British Waterways publication, *“Waterways & Development Plans”*, explores the planning policy issues generated by the multifunctional nature, use and management of waterways. We expect it to influence the emerging new Local Development Documents (LDDs) encouraging local authorities to take a holistic and sustainable approach to the protection of waterways from inappropriate development, as well as unlocking the economic, environmental and social benefits offered by waterways.

Waterways are for people, especially the communities that live nearby them. This publication shows how Local Authorities can maximise the benefits of waterways through their planning systems both now and in the future.



Robin Evans
Chief Executive
British Waterways

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PART A: WATERWAYS AND THE PLANNING SYSTEM

Chapter 1: Introduction

British Waterways has produced this document to encourage the integration of the inland waterways of England and Wales¹ into the development plan system. It replaces British Waterways' document "The Waterway Environment and Development Plans" published in 1992.

The document has two main aims;

- to encourage local planning authorities to adopt a holistic and comprehensive approach to protecting and promoting the multi functional nature of the inland waterways, and
- to advise local planning authorities on the key planning policy issues relating to the waterways.

A further aim of the document is to ensure that Local Development Documents (LDDs) which will replace structure plans, unitary development plans and local plans, not only protect waterways and related waterspaces from inappropriate development, but also encouraging their use and unlock their potential. It encourages local planning authorities to identify waterways and their associated corridors, and major waterside sites, as priorities or the focus for future detailed action plans and topic plans.

The inland waterways of England and Wales² are national, regional and local cultural and natural assets, linking historic buildings and structures with the wider landscape and forming key strategic wildlife corridors. The waterways help to stimulate regional and local economies by acting as a catalyst for urban and rural regeneration and inward investment. They are playing an increasingly important role in the tourism industry and there is a growing national awareness of the added value and commercial betterment deriving from the presence of waterways in developments.

The Government wishes³ to increase the economic, environmental and social benefits offered by the waterways by:

- encouraging their improvement, development and restoration, wherever possible in partnership between the public, private and voluntary sectors;
- promoting the waterways as a catalyst for urban and rural regeneration;
- encouraging the use of the waterways for tourism, leisure, recreation and sporting activities;
- supporting the protection, conservation and enhancement of the waterways' heritage and their built and natural environment, and the use of the waterways as a water and educational resource;
- supporting the provision of passenger boat services on the inland waterways, wherever practicable and economic;
- encouraging the transfer of freight from roads to waterborne transport where practical, economic and environmentally desirable;
- supporting the development of the inland waterways through the planning system.

There is a growing need for the planning system to acknowledge the multifunctional nature of the waterways as well as their integrative characteristics with their associated corridors/visual envelopes. Moreover, there is a need to promote greater and more creative integration between waterways and the planning system in order to deliver their social, environmental and economic benefits, by identifying:

- ways in which better use of planning can assist waterways;
- how the waterways contribute to planning agendas of the metropolitan and urban areas, market towns, coalfield areas, accessible and more remote rural areas, district and region wide; and
- how the effective use of policy mechanisms can facilitate change.

Policy formulation, use of designations, and implementation of policy accompanied by more detailed guidance is essential to unlock the potential of the waterways.

¹ Many of the issues contained in this document are applicable to Scottish waterways and relevant planning policy guidance in Scotland has been included for comparative purposes

² "Inland waterways" include canals, navigable rivers and other inland waters used for navigation. For the purposes of this document the term also includes related bodies of water such as docks, inland marinas, mooring basins and reservoirs. However it excludes unnavigable rivers and lakes.

³ DETR (June 2000) "Waterways for Tomorrow"

PART A WATERWAYS AND THE PLANNING SYSTEM

1.1 British Waterways' Involvement with the Planning System

British Waterways is a public corporation, sponsored by DEFRA which is responsible for managing approximately 3,200 km (2,000 miles) of navigable waterways in the United Kingdom⁴. These are shown on the enclosed map and listed in Appendix 1. A description of British Waterways' statutory duties, responsibilities and organisational structure is included in Appendix 2.

Annex C of PPG 12 "Development Plans" (December 1999) advises local authorities to consult British Waterways, canal owners and navigation authorities "on all issues relating to inland waterways and land adjacent to inland waterways".

Under the Town and Country Planning (General Development Procedure), (Amendment) Order 1997, British Waterways is a statutory consultee for planning applications that:

"have the potential to affect the safety and integrity of any waterway, reservoir, canal feeder channel, watercourse, let off or culvert owned or managed by British Waterways".

The zone of consultation extends 150 m either side from the centre line of the waterway, feeder etc or 150 m from the edge of a reservoir.

In addition to advising local planning authorities on statutory and non-statutory consultations on planning applications affecting waterways and waterside land, British Waterways' involvement with the planning system also includes:

- advising and liaising with central government and other national agencies on the development of planning policy and the planning process insofar as it affects waterways and waterside land;
- contributing to the development of Regional Planning Guidance and the Mayor's Spatial Strategy for London;

⁴ Responsibility for the inland waterways is split between some 30 navigation authorities. The three largest are:

- British Waterways (BW) - responsible for about 3,200 km (2,000 miles) – 51% of the national total;
- Environment Agency responsible for about 1,000 km (620 miles) – 19%;
- Broads Authority, manages approximately 200 km (125 miles) – 3%;

The remaining 1,300 km (800 miles) are managed by a variety of bodies including private companies and individuals, the National Trust, charitable trusts and local authorities. A further 2,300 km (1,435 miles) of abandoned waterways is in fragmented ownership.

- advising local planning authorities on the preparation of development plans on matters affecting waterways and waterside land.

In 1999/2000, British Waterways conducted a postal survey of all local authorities in England and Wales with British Waterways' owned or managed canals or river navigations within their areas. The purpose of the postal survey was to ascertain whether current Development Plans included references to the role and importance of waterways under different policy subject areas. This survey involved 179 authorities (equivalent to 45% of all local authorities in England and Wales), 133 of whom responded.

The results of the survey showed that the inclusion of waterways in development plan policies was generally limited. Existing policies on waterways were often ad hoc and very few plans adopted a holistic approach to protecting and promoting the waterways. There appeared to be a strong correlation between the existence of development plan policies for specific topics where there are explicit references to waterways within national planning guidance on the specific topic.

Policy Subject Area	% of LPAs with 1+ policies on waterways (excluding supporting text)
Access for All	9%
Boatyards	0%
Canal Restoration Schemes	8%
Dredging	1%
Flood Defence	12%
Built Heritage and Conservation	8%
Improvements to Towing Paths and Waterways	16%
Landscape and Nature Conservation	25%
Marinas and Moorings	16%
Rural Development & Regeneration	2%
Residential Moorings	7%
Road and Railway Structures	1%
Sport and Recreation	38%
Telecommunications	0%
Tourism	18%
Use of Towing Path for Cycling and Walking	18%
Urban Regeneration	7%
Waterside Design	12%
Waterborne Freight	20%
Waterborne Public Transport	4%
Water Resources including Water Supply and Transfer	21%
Special Policy Area Designation or Action Areas	3%
Site Specific Policies	21%
Other relevant policies	11%

Classification of Designating Authorities	% Local Planning Authorities Responded
County Councils	75%
National Park Authorities	66%
District, City & Borough Councils	95%
Metropolitan Authorities	77%
London Boroughs	87%
Welsh Unitary Authorities (County Boroughs & County Councils)	63%

1.2 Purpose of Document

British Waterways has produced this land-use planning policy document in response to PPG 12 on Development Plans and the Government’s policy paper on the inland waterways “Waterways for Tomorrow” (June 2000). Its purpose is to:

- discuss planning policy subject areas from a waterway perspective to inform the preparation and review of development plan policies, development briefs as well as the development control process;
- promote a wider understanding of the land use and transport issues, requirements and opportunities for inland waterways;
- promote a wider understanding of the economic, environmental and social benefits offered by the waterways;
- act as a tool for encouraging constructive liaison and partnerships with local planning authorities;
- act as a guide for British Waterways when appraising and in making representations on future draft development plan policies.

The document is intended to complement the guide “Planning A Future For The Inland Waterways: A Good Practice Guide” published by the Inland Waterways Amenity Advisory Council in December 2001.

1.3 The Structure of the Policy Document

Part A of this document outlines the statutory duties and responsibilities of British Waterways and the nature of its involvement in the statutory land use planning system. It also describes the nature and the value of inland waterways.

Part B, on utilising the development plan system is divided into five chapters:

- **Chapter 4** discusses area-based policies such as the designation of special policy areas and action areas.
- **Chapter 5** addresses area and site specific design policy issues and objectives.
- **Chapter 6** on topic based policies, comprises short statements on key policy issues followed by specific policy objectives for each policy topic for local planning authorities to address in development plan policies. It may not be appropriate for local planning authorities to produce policies for all the topics covered in Chapter 6. Local planning authorities will need to make their own judgement informed by:

- a detailed appraisal of the waterway corridor;
- an assessment of planning applications for waterside sites;
- current regeneration and development activity and issues.

Typical policies from adopted local plans are included, where available, but do not necessarily represent good practice. It is hoped that with a greater understanding of water related policy objectives and issues that the scope for formulation of stronger, more holistic and sustainable land and water use policies will emerge in development plans and future local development documents.

Part C examines the range of planning delivery tools, particularly the role of Supplementary Planning Guidance and the relationship with other plans produced by local authorities.

Part D briefly outlines the scope for proactive development control.

The Appendices comprise:

Appendix 1: Schedule of inland waterways and waterbodies owned or managed by British Waterways.

Appendix 2: A description of British Waterways’ statutory duties, responsibilities and organisational structure.

Appendix 3: The role of waterways in delivering sustainable development and social inclusion.

Appendix 4: Schedule of references to waterways within national planning policy in England, Wales and Scotland.

Appendix 5: Schedule of relevant policy documents that support the different policy issues and objectives.

Appendix 6: British Waterways’ contacts.

PART A: WATERWAYS AND THE PLANNING SYSTEM

Chapter 2: Value and Importance of Waterways

2.1 Value and Nature of Inland Waterways

2.1.1 Principal Functions of Waterways

The inland waterways are a multifunctional resource. Apart from their traditional role as a system of travel or transport they serve a variety of functions including:

- Acting as an agent of or catalyst for economic, environmental and social regeneration in urban and rural areas including market towns. Waterways provide vehicles for tourism led and conservation led regeneration;
- Water supply, transfer, and drainage;
- Tourism, cultural, sport, leisure and recreation resource;
- Heritage landscape, open space and ecological resource⁵;
- Sustainable modes of transport;
- Routes for telecommunication.

2.1.2 Waterways Cross Physical and Administrative Boundaries

Inland waterways, by their nature, tend to cross local and regional boundaries and other administrative areas. Examples include:

- **local planning authority administrative areas**
Most of the waterways owned or managed by British Waterways traverse more than one local authority administrative boundary (see figure 1, page 9).

- metropolitan areas, urban areas, coalfield areas, market towns, accessible and remoter rural areas (see figure 2, page 10).

Type of Local Planning Authorities in England & Wales	Total N ^o LPAs in England & Wales	Waterways owned or managed by British Waterways traversing numbers of LPAs Administrative Areas	
	All	All	%
County Councils	35	20	57%
National Park Authorities	11	3	27%
District, City & Borough Councils	265	107	40%
Metropolitan Authorities	35	26	74%
London Boroughs	33	15	45%
Welsh Unitary Authorities (County Boroughs & County Councils)	22	8	36%
TOTAL	401	179	45%

- **landscape character areas** Most of the 159 distinct areas identified on "The Character of England Map" produced by the Countryside Agency and English Nature, in association with English Heritage (see figure 3, page 11) are crossed by waterways. The "landscape" is not simply a rural phenomenon but it encompasses the whole of the external environment including the urban landscape;
- **statutorily protected areas** of national and even international importance as well as areas of local importance protected within local planning authority's development plan:
 - areas of landscapes of historical, cultural or archaeological significance such as listing, scheduling conservation area designations and archaeological priority zones;
 - designations for the protection of the natural environment and areas of high landscape value.
- **funding priority areas** such as assisted area designations that provide support, in particular, for investment for employment creation, infrastructure and environmental projects in order to stimulate development, areas of high unemployment and low investment. For example, the eligible regions under the European Regional Development Fund (ERDF) Objectives 1, 2 and 5b, Single Pot, National Lottery Funds, etc.

⁵ "Conservation" in its broad sense which embraces:

- the landscape conservation and public access interests of the Countryside Agency;
- the archaeological, historic buildings and structures, historic landscape and area conservation interests of English Heritage;
- the nature conservation and biodiversity (protection of habitats and conservation of animal and plant species) interests of English Nature.

As defined in the Countryside Commission's (now the Countryside Agency) advisory digest entitled (March 1994) "Conservation Issues in Strategic Plans" (CCP420)

2.1.3 Value and Importance of Inland Waterways

The table below highlights the diverse range of policy objectives and the wider sustainable development, social inclusion agendas to which waterways can contribute.

Policy Objective	Value of Waterways
Regeneration	<ul style="list-style-type: none"> • Act as catalyst for economic and social renewal. • Increase development value and the opportunity for investment. • Focus and link regeneration opportunities in urban and rural areas. • Contribute to civic renaissance, increasing urban capacities, choice of lifestyle and reuse of brownfield land • Focus for rural diversification, development and regeneration and to contribute to delivery of market town initiative • Generate long term economic activity and opportunities for employment • Promote inclusion and quality of life
Sport and Recreation	<ul style="list-style-type: none"> • Provide an important water-based sport and recreation resource. • Contribute to the health and well being of society. • Form recreational corridors/routes linking urban areas to the countryside • 50% of the population of England, Wales lives within 5 miles of a waterway. • Promote accessibility to all members of society. • Add value as a national fishery.
Tourism	<ul style="list-style-type: none"> • Act as a tourism asset in their own right. • Provide a link between existing/new attractions. • Support the holiday industry through water-based activities. • Provide European renowned destinations such as Birmingham Canal System, London Docklands, and emerging international destinations such as Anderton Boat Lift and Tees Barrage. • Enhance the environment and attract increased visitor activity. • Contribute to the tourism product in the broadest sense by enhancing the environment in urban and rural areas, attracting increased overnight and day trip activity.
Heritage, Culture and the Natural Environment	<ul style="list-style-type: none"> • Form a unique heritage, cultural, educational, landscape and environmental asset. • Extensive number of important historic buildings and structures. • Contribute to the cultural distinctiveness and branding of a region or sub-region. • Important and valuable linear habitats which act as “green lungs” and host rare and different species. • Contribute to open space provision. • Provide a resource for water supply and land restoration
Transport	<ul style="list-style-type: none"> • Contribute to integrated transport objectives. • Provide transport routes on a local and national scale. • Act as a waterborne transport corridor for people and freight. • Form important cycling, walking and public access corridors.

Adapted from the table included in IWAAC “Planning A Future for the Inland Waterways – A Good Practice Guide” (2001)

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2.1.4 Added Value of Inland Waterways

Waterways provide a valuable contribution to regeneration by enhancing development values. A study of the “Value of Waterside Properties” produced by Willis & Garrod at University of Newcastle upon Tyne in 1994, reported a residential development value uplift of around 19% for properties with water frontage and 8% uplift for non-frontage properties in the same development. This has been sustained over the last ten years.

However, to achieve sustainable waterway regeneration and development, it is crucial to optimise the added value of waterways themselves not just the waterside location. To unlock the potential and optimise the added value of waterways there is a need to develop the use of under-utilised waterways and waterbodies, as well as to maximise the use of existing waterside brownfield sites, under-utilised waterside buildings and to promote waterside development sites as priorities within development plans and local economic development and regeneration strategies.

2.1.5 Inland Waterways as a form of Open Space

As well as being a transport artery, waterways are a form of open space performing a variety of functions. Waterways:

- have a strategic function linking metropolitan areas, urban areas, market towns, accessible and remote rural areas and thus provide for recreational needs over most of a region;
- are an important accessible amenity in urban areas;
- accommodate active sport and informal recreational activities, facilities and services. The towing path network provides opportunities for people to walk, cycle or ride, and therefore, can contribute to the promotion of sustainable transport, health and wellbeing;
- are important wildlife corridors often linking towns with the countryside and thus provide important stepping stones from one habitat to another;
- are an important community resource, for example, by providing the context for water festival events including youth events, and providing access to the countryside from urban areas via the towing path network (acting as a recreational route);
- provide an important visual amenity, for example providing an attractive setting for development, particularly residential.

Inland waterways and other waterbodies have an important role to play in developing social inclusion, sustainable transport as well as improving the quality of life of both urban and rural communities.

In order to achieve sustainable waterway corridors, it is crucial that development plans protect and enhance as well as encourage the development, regeneration and utilisation of inland waterways as a multi functional space, resource and asset.

2.2 New Approach to Waterside Planning and Design

The traditional approach of viewing proposals from the land to the water has resulted in the under-utilisation of inland waterways and docks, characterised by existing development turning its back to the water or only using the waterways as a setting or visual backdrop for development. This approach has failed to integrate the waterspace or attract benefit from the added value of the waterspace for commercial, leisure and recreational uses. In order to develop the potential of waterways as “spaces” and the benefits that can be derived from the waterway environment, British Waterways has promoted a corridor wide approach. The corridor wide approach looks at the waterway not as an edge or as a backdrop or setting to development but as an important integral and functional space for transport, recreational and commercial uses that needs to be linked to the wider area.

Looking from the waterway outwards as well as from land to water provides the opportunity to:

- consider any new development holistically to include transport as well as water-based residential, leisure and commercial development, thus ensuring life and vitality to the waterspace and towing path;
- explore and optimise the “added value” of the waterspace so that it becomes a leisure resource and facility in its own right;
- incorporate the towing path and the waterspace itself as integral parts of the new waterside development scheme so as to encourage natural surveillance and greater use of the waterspace and surrounding public spaces;
- explore the range of waterbased uses that any particular waterspace can support, as well as to identify the land based implications of such uses;
- identify a balanced mix of mutually supporting uses on land and water.

Chapter 2: Value and Importance of Waterways

In order for waterways to contribute successfully to the achievement of sustainable development and social inclusion, it is crucial to:

- treat a waterway as a “multi-functional space” as well as an artery;
- look from the waterway outwards and not just from the land to water;
- treat the waterway as an integral part of its corridor.

Policy formulation, use of designations, and implementation of policy accompanied by more detailed guidance is essential to “unlock the potential” of the waterways. There are two underlying principles to observe:

- to ensure that existing waterspaces, land and buildings of environmental quality within waterway corridors are safeguarded;
- to ensure that new waterside developments positively address the water, integrate the towing path and utilise the waterspace itself, and that access and other improvements are made to the waterway environment wherever possible.

PART A WATERWAYS AND THE PLANNING SYSTEM



Figure 1: British Waterways' Owned or Managed Waterways and Local Planning Authority Administrative Areas

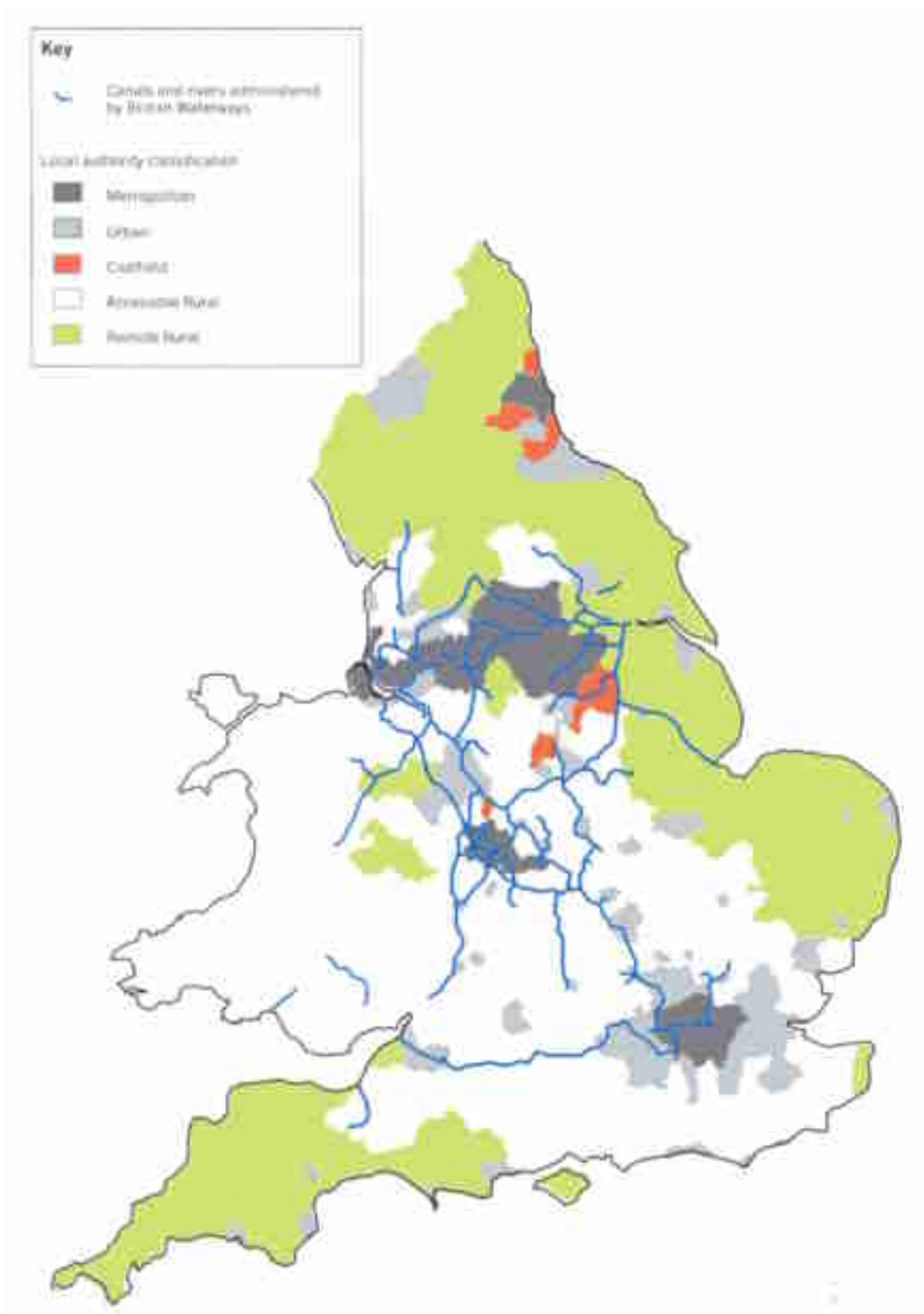


Figure 2: British Waterways' Owned or Managed Waterways and Local Authority Classification

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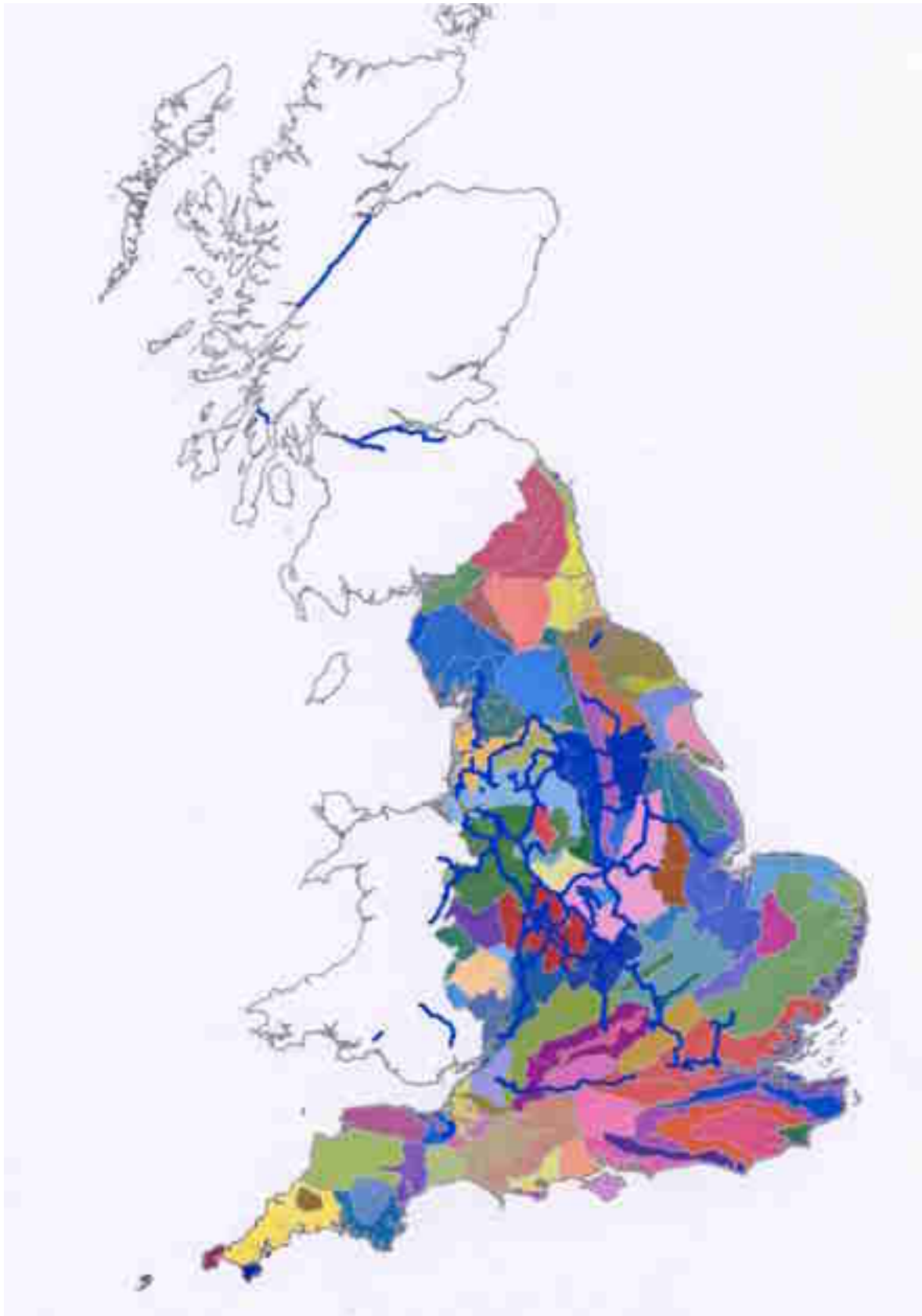


Figure 3 : British Waterways' Owned or Managed Waterways and Landscape Character Areas

PART A: WATERWAYS AND THE PLANNING SYSTEM

Chapter 3: Policy Framework and Context

3.1 New Policy Context

3.1.1 “Waterways for Tomorrow”, June 2000

“Waterways for Tomorrow” confirms that the Government wishes to increase the economic, environmental and social benefits offered by the waterways by, among other things, supporting the development of the inland waterways through the planning system. It contains a commitment to *“continue to review each PPG when it is revised with the aim of developing the potential of the inland waterways through the planning system”*.

To unlock and maximise the potential of waterways, there is a need to develop the partnered approach to regeneration and to treat the waterway as a multi functional space.



3.1.2 “Planning a Future for the Inland Waterways – A Good Practice Guide”, December 2001

This document published by IWAAC⁶ in 2001 at the invitation of the Government⁷ stresses the importance of developing the potential of the inland waterways through the planning system at all levels - future reviews of PPGs, TANs, Regional Planning Guidance and development plans. It also emphasises the

contribution waterways can make in delivering sustainable development and social inclusion to achieve quality of life.

3.1.3 “Inland Waterways – Towards Greater Social Inclusion”, April 2001

This report, also published by IWAAC explores ways in which inland waterways can foster social inclusion by enhancing the quality of life of those who live in close proximity to a waterway but who currently do not use or enjoy them. The report identifies the principal barriers that deter residents from using their local waterway, the benefits that waterways can offer to enhance the quality of life of currently excluded groups and the wider community as well as identifies a range of mechanisms for inclusion.

3.2 Existing National Planning Policy Framework from a Waterway Perspective

There are a number of areas of planning guidance that are of direct relevance to the waterways. At a broad level the integration of the waterways in these areas of guidance is limited. Few make specific reference to the waterways as an asset or make provision for them, despite the fact that the waterways are influenced by the guidance and can contribute in achieving policy aims.

The following tables highlight where the current national planning guidance in England and Wales explicitly refers to inland waterways, together with the potential for further integration and cross referenced to the waterway related topic based policy areas included within Chapter 6. The relevant national planning guidance in Scotland is also included for comparative purposes.

⁶ The Inland Waterways Amenity Advisory Council was created by the Transport Act 1968 to advise the Government and British Waterways on the use of the latter's waterways for amenity purposes. Since 1993 IWAAC have concentrated on providing strategic policy advice on the waterways generally.

⁷ The Government said in “Waterways for Tomorrow” that it would invite IWAAC to prepare a good practice document with a view to it being published jointly with DETR, explaining the contribution that inland waterways can make to regeneration and other projects, and highlighting examples of good planning.

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RELEVANT PLANNING POLICY GUIDANCE IN ENGLAND			
Explicit References to Waterways in PPGs in England	Assessment of How the Waterways are Incorporated and Potential for Further Integration	Waterway Related Topic Based Policy Area(s) within Chapter 5	
PPG 1: General Policy and Principles (February 1997)			
Paragraph 14	Design	Water is recognised as a resource that should be utilised for the goal of sustainable development. However, further consideration could be given to the potential of development land adjacent to waterways for sustainable development on the basis they provide quality settings, transport opportunities offered by the waterways, and the unique setting that is created by the water	<ul style="list-style-type: none"> Water Quality, Resource and Flooding
PPG2: Green Belts (January 1995)			
No explicit reference to waterways		Waterways are not specifically mentioned in the guidance. However, waterways pass through many Green Belt areas and as such contribute to the general character of the countryside. Certain sensitively designed and sited waterways related development can be compatible with a Green Belt area, particularly relating to recreation.	<ul style="list-style-type: none"> Rural Diversification, Regeneration and Development Water-based Development including Marinas Tourism
PPG 3: Housing (March 2000)			
Paragraph 13	Assessing Local Housing Needs	Reference to houseboats in the context of widening housing and lifestyle choice. The waterways and adjacent sites are not highlighted as environments that can meet government objectives on housing. However, there is clear evidence that the waterways can contribute to the goal of provision of housing for all sectors of the community. Initiatives such as increased houseboat moorings, and adapting waterside buildings into residential accommodation in unique environments can achieve these goals.	<ul style="list-style-type: none"> Housing and Waterways Water-based Development including Marinas Water Quality, Resource and Flooding
PPG 4: Industrial and Commercial Development and Small Firms (November 1992)			
Paragraphs 11 & 12	Locational Factors	The guidance encourages development in areas that can be served by energy efficient modes of transport such as water. Planning authorities, where possible, should allocate sites for industrial and commercial uses which can utilise the waterways.	<ul style="list-style-type: none"> Waterborne Transport and Sustainable Distribution Safeguarding Boatyards and Wharves
PPG6: Town Centres and Retail Developments (June 1996)			
No explicit reference to waterways		Waterways are not specifically mentioned in the guidance. However, urban canals and rivers have an extremely important role to play in the promotion of town centre retail, employment and leisure developments. Canalside developments can increase town centre vitality and viability through the provision of mixed-use schemes, good design and environmental improvements.	<ul style="list-style-type: none"> Urban Regeneration, Renaissance and Development Rural Diversification, Regeneration and Development

RELEVANT PLANNING POLICY GUIDANCE IN ENGLAND			
Explicit References to Waterways in PPGs in England		Assessment of How the Waterways are Incorporated and Potential for Further Integration	Waterway Related Topic Based Policy Area(s) within Chapter 5
PPG 7: The Countryside: Environmental Quality and Economic and Social Development (February 1997)			
Paragraph 3.13	Tourism Sport and Recreation	Waterways are not mentioned specifically, but new development in the countryside should bring economic and social benefits, and the quality of the environment should be maintained or enhanced. Waterways can contribute towards achieving the goals of sustainable development. As a catalyst for economic and social activity, they provide an opportunity to maintain environmental quality and sustainability.	<ul style="list-style-type: none"> • Water-based Development including Marinas • Rural Diversification, Regeneration and Development • Tourism • Landscape Character, Nature Conservation and Biodiversity
Paragraph 4.15	Environmentally Sensitive Areas, Nitrate Sensitive Areas and Habitat Scheme Water Fringe Areas		
PPG 8: Telecommunications (December 1992)			
No explicit reference to waterways		The aims of the guidance are to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The waterways network of England and Wales has the potential to provide a number of suitable sites for telecommunications equipment.	<ul style="list-style-type: none"> • Telecommunications
PPG 9: Nature Conservation (October 1994)			
Paragraph 16	Nature Conservation Outside Designated Sites	Canal and river corridors are recognised as an important part of the natural environment. Inland waterways are set in distinctive landscapes, with can also provide a link between urban and rural areas. This link in itself is a unique natural habitat that should be conserved.	<ul style="list-style-type: none"> • Landscape Character, Nature Conservation and Biodiversity
PPG 10: Planning and Waste Management (September 1999)			
No explicit reference to waterways		While waterways are not specifically mentioned in the guidance consideration is given to the transportation of waste. Waterways have a role to play in waste transportation, particularly on the larger commercial waterways.	<ul style="list-style-type: none"> • Water Quality, Resource and Flooding
PPG 11: Regional Planning (October 2000)			
Paragraph 6.5	Main Aims of Regional Transport Strategy	Regional Transport Plans should include guidance on the role and future development of ports and inland waterways. Any such guidance should be prepared with the co-operation of British Waterways. Regional Planning Guidance should highlight the role restoring inland waterways can play in rural regeneration and tourism. Inland waterways also have a role to play in the monitoring of RPGs, especially through water quality, rural development and natural environment indicators.	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Safeguarding Boatyards and Wharves • Waterway Restoration and Construction of New Links • Urban Regeneration, Renaissance and Development • Rural Diversification, Regeneration and Development
Paragraph 6.3	Stakeholder involvement in preparing the RTS		
Paragraph 9.6	Rural Development and Countryside Character		
Paragraph 16.5	Monitoring and Review - Contextual Indicators		
Annex B Paragraph 25	Freight and Ports		

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RELEVANT PLANNING POLICY GUIDANCE IN ENGLAND			
Explicit References to Waterways in PPGs in England		Assessment of How the Waterways are Incorporated and Potential for Further Integration	Waterway Related Topic Based Policy Area(s) within Chapter 5
PPG 12: Development Plans (December 1999)			
Paragraph 4.4	TABLE: Environmental Considerations for Development Plans	Waterways are one of the forms of transport that the guidance states should be, where possible, included in development plans. Policies should also be included which safeguard land for future transport schemes, including the restoration of canals. British Waterways is listed in the guidance as a consultee for all issues relating to inland waterways and land adjacent to waterways.	All waterway related topic based policy areas within Chapter 5.
Paragraph 5.16	Transport Policies in Development Plans		
Paragraph 5.22	Safeguarding Transport Routes		
Annex C – Paragraph 5	Consultees for Development Plans		
PPG 13: Transport (March 2001)			
Paragraph 45	Freight	Guidance promotes the redevelopment of disused Basins; retention of water-based recreation services; enhancing and increasing the use of waterside sites through developments. In meeting the general objective of sustainable transport choices, both the waterway and the towing path need to be viewed and used as transport routes.	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Safeguarding Boatyards and Wharves • Sport and Recreation • Access – Use and Improvement of Towing Path • New Bridge Crossing • Minerals and Aggregates
Paragraph 77	Walking		
Paragraph 79	Cycling		
Annex B Paragraph	Ports and Shipping		
Annex B Paragraphs 12 & 13	Inland Waterways		
Annex C Paragraphs 8 - 10	Planning for New Railways, Tramways and Inland Waterways		
PPG 15: Planning and the Historic Environment (September 1994)			
Paragraph 5.8	Schemes proposed under the Transport and Works Act 1992	Waterways receive only a passing technical reference in paragraph 5.8. However, the document includes guidance on listed buildings – which includes the many listed structures along the waterways. Regarding conservation areas the guidance also stresses the importance of preserving the historical topography of an area, including the character and hierarchy of spaces, the quality and relationship of buildings and the green features of an area.	<ul style="list-style-type: none"> • Built Conservation
PPG16: Archaeology and Planning (November 1990)			
No explicit reference to waterways		The guidance states that development plans should reconcile the need for development with the interests of conservation of archaeological remains, which includes the wealth of waterways related archaeology throughout the country. Where possible nationally important remains should be preserved in situ and provision for their adequate management should be secured.	<ul style="list-style-type: none"> • Built Conservation

Chapter 3: Policy Framework and Context

PPG 17: Planning for Open Space, Sport and Recreation (July 2002)			
Paragraph 31	Sport and Recreation Requiring Natural Features and Water	This guidance recognises water, including rivers, canals and reservoirs as Open Space, and recognises the potential of waterways (and all open space) as being able to perform multiple functions, such as: strategic functions, urban quality, promoting health and well-being, havens and habitats for flora and fauna, community resource, visual amenity. The guidance encourages Local Authorities to ensure that new development near water does not restrict access to existing sport and recreation purposes, and should also actively encourage the use of water for sport and recreation.	<ul style="list-style-type: none"> • Sport and Recreation • Water-based Development including Marinas • Safeguarding Boatyards, Slipways and Wharves • Minerals and Aggregates
Annex	Definitions Open Space		
PPG 21: Tourism (November 1992)			
No explicit reference to waterways.		Waterways are not specifically highlighted as a resource for tourism. At a regional policy level, inland waterways are acknowledged as offering many opportunities for tourism, as well as representing a linear route between centres of tourist activity. Using canals and rivers for tourist activities can provide the necessary kick-start to regenerate and redevelop of adjacent sites and the wider local area	<ul style="list-style-type: none"> • Tourism • Water-based Development including Marinas • Rural Diversification, Regeneration and Development
PPG 22: Renewable Energy (February 1993)			
No explicit reference to waterways		Waterways are not specifically mentioned in the guidance. However, the role of water as a renewable energy source is highlighted.	<ul style="list-style-type: none"> • Hydro-Electric Power
PPG 23: Planning and Pollution Control (1994)			
Paragraph 1.21	Water Quality	The guidance outlines the role of the Environment Agency in policing and protecting the quality of inland and underground waters, for conserving and enhancing water resources, and for licensing water abstraction.	<ul style="list-style-type: none"> • Water Quality, Resource and Flooding • Waterways and Waste
PPG 24: Planning and Noise (September 1994)			
No explicit reference to waterways		Within the guidance's section on 'Noise from recreational and sporting activities' there is no specific mention of water related sports, such as speedboats and jet skis. However, PPG 24 does give guidance on dealing with proposals that may generate excessive noise.	<ul style="list-style-type: none"> • Sport and Recreation
PPG 25: Development and Flood Risk (July 2001)			
Paragraphs 37 & 38	Canals and Other Artificial Water Bodies	Sites adjacent to waterways are at greater risk of flooding than those that are located well away from the water. A risk-based approach should be adopted in the preparation of development plans through the use of a sequential test, which gives priority to sites with the least flood potential. Differentiates between rivers and canals.	<ul style="list-style-type: none"> • Water Quality, Resource and Flooding

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RELEVANT PLANNING POLICY GUIDANCE IN WALES	
Explicit References to Waterways in Planning Guidance (Wales) & TANs	
TAN 12 – Design (Consultation Draft) (June 2001)	
Paragraph 2.1	Defining Design
Paragraph 5.16	Re-use of Docksides
TAN 15 – Development and Flood Risk (March 1998)	
Paragraph 11	Development Control
Paragraph 26	Waterways
TAN 18 – Transport (July 1998)	
Paragraph 13	Pedestrians
Paragraph 16	Cyclists
Paragraphs 38 & 39	Inland Waterways
Paragraph 40	Shipping
Planning Guidance (Wales)	
Planning Policy (April 1999)	
Paragraph 8.3.3	Siting of Development
Paragraphs 12.2.1 & 12.2.5	Sport & Recreation
Mineral Planning Policy Wales (2000)	
Paragraph 42	Transport
Consultation on Draft Planning Policy Wales Public Consultation (February 2001)	
Paragraphs 12.6.3 & 12.6.6	Planning for Transport Infrastructure
Paragraphs 17.2.2.1 & 17.2.3.3	Sport and Recreation – Planning Policy
Paragraph 18.2	Energy
Paragraph 19.4	Waste Treatment and Disposal
Paragraph 20.1	Flood Risk and Climate Change
Wales Spatial Plan – Pathway to Sustainable Development (Consultation) (September 2001)	
Figure 5	Water Supply and Flood Risk

RELEVANT PLANING POLICY GUIDANCE IN SCOTLAND	
Explicit References to Waterways in NPPGs & PANs in Scotland	
NPPG 1: The Planning System (Revised 2000)	
Paragraph 18.	Integrated Transport
Paragraph 20.	European Dimension
Paragraph 54	Other Legislation
NPPG 4: Land For Mineral Working (Amended May 2001)	
Paragraph 34.	Operational Considerations Site Conditions
Paragraph 38.	Watercourses and Groundwater
Annex A	Environmental Assessment (Scotland) Regulations 1988: Schedule 3
Paragraph 1	Environmental Statements
NPPG 6: Renewable Energy Developments (Revised November 2000)	
Paragraph 37.	Individual Technologies - Planning Issues
	Hydro
Paragraph 38.	Individual Technologies - Planning Issues
	Hydro
NPPG 7: Planning And Flooding (September 1995)	
Paragraphs 5, 6, 7, 8,10	Responsibilities for flood protection and prevention
Paragraph 11,	The Role of Building Standards
Paragraph 12.	River Purification Boards and the Scottish Environment Protection Agency (SEPA)
Paragraphs 15, 16	Flood Appraisal Groups and other consultations
Paragraphs 22, 24, 25	Background information
	The causes of flooding
Paragraphs 38, 39	River Systems
Paragraph 47	Policy Guidelines
	Managing the Threat
Paragraph 50	Environmental Assessment and other policies
Paragraph 55	Action Required
	Structure Plans
Paragraph 58	Local Plans
Paragraphs 64,65	Action Required
	Development Control
Annex 1:	Responsibilities For Dealing With Flood Hazard In Scotland
NPPG 10: Planning and Waste Management (March 1996)	
Paragraph 28.	Policy Guidelines: General Principles
	Implementing the Planning Aspects of the Waste Management Licensing Regulations 1994
NPPG 11: Sport, Physical Recreation and Open Space (June 1996)	
Paragraph 15.	Policy Context
	The Scottish Sports Council
Paragraph 19	Scottish Natural Heritage
Paragraph 28	Policy Guidelines
	Planning Objectives
Paragraphs 35,36	Policy Guidelines
	Open Space
	Children's Use
Paragraph 49.	Intensive Sports Facilities
Paragraph 59.	Key Planning Issues in Non-Urban Areas
	Green Belts
Paragraphs 60,66, 67	The Countryside: Sport and Recreation in Rural Areas
Paragraph 83.	Noise and Sport
Paragraphs 84, 85, 86, 87	Water Sports
Paragraph 94	Local Plans
Paragraph 98	Environmental Assessment

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RELEVANT PLANING POLICY GUIDANCE IN SCOTLAND	
Explicit References to Waterways in NPPGs & PANs in Scotland	
NPPG 14: Natural Heritage (1998)	
Paragraph 11	Landscape Protection and Enhancement
Paragraph 28	Sites of Special Scientific Interest
Paragraphs 48, 49	The Wider Natural Heritage
Paragraphs 55, 56, 57	Lochs, Ponds, Watercourses and Wetlands
NPPG 15: Rural Development (February 1999)	
Paragraph 51	Sport and Recreation
NPPG 16: Opencast Coal and Related Minerals (March 1999, Amended May 2001)	
Paragraph 48	Minimising Traffic Impacts
NPPG 17: Transport and Planning (April 1999)	
Paragraphs 8, 10, 11	Transport and the Environment
Paragraphs 37, 38, 39	Freight
Paragraphs 40, 42.	Rural and Remote Communities
Paragraph 47	People on Foot
Paragraph 50	Provision for Cyclists
Paragraph 66	Blight and Safeguarding of Transport Routes
Paragraphs 70, 72	Inland Waterways
Paragraph 76	Action Required
NPPG 18: Planning For The Historic Environment- General Policy Guidelines (April 1999)	
Paragraph 27	Conservation and Sustainable Development
PAN 33: Development of Contaminated Land (Revised October 2000)	
Paragraphs 1, 8, 9	Introduction
Paragraphs 20, 51, 55, 57, 58, 63	Scottish Executive approach to contaminated land The "Suitable For Use" Approach
PAN 45: Renewable Energy Technologies (1994)	
Appendix A	The Environmental Assessment (Scotland) Regulations 1988: Schedule 3. Environmental Statements.
Annex B :B4 – B16	Hydro Power
Annex B: B.20	Planning Implications
Annex B: B.24	Design Considerations
Annex B: B.27.	Fishing Interests
Annex B: B.28	Construction Disturbance
Annex D: D.29	Waste Combustion Water Protection
PAN 57: Transport and Planning Providing For Non-Motorised Modes Of Travel (1999)	
Paragraph 19	People on Foot
Paragraph 43.	Road Planning
Paragraph 47	Housing Layouts and Transport
PAN 60: Planning for Natural Heritage (2000)	
Paragraphs 7, 9, 10	Policies And Initiatives For Positive Action
Paragraph 45	Greenspace
Paragraphs 64, 65	Restoration Of Mineral Workings

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Chapter 4: Area Based Policies

4.1 Designation of Special Policy Areas

“Waterways for Tomorrow” encourages the planning system to:

- unlock the development and regeneration potential of the waterway and the adjacent waterside land and buildings;
- encourage the utilisation and development of the waterway; and
- protect the waterways as a local community resource, and its environment from inappropriate development.

At the regional level the role and importance of waterways is starting to be recognised. For example, the East Midlands was selected as a national pilot to produce Regional Environmental Guidance, in the first stage report entitled “Viewpoints on the East Midlands Environment” (May 1999). The report identifies inland waterways as an important natural and cultural heritage asset as well as an integral part of sub regional local distinctiveness. The report advocates the promotion of inland waterways as a key asset of the East Midlands that make a significant contribution to biodiversity, tourism and leisure, the historic environment, education and attracting inward investment. The report states that the combination of the natural and cultural assets plays a vital part in securing the region’s success in attracting tourists, retaining a mobile workforce, and contributing to the quality of life of the East Midlands population. In addition, East Midlands Development Agency (EMDA) under the theme ‘Climate for Investment’, seeks to encourage investment in the region’s natural assets and local distinctiveness to promote tourism, culture and sports.

Furthermore, Yorkshire Forward⁸ identifies the capitalisation of the inland waterways network as a key priority action under the objective of “*getting the best of the regions unique, physical and cultural assets and conserving and enhancing its environmental assets*”.

4.1.1 Key Issues

Most inland waterways traverse local authority administrative boundaries and there is therefore a need for a strategic policy framework for individual waterway corridors. The wider corridor can have a strong influence on the success of delivering development and regeneration. For example, the river corridor downstream of the Tees Barrage to the Estuary will have a strong influence on the success of delivering development and regeneration strategy for Tees Navigation corridor within the administrative area of Stockton Borough Council. The redevelopment of the Middlehaven Docks area outside the administrative area of Stockton Borough Council will be crucial in encouraging boat movement upstream to Stockton by creating a gateway to the non-tidal navigation; an under-utilised sub-regional tourism resource⁹. Therefore, there is a need for the riparian local authorities to develop a holistic approach to policy formulation, designations and future regeneration programmes for that particular waterway corridor. The structure plan could be the appropriate vehicle to establish the overall strategic framework for a waterway corridor. This approach is crucial in order to ensure that local plans adopt a consistent and coherent approach to development, regeneration and improvement of the waterway corridor so providing a clear framework for planning decisions along that particular waterway.

Existing policy designations such as green wedges and conservation areas often extend wider than individual waterways or, alternatively use the waterway as a border for the designation. As a result many of these designations:

- fail to acknowledge the multi functional nature of waterways and the need to reconcile competing waterway and waterside interests which all contribute to the sustainable development and regeneration of the waterways. Given the value of the waterways in heritage, conservation, and the built and natural environment, it is important that any development and regeneration does not erode the quality of the asset itself. Alternatively, it is important not to preclude opportunities for

⁸ Yorkshire Forward (July 1999) “The Draft Regional Economic Strategy for Yorkshire and Humber”

⁹ A clear regional and sub-regional policy priority is to protect, develop and promote the Region’s natural and cultural assets, such as the River Tees.

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development and regeneration of the waterways in a sustainable manner;

- tend to divorce the waterway from its associated corridor which often results in the under-utilisation of the waterspace and erosion of waterway corridor character. To achieve sustainable development and regeneration of the waterway corridor, it is vital to improve and protect the waterway environment and character and to optimise the use of existing waterside sites, land and buildings as well as waterways themselves

To achieve attractive, vibrant, accessible, safe and sustainable waterway corridors, a corridor wide and holistic approach needs to be adopted. The unique and locally distinctive character of the waterway is then identified and protected from inappropriate development. Policies to protect and enhance the built landscape and natural heritage and character of the waterway are required. A framework for appropriate regeneration and development needs to be established to assess and guide proposals. It is important that any “Special Policy Area” designation views regeneration¹⁰ and conservation¹¹ of the waterway corridor in its widest sense and from the waterway.

British Waterways recommends that consideration is given to the designation of waterway corridors as a “Special Policy Area”, within development plans, with integrated policies formulated to achieve the above. This designation concept would support the principles of cluster development and development punctuating green wedges. Any “Special Policy Area” would provide the opportunity to build upon the existing local plan policies to enhance waterway corridors as natural and cultural assets but would also support the development and regeneration of the corridor.

This corridor wide designation should cover the visual envelope of the particular waterway. This would strengthen protection of the waterway as a resource and asset as well as raise the profile of the corridor as a focus for regeneration and development. Any “Special Policy Area” should acknowledge the different functions of navigable waterways and docks (that is, treating the waterway as working, commercial and recreational and managed linear spaces as well as

transport arteries) as outlined in section 2.2. Any designation would need to be accompanied by tools that will provide the means to:

- define landscape, natural and historic waterway character¹²;
- examine and reconcile the competing waterway and waterside interests; and
- develop a strategic framework for the future regeneration, development and management of waterway corridors.

To underpin any “Special Policy Area” designation and guide local planning and management policies, a detailed appraisal needs to be carried out. An appraisal in the form of a corridor study would help to accommodate necessary change in a particular waterway corridor without destroying or damaging the local character and would help to ensure that new development respects or enhances the distinctive character of the land and built environment. The corridor study concept has been developed by British Waterways and is similar to detailed appraisals recommended in RPG 3B to underpin the “Thames Special Policy”. The designation would also need to be supported by:

- future development briefs and masterplans for waterside sites to be informed by waterspace strategies;
- the production of generic guidelines as Supplementary Planning Guidance to provide a clear framework for the delivery of a consistent and coherent approach to development and improvement within the visual envelope of a waterway.

It is recommended that any “Special Policy Area” would be supported by policies that encourage developers to:

- undertake pre-application discussions with the local planning authority, and the appropriate navigation authority;
- submit design statements and waterspace strategies to accompany applications.

An explanatory note on corridor studies and waterspace strategies as planning delivery tools is discussed in sections 7.1 and 7.2 respectively.

¹⁰ Economic development, tourism (including sport tourism) and regeneration potential of the whole corridor

¹¹ Conservation of waterway network must be viewed in its broadest sense, embracing:

- the landscape conservation and public access;
- the archaeological, historic buildings and structures, historic landscape and area conservation;
- nature conservation and biodiversity.

¹² The concept of character is proving to be a central aspect of sustainability

4.1.2 Thames Special Policy Area, an Example of a Special Policy Area Designation

The current RPG 3B, requires the London Boroughs to designate the Thames Special Policy Area. Paragraphs 3.7 and 3.10 of the current RPG 3B require the local planning authorities to produce detailed appraisals and adopt appropriate policies in their unitary development plans for the Thames Policy Area, in accordance with the detailed appraisal. There would be merit in this approach being applied to all waterways and docks.

Paragraph 3.7

Within Thames Policy Area, local planning authorities, in consultation with neighbouring (including cross-river) riparian authorities and LPAC, should:

- identify in their development plans the detailed boundaries of the Thames Policy Area;
- prepare detailed appraisals of their stretches of the River and its environs within this Area, and
- include in their development plans policies for this Area consistent with this Guidance.

Paragraph 3.24

For all significant development proposals within the Thames Policy Area, local planning authorities should ensure that developers:

- pay particular attention to design quality, taking account of the local context, including the relationship to the River;
- consult them and other relevant bodies, including where appropriate neighbouring and cross-river planning authorities, LPAC, the Environment Agency, English Heritage and the Royal Fine Arts Commission, before submitting a final application;
- prepare design statements to accompany applications.

British Waterways recommends the following additions to the current requirements set out in paragraph 3.24:

- produce a **Waterspace Strategy** in consultation with the respective navigation authority.
- consult the appropriate navigation authority before submitting an application.

4.1.3 Mayor of London’s Draft London Plan and Annex (June 2002) “Draft Spatial Development Strategy for Greater London” – “Blue Ribbon Network”

It is intended that the Mayor of London’s London Plan (and Annex 2 will in supersede RPG 3B. The Mayor of London’s draft London Plan (and Annex 2) introduces the strategic policy “Blue Ribbon Network”, which will apply to the River Thames and London’s other waterways including navigable rivers, canals and docks. The objectives embodied within the draft London Plan are firstly, to recognise that London’s waterway network is diverse, multi-functional and contributes to historic fabric, natural environment, tourism, economy and culture of the capital. Secondly, to make the water itself the starting point for decision making and to adopt a corridor wide approach. Thirdly, to establish a clear vision for the waterways which is fully integrated with other policy objectives. Annex 2 sets out the Mayor’s strategy for the Blue Ribbon Network.

This is a very important step forward in strategic policy development for waterways as this will be the first time regional planning guidance in England has recognised the waterway network as being a multifunctional regional asset and will protect and enhance waterways as arteries for transport, tourism, economic growth and wildlife.

4.2 Designation of Action Areas for Area Based Waterway Regeneration

To achieve sustainable regeneration, it is crucial to improve and protect the physical and natural waterway environment and maximise the use of existing waterside brownfield sites, under-utilised waterside land, and waterside buildings as well as waterways and waterbodies. For example, Advantage West Midlands has identified the promotion of waterside development sites as a priority.

“The West Midlands is unique for the extent of development opportunities it has which are linked to inland water environments. The potential of these sites is now being realised and it is important that the market advantages of such sites continue to be promoted.”¹³

¹³ Advantage West Midlands Draft Regional Economic Strategy

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Additionally, East Midlands Development Agency “Economic Development Strategy for the East Midlands 2000 – 2010” recognises the importance of the waterways to the region’s cities and towns regeneration and have identified this as a priority to promote physical regeneration under the theme “Sustainable Communities”. East Midlands Development Agency has prepared Area Investment Strategies for all the cities and towns in the region, many identifying waterway corridors as important regeneration areas. Waterways are included within certain Urban Regeneration Companies boundaries (as is the case in Sheffield, Tees Valley and Leicester).

British Waterways is currently establishing public-public partnerships with a number of local authorities and key regeneration agencies on area based regeneration initiatives as vehicles to deliver the regeneration potential of the waterways.

To deliver regeneration targeted on specific spatial areas such as waterway corridors, British Waterways suggests that authorities give consideration to designating priority areas for area based regeneration focussed upon waterways as action areas within UDPs and Local Plans. This would secure comprehensive treatment by development, redevelopment and improvement of the waterside sites as well as ensuring the “added value” of the waterspace is fully explored and optimised.

4.3 Typical Examples of Development Plan Policies

Hounslow Borough Council UDP (Review Deposit September 1999)

ENV.W.2.2 - The Grand Union Canal and Towing Path

“The Grand Union Canal is an important water feature and the Council will encourage improvements to and promote the use of the Canal and towing path for recreation, leisure and nature conservation consistent with requirements for navigation and will:

- i. seek the retention of canalside uses which are commercially related to the canal;
- ii. encourage the retention and restoration of historic or traditional canal buildings and features;
- iii. seek the retention and enhancement of canalside and aquatic vegetation and habitats;
- iv. help to improve full access along and to the towing path;
- v. ensure that all new developments or redevelopments along the Grand Union Canal frontage enhance the appearance of the canalside frontage in terms of building design, which is sympathetic in terms of height, scale, bulk and design and do not adversely affect the existing views and landmarks or areas of ecological significance;
- vi. have full regard to the London Canals Committee’s design guidance for the canal when considering development proposals adjoining or affecting the canals.”¹⁴

¹⁴ Policy supporting text: “The Council recognises the value of the Grand Union Canal as a recreational, ecological and amenity resource in addition to its commercial value, and wishes to make the most of its inherent assets. The towing path provides uninterrupted pedestrian route from the Thames at Brentford to central London. It remains a working waterway for pleasure craft and commercial traffic. Its whole length is considered by the London Ecology Unit to be of Metropolitan Importance for Nature Conservation and one of the best ten sites in the borough. The canal runs through both built and open landscapes and a part of the canal is the subject of a SRB project (The Brentford Regeneration Partnership). The canalside environment contains much industrial heritage whose conservation is sought wherever possible and includes some important regeneration sites. The Council will investigate the possibility of carrying out a Canal Corridor Study in conjunction with British Waterways subject to the availability of resources. On planning consents on waterside sites the Council will attach an informative requesting contractors to make use of waterborne deliveries of plant and material, and also the removal of spoil during the construction process where feasible, as if this implemented it would be environmentally beneficial reducing pollution and congestion on the roads.”

Leicester City Council, Replacement LP (Deposit Copy 2001)

The Strategic Themes Chapter of the Plan introduces Strategic Regeneration Areas as an overarching framework for regeneration and improvement strategies within the City. These areas include "Potential Development Areas" (PDAs)¹⁵ and wider regeneration areas. A significant number of the sites lie within Leicester Regeneration Company boundaries. Chapter 4 of the Plan entitled "Special Policy Areas" sets out various Special Policy Areas where appropriate development is to be encouraged. The PDA locations reflect two of the major strands of the city's physical regeneration strategy, one of which is the regeneration of Leicester's waterways with 11 of the 28 PDAs being waterside sites. Riverside is a policy area which encompasses the River Soar and Grand Union Canal corridor through Leicester. Leicester City Council is seeking "*development and regeneration to maximise the opportunities offered by the waterside location, enhance Riverside as a safe, accessible and attractive place and contribute to its environmental potential*".

SPA01 Potential Development Areas

Development, regeneration and refurbishment will be encouraged within the Potential Development Areas shown on the Proposals Map, by allowing a range of and mix of land uses within these areas.

The range of land uses that will be acceptable and the priority given to each land use are set out in the following table.

(Moorings are listed as "Priority Land Uses" within a number of the PDAs).

SPA13 Riverside Development

Development within the Riverside policy area, as shown on the Proposals Map, will be encouraged to sustain, enhance and regenerate the environment of Riverside. Development will not be permitted which detracts from the quality of this environment.

Footpaths, towing paths, cycle routes, adjoining waterways and roads are an integral part of any new development.

Where appropriate, development will be required to:

- i. reflect the variations in character of Riverside in terms of use, location and design;
- ii. protect and enhance the nature conservation value of Riverside;
- iii. enhance the architectural quality of Riverside and preserve the character of the urban canal in Leicester;
- iv. improve the visual and physical relationship between the development site, the riverside and any adjoining public areas;
- v. improve access along and across the river or canal corridor;
- vi. Be orientated and designed to promote surveillance of the river and canal frontage;
- vii. enhance the public amenity value of Riverside;
- viii. provide safe, secure and accessible moorings and associated boating facilities where appropriate;
- ix. include appropriate lighting as an integral part of the scheme;
- x. protect or enhance important views outward from the river or canal corridor;
- xi. protect and enhance the landscape between the edge of the development and the river or canal channel.

Birmingham City Council UDP, Draft for Public Deposit, (May 2001)

ENV4 Birmingham Canals Action Plan

3.34 Birmingham lies at the heart of the national network of canals, which played an important part in the town's early industrial development. The historic importance of canals is acknowledged, and wherever possible, important groups of canal buildings and features will be protected. Consideration will be given to the designation of canal settings as conservation areas. Canals are a major focus for urban regeneration. Accordingly, new developments adjacent to canals will be expected to enhance their setting and use. Where appropriate, the enhancement of canals and their settings will be secured through S106 agreements. All new canalside developments should be designed in accordance with the Canalside Development in Birmingham - Design Guidelines, which are being prepared as Supplementary Planning Guidance to this Plan. In addition, the City Council will have regard to the advice set out in PPG15.

3.35 Most of the City's canals pass through inner city areas. Since 1983, the City has been a partner in the Canal Improvement Programme, which has secured improvements to and restoration of canals as part of the strategy for the physical and environmental regeneration of inner city areas. Some improvements are identified in the Constituency Statements, and further improvement and restoration schemes within the City will be supported.

3.36 Canals are also important for wildlife and make an important contribution to the City's network of "Key Wildlife Corridors" as set out in the Nature Conservation Strategy for Birmingham. In addition, they offer further potential for tourism, recreation and leisure, as well as for freight transport, and as commuting routes for pedestrians and cyclists. Proposals which seek to promote these activities, and which do not detract from the canals' historic character, wildlife importance or create conflict with other users, will be encouraged. Canal use for water transfer and other public utilities, such as cable laying, will be considered on their merits and in line with the principles set out above. The strategy for future improvements to the canal network will be set out in the Birmingham Canals Action Plan, which will be prepared through the Birmingham Canals Partnership as Supplementary Planning Guidance. The Birmingham Plan - Alterations and Environmental Appraisal, Draft for Public Deposit, May 2001.

¹⁵ Primarily brownfield sites where land use changes and redevelopment is anticipated within the Plan period

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Figure 4: Proposed Special Policy Area for River Tees Navigation
(source: River Tees Navigation Strategy, British Waterways' Waterway Conservation & Regeneration group, February 2002)

RTPI Northern Branch Award Scheme 2002 Commendation

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Chapter 5: Design Policies

Good design contributes significantly to quality of life and in sustaining a positive image for an area. It has the potential to assist economic growth and environmental and social well being. The planning system has a responsibility to be proactive in raising the standard of design. Early consideration of design issues, adoption of a holistic approach to design issues, appraising character and designing in context to sustain and enhance local distinctiveness as well as engaging stakeholders in the design process from the outset, are essential and central to good planning.

5.1 Area Specific Design Policy

In a special policy area designation (for the whole or part of a waterway corridor) and/or any action area designations,¹⁶ consideration should be given to the designation(s) being supported by an area specific design policy within the development plan informed by an Urban Design Framework. Where a corridor study is in existence, there would be merit in the corridor appraisal work being undertaken as part of corridor study preparation and the development and design guidelines contained in corridor study being used to inform the area specific design policy. In the absence of a corridor study, the detailed appraisal work recommended within Paragraph 3.10 of the current RPG 3B¹⁷ could be used as a model.

The key urban design¹⁸ principles that should underpin any area specific design policy for a waterway corridor are:

- ensure where development is proposed to be adjacent to the waterway, development should be sited and orientated to face the waterway and should enhance the waterway's edge and define external waterside spaces;
- create attractive mixed use waterfront development;
- integrate and utilise the waterspace and the towing path;
- have a strong sense of place, which creates active edges to the waterspace;
- respect the topography, relate to the waterspace and design to a human scale;
- improve access to and, where possible, the use of these waterways;
- improve pedestrian and cycle access as well as public transport provision both within the development and from adjoining areas;
- improve the appearance of the site from the towing path and from the water at boat level and of the waterway corridor as a whole.

5.2 Site-Specific Design Policies

In delivering quality waterside development, the key urban design principles listed above should also underpin any design policy for an individual waterside site, in order to secure new waterside developments that are accessible, safe and attractive environments. To achieve the above, there are a number of critical factors that support good urban design in relation to waterside sites that need to be reflected in any design criteria and guidance that will steer development visions so as to realise the full asset value of the waterway:

- Treat the waterway as amenity, commercial, recreational, working and managed spaces as well as transport arteries;

¹⁶ for example, the development or revitalisation of a city or town centre waterfront area as a destination or distinct quarter

¹⁷ The detailed appraisals referred to in Paragraph 3.10 of current RPG 3B, requires London Boroughs to identify the following and suggests that the detailed appraisal may be issued as supplementary planning guidance:

- the local character of individual stretches of the River;
- development sites and regeneration opportunities;
- opportunities for environmental and urban design improvement;
- focal points (existing and proposed) of public activity; and
- areas, sites, buildings, structures, landmarks, skylines, landscapes and views of particular sensitivity and importance;
- sites of ecological or archaeological importance;
- public and freight transport nodes (for both land and river transport);
- public access and recreation opportunities.

¹⁸ Although generally referred to as "urban design" considerations, these concerns are as relevant to development in rural areas and villages as in the cities and towns of an area.

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- Waterways themselves should be the starting point for consideration of the development and use of the water and waterside land - look from the waterway outwards as well as from the land to water;
- Ensure that any new waterside development is considered holistically with the opportunities for waterbased development in order to ensure that the “added value” of the waterspace is fully optimised in its own right, eg a range of uses on waterways such as residential, business and commercial uses (floating restaurants, retail boats, etc) as well as watersports and leisure pursuits;
- Incorporate the towing path and the waterspace itself as integral parts of the new waterside development scheme so as to ensure life and vitality to the waterspace and good quality pedestrian accessibility and circulation within the development and direct linkages beyond;
- Emphasis needs to be placed on site planning, design layout and orientation. Recognising that siting and orientation of new development, appropriate boundary treatment and access issues are often different for the towing path side from the offside. The boundary with the waterway can form the public and private interface and has a major influence on the perception of the environment;
- Treat the waterway as a “pedestrianised street” with buildings orientated to front the waterway and linked public spaces with active edges overlooking the waterway which are accessed from the towing path in order to generate natural surveillance and policing of the waterway and towing path;
- Development schemes for any waterside sites should create an attractive view of the development both from the towing path and from the water at boat level;
- Each waterway has a unique character and this character often extends beyond the immediate boundary to create a distinct visual envelope;
- The development should contribute to the enhancement of the environmental quality of the waterway corridor. Access and towing path improvements should form an integral part of any waterside site development proposals;
- Adopt a corridor wide and partnership approach to strategic planning, regeneration and sustainable development management of the waterways.

“Planning A Future for the Inland Waterways, A Good Practice Guide”, published by IWAAC (December 2001) provides guidance on delivering quality waterside development and on practical planning mechanisms and tools that can be used to support waterways in the development plan and securing quality waterside development.

5.2.1 Sustainable Urban Drainage

Waterways play a significant land drainage role with many canals having become an integral part of the land drainage system and some taking storm-water from roads. British Waterways supports sustainable urban drainage systems (SUDS) as a means of reducing pollution and the risk of flooding. The consideration of SUDS, particularly as part of a landscape scheme can also bring landscape, biodiversity and amenity benefits. As part of any area or site specific design policy British Waterways would encourage any local authority to promote the use of SUDS by adjacent waterside developments, such as retail parks, new housing estates etc because the use of SUDS on waterside land can help to limit the stress put on the canal system by storm-water flow, pollution, deposit of sediments (and associated maintenance costs) and infrastructure, etc.

5.2.2 Surface Water Discharge

British Waterways is not a land drainage authority. Water levels in the canal system are maintained in dry spells using reservoirs, river abstractions, pumping from ground water sources and re-circulatory pumping at locks. Water levels are controlled in wet periods using overflow weirs and manually controlled sluices. Without these, the canal would overtop and breach its banks causing damage to property and possible loss of life. When canals were constructed, they were a ‘closed system’, generally isolated from run off from impervious areas in times of storm. Therefore surface water discharges do not assist in dry periods and can cause severe difficulties in wet conditions. New development may increase the quantity of and the rate at which run-off reaches watercourses. These effects may cause the capacity of a watercourse to be exceeded at times of flood risk. Canals may be more likely to flood if increased run-off causes the design capacity of culverts and weirs to be exceeded, or if their ability to provide buffer storage for watercourses downstream is overloaded¹⁹. Consequently, it is essential that developers consult British Waterways’ engineers at an early stage when their proposals are likely to affect one of British Waterways’ owned

¹⁹ Circular 30/92 ‘Development & Flood Risk’

waterways and British Waterways would expect the developer to meet the costs of any required downstream works. In the absence of an express right, such as by statute or deed, then discharges into canals require the consent of British Waterways. In addition a consent for the discharge may be required from the Environment Agency. The above also applies to reservoirs and feeder channels managed or owned by British Waterways.

As part of the supporting text to any area or site specific design policy, British Waterways would encourage any local authority to advise developers to enter into early consultation with British Waterways' engineers where their proposals are likely to affect one of British Waterways' owned waterways.

5.2.3 Code of Practice for Works affecting British Waterways

Works that may affect British Waterways' owned waterways must comply with Code of Practice for Works affecting British Waterways. The Code covers a wide range of works, including construction, excavation, demolition and site investigations on waterside sites, together with mooring basins, maintenance over or adjacent to waterways, bridges, water abstraction/discharge, and services within the towing path. A copy will be made available on request. Much of British Waterways' network is over 200 years old and needs to be treated with particular care and consideration. Consequently, neighbouring developments must ensure that they do not damage its heritage or ecological value or damage or "place at risk" the structural integrity of the waterway that could result in flooding. British Waterways would therefore ask that a reference is inserted into supporting text, and informatives added to relevant planning approvals, whereby the Council expects waterside developments to comply with Code of Practice for Works affecting British Waterways.

5.2.4 Water Safety

The management and anticipation of risk is inter-related with waterside built development and improvements. To ensure that there is a safe environment for both waterway users and the general public, alongside the water, dock and basin edge, a User Safety Assessment of any proposals will need to be submitted. British Waterways recommends that local authorities require planning applications for new waterside developments to be accompanied by a detailed user assessment, to inform the:

- means of summoning assistance from the emergency services;
- prevention of accidental immersion;
- immediate rescue facilities for those in the water;

- appropriate design details and signage to satisfy the requirements and recommendations of British Waterways Safety Officer and RoSPA.

The submission of any user safety assessment will be the subject of acceptance or otherwise by the Chief Safety Engineer of British Waterways. Early discussions with British Waterways are strongly recommended.

5.3 Typical Examples of Development Plan Policies

London Borough of Newham Council, UDP (Deposit Draft March 1999) EQ6

The Council will secure enhancements to the environmental quality and local character of waterside settings in the borough, by permitting development, subject to other policies in the plan, that:

- i. Address the waterways and its frontage and does not turn its back on it;
- ii. Through its relationship with the waterway, open spaces and other buildings provide focal points for public recreation;
- iii. Through its scale, mass, bulk, height, use of materials, landscaping and boundary treatment, provides a high standard of urban design and visual amenity;
- iv. Contributes towards the Improvement in the quality and provision of open space along the river;
- v. Contributes towards the conservation and enhancement of the ecology of the river and its environs;
- vi. Protects and enhances historic buildings, sites, structures, skylines and views of importance;
- vii. Contributes towards the vitality of the river and Its frontage by including uses which help promote the use of the river for recreation and transport;
- viii. Gives consideration to a mixture of uses, including public uses, especially on the lower floors of buildings fronting the Thames.

Proposals for significant development should be accompanied by design statements addressing the above criteria.

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Epping Forest District Council, LP (Adopted January 1998)

RP3

The Council, after consultation with the Environment Agency, and as appropriate, British Waterways and Thames Water, will refuse permission for developments or activities that present an undue risk to the quality and quantity of:

- i. Groundwater
- ii. Water in rivers, canals, lakes, ponds or other watercourses.

Staffordshire County Council, SP (Deposit Draft October 1998)

D7

In assessing development proposals, measures that help to conserve natural resources will generally be supported. These include:

- i. conservation and efficient use of water- wherever possible, new developments should include measures to conserve water at source, such as sustainable urban drainage techniques.

Macclesfield Borough Council, LP (Adopted December 1997)

DC19

Development which would have an adverse impact on the quality of watercourses will not normally be allowed and in cases where sites are known to be, or strongly suspected of being contaminated, developers must be carry out:

- i. All site investigation to assess the nature and degree of land contamination.
- ii. Agree a set of remedial measures to deal with any hazard to safeguard future development and neighbouring uses.

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Chapter 6: Topic Based Policies

This chapter discusses the key planning policy issues affecting the principal functions and the value of waterways outlined in sections 2.2.2 and 2.2.3 and sets out planning policy objectives that British Waterways would encourage local planning authorities to address in development plan policies. The planning policy topics covered in this chapter are as follows:

- Rural Diversification, Regeneration and Development (section 6.1)
- Urban Regeneration, Renaissance and Development (section 6.2)
- Housing and Waterways (section 6.3)
- Moorings, Mooring Basins and Marinas (section 6.4)
- Tourism (section 6.5)
- Sport and Recreation (section 6.6)
- Waterborne Transport and Sustainable Distribution (section 6.7)
- Safeguarding Boatyards, Slipways and Wharves (section 6.8)
- Use and Improvement of Towing Paths (section 6.9)
- Built Conservation (section 6.10)
- Landscape Character, Nature Conservation and Biodiversity (section 6.11)
- Waterway Restoration and Construction of New Links (section 6.12)
- New Bridge Crossings (section 6.13)
- Telecommunications (section 6.14)
- Hydro-Electric Power (section 6.15)
- Water Quality, Resource and Flood Flows (section 6.16)
- Waterways and Waste (section 6.17)
- Minerals and Aggregates (section 6.18)

British Waterways would encourage local authorities to give consideration to the inclusion of a separate chapter on inland waterways (including docks, reservoirs, redundant and derelict waterways and waterbodies) within the development plan in order comprehensively to address all policy objectives and issues related to waterway corridors. Alternatively, British Waterways would welcome the inclusion of references to the role and importance of waterways within the different policy subject areas.

It is recognised that the level of detail within the different policy topic areas will be dependent upon the type of development plan eg Structure Plans, Unitary Development Plans Parts 1 and 2 and Local Plans in accordance with PPG 12.

6.1 Rural Diversification, Regeneration and Development

6.1.1 The Issues

About 50% (by length) of the inland waterways system of England and Wales is located in rural areas. There are over 114 waterside market towns in England and Wales²⁰.

Waterways can contribute in the delivery of a number of the EU²¹ and the Government's Rural White Paper (November 2000)²² key themes to encourage diversification in rural areas, such as:

- training and the creation of non-agricultural employment;
- strengthening small and medium sized towns as rural focal points;
- exploiting the development potential of environmentally friendly tourism.

²⁰ Market towns with a population of between 2,000 – 30,000 (1991 census) located on or adjacent to a BW owned waterway.

²¹ The European Spatial Development Programme (1999) seeks to integrate urban areas with the countryside, recognising that small and medium sized towns and their interdependencies, form important hubs and links in rural areas. The ESDP recognises the social value of conserving the environmental, natural and cultural heritage of rural areas and the contribution these rural assets can make to economic development and growth.

²² Rural White Paper "Our Countryside: The Future. A Fair Deal for Rural England"

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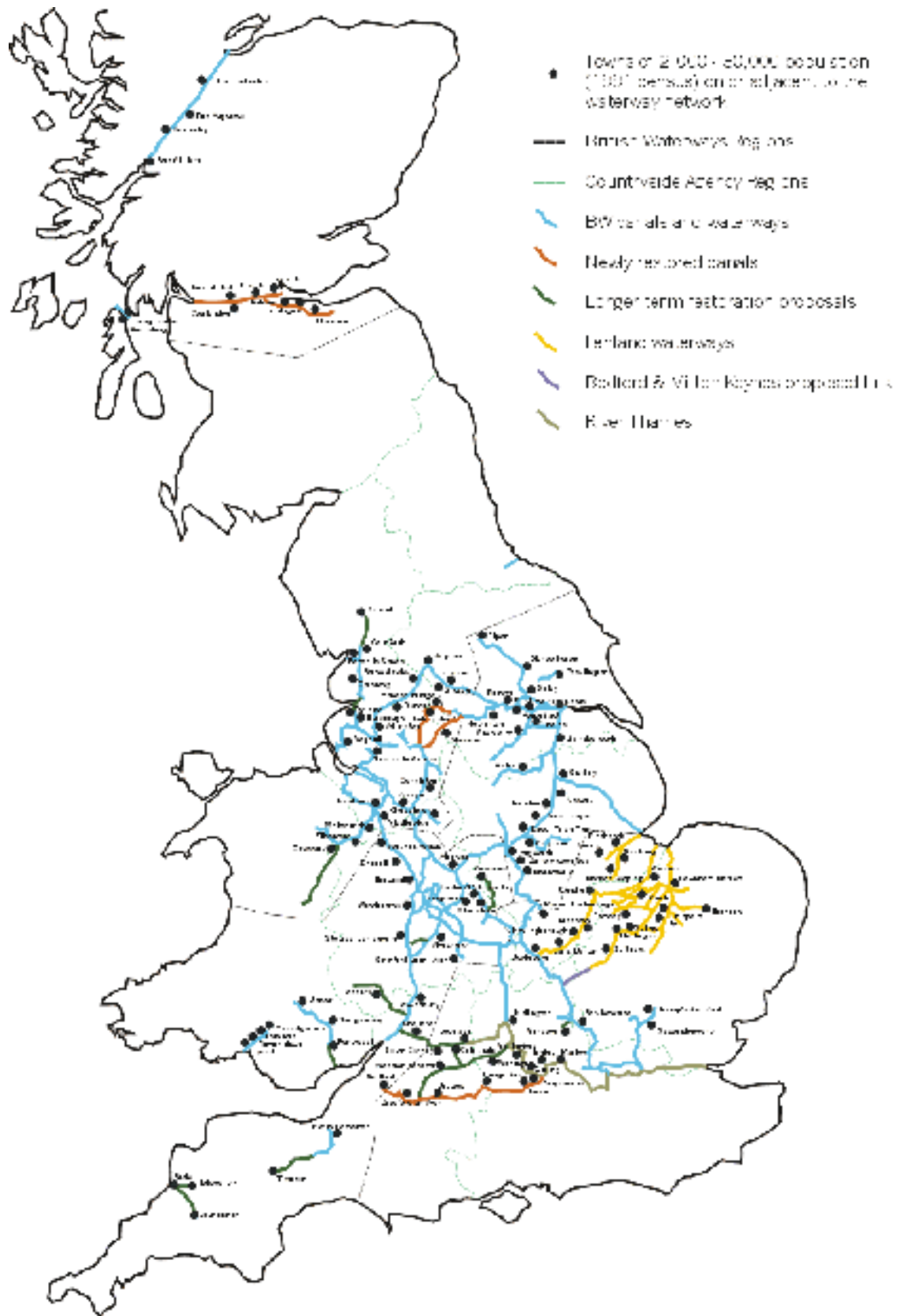


Figure 5 : Market Towns on the Waterway Network

The Government is committed to promoting natural and cultural assets as a catalyst for securing rural development and renaissance²³ and recognises waterways as being in a unique position of representing opportunities for:

- accessible recreation, sport and leisure activities which add to the quality of life in rural areas;
- tourism development and diversification with waterways being a tourism resource in their own right as well as linking other attractions in rural areas;²⁴
- the exploitation of regional and local distinctiveness.²⁵

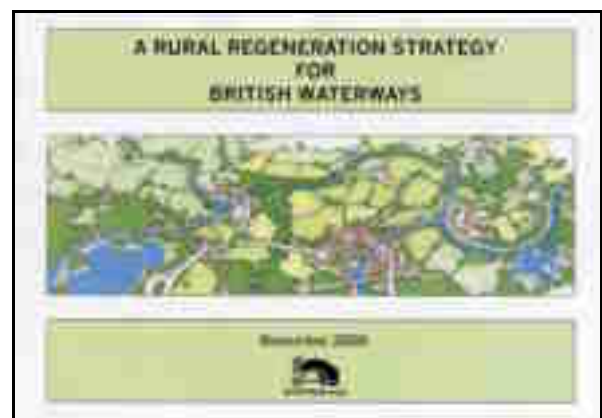
Therefore, waterways have the scope to facilitate rural regeneration, development and diversification by:

- developing rural business clusters related to the service sector such as tourism, cultural, leisure and related sectors;
- strengthening market towns centres as centres for commercial and social activity and as gateways for visitors to the surrounding rural area;
- promoting greater opportunities for the urban dwellers to gain access to and enjoy the countryside as well as for rural communities themselves;
- enhancing of the quality of rural waterway corridors as “environmental public goods”. Inland waterways possess all five of the main components of rural environmental public goods, namely, biodiversity, natural resources, landscapes, cultural heritage as well as public access and enjoyment.²⁶

Although rural waterways provide a high quality, diverse and attractive environment for business and tourism development, this must be balanced against the conservation of the resource itself.

British Waterways’ Rural Regeneration Strategy (2000), identifies opportunities in which inland waterways can contribute to rural economic diversification, development and regeneration priorities through tourism, recreation and environmental enhancement by:

- restoring redundant and derelict waterways including wharves, basins and arms as catalysts for wider regeneration. Waterway restoration is dealt with in section 6.12;
- developing new rural enterprises in market towns and at nodes along the waterway corridors (such as small shops, information points, cafes and community centres, visitor/education centres and museums, self-catering accommodation, and boat related industries, transport hire, agri-businesses or business ‘telecottages’);
- developing the tourism offer of expanding and diversifying existing key waterway visitor attractions as activity nodes (including expansion and diversification of existing attractions and new commercial uses and development). New development to be designed to improve the sustainability of existing attractions and fully exploit their tourism potential, to generate a sense of place as a key visitor attraction as well as maximise the added value and commercial betterment of waterside locations;
- increasing recreational activity through greater use of the waterway and towing path. For example, integrated access with the Forestry Commission or local authority managed country parks;
- creating employment opportunities associated with the conservation of the heritage and natural environment of the waterways.



Waterways are being used as a focus for economic and environmental regeneration initiatives in market towns under the RDAs’ Market Town Initiative, for example, in the market towns of Market Harborough and Ripon. These initiatives are contributing significantly to the

²³ “Waterways for Tomorrow” (June 2000) paragraph 6.48 and the Cabinet Office publication “Rural Economies”

²⁴ For example, potential activities linked to the waterways could include the creation of marina facilities, craft outlets, bed and breakfast accommodation and wildlife reserves

²⁵ Rural White Paper and “Waterways for Tomorrow” (June 2000)

²⁶ As defined by the Cabinet Office (December 1999) in “Rural Economies: A Performance and Innovation Unit Report”.

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vitality of market towns as well as acting as an important local amenity and gateways for visitors to the surrounding rural areas.

To assist in the delivery of rural policy and initiatives as set out in the European Spatial Development Programme (1999) and the Rural White Paper (November 2000), it is crucial for development plans to include policies and proposals that encourage:

- the utilisation of waterways as a focus for economic and environmental regeneration initiatives in market towns;
- the conversion and re-use of redundant waterside buildings for commercial and mixed use with a residential component, particularly in remote rural areas;
- greater use of the waterway and towing path networks to link urban areas with the countryside and for informal recreation and waterbased sport.

Local authorities should consider designating waterway corridors (or in part) as “areas of change” in which regeneration and development can be targeted as a priority or focus, where site-specific policies are needed to guide development and change. For example, the designation of “Rural Action Zones” within development plans.

Notwithstanding the above, the key policy issues facing the regeneration and development of rural waterways are:

- To make the types of rural development referred to above, commercially and environmentally sustainable, it is important that there is a **critical mass of development** and new uses that will attract visitors. British Waterways is currently developing the innovative “Waterside Inn and Outpost” concept in response to the need for new and sustainable facilities to service rural communities. Using the waterway as the setting, the intention is to bring together on one site and under one management, a number of traditional services that have been lost and developing new services that will improve the choice and quality of services for rural communities. The “Waterside Inn and Outpost” concept will incorporate a range of complementary business activities such as pub, village store, post office, accommodation, business units, information centre, meeting facilities, community use, services, boat services, IT centre and crafts. This facility will serve the local community, the passing waterway user and visitors from outside the area.
- It is considered appropriate for new waterside development in rural areas to be focussed on development in **market towns, land**

previously-used by extractive industries and at nodes along the corridors concentrating on honey pot sites and in the vicinity of existing settlements. It is recognised that many of these **honey pot sites** are located in open countryside, Green Belt and rural areas.

- **Planning policies and approaches need to be sufficiently flexible in order to utilise the waterways as a delivery mechanism for rural regeneration as** waterways and waterbodies including marinas have inherent constraints in that they are **non-footloose assets or attractions** in that their location and alignment are fixed. Waterways face similar constraints to other rural non-footloose assets such as stately homes, country houses and mineral sites. The issue of waterways being a non-footloose asset has major implications on accessibility. Waterway destinations are often not accessible by public transport in rural areas and the car provides the main mode of transport to gain access to the potential “honey pot” site. However, once users/visitors arrive at the destination, waterways are inherently sustainable with the waterway tourism industry providing a “green” form of tourism (eg hire boats, trip boats, trade boats including art gallery, restaurant, bar, museum and hotel boats).
- The need to protect the high environmental value of rural waterways from inappropriate and ribbon development.
- The need to promote the use of the waterways and reservoirs for water based leisure, sport and recreation and to safeguard existing land based facilities, which help to retain and expand watersports as well as encourage the development of such facilities.
- Positive encouragement should be given to the creation of additional visitors moorings within rural areas, particularly at locations which are of recreational and tourism interest and to the provision of residential moorings within mixed-use development schemes or where they are successfully integrated within the landscape.

6.1.2 Planning Policy Objectives

In summary policies can specifically relate to the following:

- **Designating waterways within market towns and economic nodes along waterway corridors as “Action Areas” to ensure that tourism-related regeneration and development of rural waterways are strategically addressed so as to address sustainable development.**

- Encouraging the development of waterway-related tourism and leisure attractions to act as catalysts for rural regeneration.
- Endorsing social and community benefits of rural waterways.
- Protecting rural waterway corridors of high environmental value and local diversity and distinctiveness.
- Promoting access to and greater use of rural waterways for all user groups and develop strong connections between waterways and other public transport links.
- Encouraging access and towing path improvements and provision of visitor interpretation facilities.
- Identifying water-based sport and recreation needs in rural areas.
- Improving mooring provision in rural areas for both visitors and residential moorers.
- Encouraging the provision of rural housing in sustainable waterside locations such as in market towns and nodes along the corridors, including the conversion of redundant waterside buildings.
- Encouraging the provision of residential moorings as a form of affordable housing in rural areas.
- Protecting and promoting water-related service industries such as appropriately designed new marinas, boatyards and day boat-hire facilities.
- Encouraging the adaptation of waterside property to allow for farm produce shops, holiday accommodation and other tourism and leisure related uses.

6.1.3 Typical Examples of Development Plan Policies

These examples of policies relate solely to the provision of moorings encouraging greater use of the waterway and towing path networks to link urban areas with the countryside and for informal recreation and waterbased sport.

No policies were found to encourage the use of waterways to deliver farm diversification, market town regeneration and the conversion and re-use of redundant waterside buildings.

North Warwickshire Borough Council, LP (Adopted May 1995)

REC8 – Canal Related Development

9.38 It is proposed the Baddesley Wharf on the Coventry Canal as shown on the proposals map is developed as a mooring basin, together with other development related to the canal. Use of the basin as a base for hire cruisers will not normally be permitted, and occupation will be restricted to private moorings and overnight stays by boats travelling on the canal.

Development adjoining the canals will be expected to create an attractive frontage onto the canal, utilise the canal as a landscape feature in the landscaping scheme, and provide for pedestrian access to the canal and where possible to the towpath.

Tewkesbury Borough Council, LP (Deposit Draft November 1998)

TSM9 - Marinas

The development of new marinas/boating stations will be encouraged where they are allied to existing facilities and rural related activities and subject to no conflict with landscape or nature conservation policies and having regard to their impact on the landscape protection zone.

Stafford Borough Council, LP (Adopted October 1998)

RLT9 - Canal Related Development

New canalside facilities such as moorings, service facilities, information points, restaurants and heritage attractions will normally be acceptable within or adjacent to settlements and canal junctions. Development proposals will be subject to the restrictions upon development in the Green Belt and proposals should be sure that development is in keeping with policies to protect open countryside, areas of landscape value, the Green Network, Conservation Areas, wildlife and nature conservation value of the canals. Such development should not deleteriously impact upon the nature conservation resource of the area.

Melton Borough Council, LP (Adopted June 1999)

R11 - Grantham Canal

Planning permission will be granted for canal based and associated rural recreation facilities along the Grantham Canal provided a proposal does not prejudice the nature conservation value of the canal or its eventual restoration as a navigable waterway.

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Chorley Borough Council, LP (Adopted January 1997)

L11 - Leeds & Liverpool Canal

The Borough Council will encourage development proposals alongside the Leeds & Liverpool Canal which would directly improve tourism or recreational use of the waterway without detriment to its historic character. The following locations are suitable for water-based leisure facilities:

- i. Westhoughton Road, Adlington
- ii. Botany, Chorley
- iii. Malt House Farm, Whittle-le-Woods
- iv. Walton Summit Branch, Town Lane, Whittle-le-Woods.

L13 - Leeds & Liverpool Canal

The borough council will encourage the provision, improvement, maintenance and use of rural footpaths and particularly:

- i. links to the Leeds-Liverpool Canal;
- ii. paths in the river valleys.

West Wiltshire District Council, LP (Adopted March 1996)

T12(A)

The existing footpath system within the District will be retained and where possible improved and extended, particularly where opportunities arise through new development proposals which require footpath diversions. In rural areas the District Council will, where opportunities arise through the control of development, seek to improve connections between settlements and access to open countryside.

T12(P) (Deposit 1st Alteration October 1998)

The existing footpath system and bridleway network within the District will be retained and where possible improved and extended particularly where opportunities arise through new development proposals to improve the links between settlements and access to the countryside.

6.2 Urban Regeneration, Renaissance and Development

6.2.1 The Issues

There is a growing national awareness of the added value and commercial betterment of waterside urban regeneration. Although there are large numbers of redundant buildings and large tracts of unused, derelict land and land subject to contamination surrounding the waterways system, there are three principal issues that affect the delivery of urban waterside regeneration:

- **The retention of large tracts of land for industrial use along urban waterways** – The retention of land for industrial use can only be justified where

the waterway is used for freight transport or the potential for such use exists. Reviews of demand for industrial premises on waterway frontages have revealed the need to consider re-zoning some established, but partially redundant, industrial allocations.²⁷;

- **Land assembly** - The majority of the land located within waterway corridors is in multi and private ownership. British Waterways' ownership rarely extends beyond the track²⁸ or the back of the towing path. To address the issue of land assembly, British Waterways has entered into joint ventures with the private sector and has established public-public partnerships with a number of local authorities and key regeneration agencies on area based regeneration initiatives. For example the establishment of Nottingham Waterside Limited as a vehicle for the delivery of 250 acres of waterside land.²⁹
- **Contamination** - Contamination can be a feature of previously developed land adjacent to waterways. This is a material factor in planning decisions and may result in prime development zones being abandoned where the risk of disturbing contained contamination is too great. The presence of contamination may require higher density development values to be permitted even though it is in breach of other development plan principles so that the cost of dealing with the contamination is commercially viable. Therefore, development plans should recognise the significance of the presence of contamination and the need to vary development principles, uses and densities in particular areas so that actual or potential significant harm or impact is removed from the waterway corridor.

Utilisation of key delivery mechanisms such as the adoption of masterplans in the form of Supplementary Planning Guidance and to inform the development plan review as the framework for delivery, supported by Compulsory Purchase Powers if necessary, will be crucial to bring forward urban waterside development.³⁰

In British Waterways' experience, the following factors are key to creating attractive, vibrant, active, safe and sustainable waterfront or waterside regeneration:

- **Mixed use development** with diversity of uses, activities and hours of operation – In waterfront developments where a single use dominates such as residential, these waterfront developments lack public and pedestrian generating uses resulting in few activities along the waterfront and

²⁷ IWAAC GPG

²⁸ Track is the term used to describe the canal bed, walls, cuttings and embankments.

²⁹ IWAAC GPG

³⁰ IWAAC GPG, Chapter 5

“privatised” waterside areas. British Waterways supports the view of both English Partnerships and the Urban Village Forum that *“mixed use developments on brownfield sites can, and should, be catalysts for new major urban regeneration initiatives”* that create a strong “sense of place” and patterns of sustainable development.³¹ Therefore there should be a presumption against single use waterside developments.

- **Maximise the use of under-utilised waterways (particularly redundant docks, wharves, basins and arms)** as well as brownfield sites and re-use of redundant waterside buildings. The utilisation of the waterspace in its own right will improve urban capacities and densities, create strong sense of place and ensure life and vitality to the waterfronts. The accommodation of land-based uses in either static converted barges or purpose built floating structures (both on and offline) should be encouraged. For example, residential boats, business barges and trade boats such as floating cafes, restaurants, art galleries, hotels, etc. Urban developments with a mooring basin or marina component, can be the focus or the catalyst for new major urban regeneration projects, with the waterspace being a feature that attracts people as well as address the shortage of mooring provision. The issue of provision of service facilities associated with moorings is dealt within section 6.4. The restoration of redundant and derelict urban waterways including docks, wharves, basins and arms can also be the focus and the catalyst for wider regeneration. Waterway restoration is dealt with in section 6.12.
- **Provision of strong physical and visual linkages** and connections within the waterfront scheme, with other waterside developments and attractions as well as, to other city quarters, town/city centres and to surrounding areas. For waterfront developments to be successful, links should be direct, attractive and safe and have inviting places to stop located along them.

Safeguarding wharves and allocation of waterside land for industrial purposes is dealt with in section 6.8.

6.2.2 Planning Policy Objectives

To address the above issues, local authorities should give consideration to:

- **Designating clusters of regeneration priority sites and areas focussed upon any particular waterway as an action area within UDP Part 1 and Local Plans as discussed in section 4.2.**³²
- **Re-zoning industrial allocations of waterfront areas for mixed use redevelopment**
- **Encouraging urban waterfront developments with a diversity of uses, activities and hours of operation and strong linkages, that focus and utilise the waterspace itself for water-based leisure, residential and commercial development.**

6.2.3 Typical Examples of Development Plan Policies

Wakefield Metropolitan District Council, UDP (Adopted December 1994)

Wakefield Waterfront is designated as a **Waterways Special Policy Area** (SEW 1) in which Policies I16, E41 and E55 apply:

- I16 Within the industrial zones (Policy I5) certain areas are designated industrial action areas, where action will be taken to improve infrastructure, rationalise site boundaries, improve the environment and ensure that land and buildings are used to their maximum potential, consistent with the designated uses, environmental and transport considerations.
- E41 The Council will give priority to achieving improvement to public areas and sites and buildings identified in policies on the natural and built environment (Policies E1 to E38).
- E55 Where appropriate, development adjacent to rivers, canals or bodies of water, should be orientated to face the watercourse or body of water and should enhance the water’s edge. The Council will encourage the provision of public access in appropriate cases.

³¹ English Partnerships and the Urban Village Forum (February 1997) “A Guide to Good Practice in Undertaking Mixed Development Schemes”

³² It has been British Waterways experience that the production of corridor studies by British Waterways in partnership with local authorities, are useful planning tools for the identification of potential brownfield areas suitable for comprehensive area regeneration, including identification of potential sites for marina development.

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Bury Metropolitan Borough Council, UDP (Adopted August 1997)

ENV10/2 – Riverside and Canalside Improvement in Urban Areas

When considering new proposals for the development adjoining and adjacent to rivers and canals in the urban area, the Council will, where appropriate, require schemes to include improvements to waterside areas, including tree planting, provision of waterside walks and the refurbishment or clearance of redundant buildings and other structures.

Charnwood Borough Council, LP (Deposit Draft June 1996)

RT/17 – Grand Union Opportunity Site

Land around the Grand Union Canal, Loughborough is identified on the Proposals Map as a major opportunity site for redevelopment. In determining applications for development of the site the Borough Council will permit a range of compatible uses such as shops, offices, business, residential, leisure, entertainment and tourism facilities which would maximise the recreational and tourism potential of the canal and be appropriate to a town centre location.

Bedford Borough Council, LP (Deposit Draft February 1997)

TC5 - The Riverside

The Borough Council will seek to integrate the riverside environment with the function of the town centre through the use of high quality development on river frontage sites, the provision of environmental improvements and new pedestrian routes.

should form an integral part of any waterside residential development proposals (see section 6.9).

Inland waterways can contribute to:

- Optimising urban capacities through more efficient use of waterside urban land, re-use of waterside buildings and utilising the waterspace itself (for residential moorings) and raising the density of development. The historic urban waterways are especially suitable for high-density waterside residential development both new and the conversion of redundant waterside buildings such as mills, industrial and warehouse depots and commercial buildings³⁴.
- “City and urban living” opportunities adjacent to rivers, canals, non-operational docks, basins, wharves - residential development particularly should make use of the opportunities presented by waterside locations.
- Offering a choice of housing type and lifestyle through the provision of residential development in non-urban areas eg permanent residential moorings (static barges) and aquahomes or houseboats (purpose built floating structures). This issue is discussed in more detail in section 6.4.
- Mixed use development which facilitates greater walking and cycling. The most successful and safe waterside areas are mixed use developments, which integrate and use the towing path network for walking and cycling. Some of the most desirable residential areas in Britain are waterfront developments. Mixed-use developments incorporating a marina or a mooring basin would maximise the added value offered by a waterside location and address the shortage of moorings.
- Creating more attractive residential environments through good design, protection and improvement of amenity space and sport provision within urban and rural areas (see sections 6.6 and 6.11). People like to live by water and there are many examples of new development exploiting the added value offered by a waterfront location. There is a growing national awareness of the added value and commercial betterment of waterside residential developments³⁵. Therefore, there is the potential to promote waterside brownfield sites in urban areas for residential development and to

6.3 Housing and Waterways

6.3.1 The Issues

Waterside residential development, particularly high-density living requires an understanding of the waterway environment and good urban design. Dwellings and spaces should overlook the waterway and be accessed from the towing path, providing natural surveillance and policing as well as creating an attractive view of the development both from the towing path and from the water at boat level. Design issues relating to new waterside residential development on both the towing path side and the offside are included in British Waterways’ “Under Lock & Quay Reducing Criminal Opportunity by Design A Guide to Waterside Development and Improvement” (2002)³³. Access and towing path improvements

³³ Crime Prevention Handbook examines four waterside development types including residential development and the appropriate use of orientation, massing, form and boundary treatment in relation to their waterside setting on both the towing path side and the offside.

³⁴ “Waterways for Tomorrow” paragraph 6.46

³⁵ University of Newcastle upon Tyne (1994) “The Value of Waterside Properties”

encourage the development of water-based urban villages.

- Providing sustainable forms of residential development in non-urban areas eg permanent residential moorings (static barges) and aquahomes³⁶ (purpose built floating structures). Provided that they are sensitively designed with appropriate facilities such developments have less visual and environmental impact than traditional housing stock, thus widening the opportunities for such provision to be made where open landscape is an important feature for an area, eg in rural and Green Belt areas.

6.3.2 Planning Policy Objectives

In the light of the above, any policy objectives should encourage the following:

- **New waterside residential developments to positively address and utilise the towing path (as a recreational and sustainable transport route) and the waterway (for residential moorings and for water recreation uses) in order to generate natural surveillance and policing and to create an attractive and active waterway frontage.**
- **Creation, restoration and extension of mooring basins and marinas to form the focus of mixed-use developments in urban areas, market towns and rural areas.**
- **Conversion of redundant waterside buildings into residential use and mixed uses, which may also include residential.**
- **Access and towing path improvements to form an integral part of any waterside residential development proposals.**
- **Safeguard and encourage the development of residential moorings, marinas and other boating facilities.**
- **Protection and promotion of the amenity value of waterways and promotion of waterways as safe environments by which to travel to work and school within urban areas.**

6.3.3 Examples of Existing Development Plan Policies

Examples of policies on provision of Residential Moorings and Houseboats

**Hounslow Borough Council, UDP
(Review Deposit September 1999)**

ENV.W.2.5 - Residential Moorings

Applications for new permanent residential moorings on any waterway will normally be considered favourably providing that the following conditions are met:

- xii. Permanent residential moorings should be located on urban stretches of the river or canal and not in rural or open stretches where they would appear incongruous;
- xiii. The location of such residential moorings should not be located in an unduly prominent position, nor interfere with other uses of the river or bank;
- xiv. The number and density of boats at any one point should not be so great that it would impede navigation, the free flow of tidal or flood water along the river, or act as a barrier separating people from the waterway, or result in a detrimental effect on the waterway scene;
- xv. The proposal incorporates appropriate facilities to allow safe and secure access between vessels and the riverbank, without interfering or endangering those using the riverside walkways;
- xvi. Mains electricity should be provided where it is considered that the use of engines or generators would be liable to cause nuisance to nearby occupants;
- xvii. The height, scale, bulk, and position of any permanently moored vessels must be in sympathy with, and relate to the character of the locality;
- xviii. Any proposal should not prejudice the river, its foreshore or banks as a nature conservation resource;
- xix. The applicant submits a management agreement in support of the proposal.

³⁶ Aquahomes are sometimes referred to as houseboats.

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Three Rivers District Council, LP (Deposit Draft August 1999)

H17 - Residential Moorings

Proposals for new residential moorings (whether in a basin or along the canal) should:

- i. Be located with good access to local services and public transport, and where there is suitable infrastructure for water supply and proper disposal of waste water.
- ii. Be accessible by bicycle wherever possible, and have satisfactory arrangements for parking, access and servicing.
- iii. Not be located in or adjacent to areas of importance for nature conservation unless satisfactory measures to mitigate their effects on the species and habitats affected are included.
- iv. Not result in a net increase in the number of boats using the residential moorings in the District.

The effect of residential moorings on the canal side environment through the erection of temporary structures, loss of trees, rubbish dumping, etc will be carefully monitored and where possible, controlled.

Birmingham City Council, UDP (Draft for Public Deposit, May 2001)

DC17 Houseboat Moorings

Chapter 15 seeks to encourage new housing developments along canal frontages in the City Centre. Houseboat moorings can contribute towards the attractiveness of canal frontages, both in the City Centre and elsewhere on the canal network.

Oxford City Council, LP (Adopted September 1997)

HO33

The Council will co-operate with British Waterways in seeking to identify sites for residential moorings. The Council will consider such sites and any other proposals for residential moorings on the canal or river system against the following criteria:

- i. they should not conflict with British Waterways or Environment Agency operational requirements;
- ii. there should be adequate access and parking where necessary;
- iii. there should be adequate service provision including water supply, electricity, sewage and rubbish disposal facilities;
- iv. they should not have a significantly adverse effect on other peoples amenities;
- v. they should not significantly conflict with other planning policies, in particular EN101 and RE31.

6.4 The Provision of Moorings, Mooring Basins and Marina Development

Redundant mineral workings, disused commercial docks and redundant agricultural land can be successfully re-used to contribute to the provision of moorings, for example Poplar Dock in London is currently used as a marina and an events space.

Nationally there is a widespread shortage of mooring facilities for boats on inland waters. British Waterways forecast a 3% increase in demand for moorings, year on year, for the next five years. There are a number of reasons why the trend in boating activity is set to continue to grow:

- promotion of waterways and investment in waterway infrastructure, environment and access as well as customer care, marketing and educational initiatives.
- demand for green and sustainable tourism opportunities has increased and boating is perceived as representing such an opportunity, particularly when it is combined with opportunities for walking and cycling.
- growth in disposable income and leisure time - Boating and boat ownership represents one such outlet which combines leisure time and spending opportunities.
- change in holiday taking patterns – as outlined in section 6.5.
- growing interest in boating generally.
- demographic changes - There is a significant increase in the population aged 45-64 and in the ABC1 social classes, which are the main boat owning groups.
- sustainable mode of transport – A substantial number of boaters use their boats as a primary means of transport, moving around the country or basing themselves in areas with good boating facilities.

To accommodate this demand adequate provision needs to be made for moorings, as the majority of boaters must have a long-term mooring or home base³⁷. To enable boaters to cruise the network, they require mooring facilities and associated service facilities en route and at places of interest, such as

³⁷ To gain a licence all craft on canals and rivers managed by British Waterways are required to have a long-term mooring or home base for the duration of the licence. The only exception to this is the approximately 5% of craft that are classed as 'continuously cruising'.

attractions. All contribute to local economies, particularly in market towns and rural areas.

There is also growing demand for moorings for tourism, business, education and community vessels.

6.4.1 Types of Moorings

There are many different types of boating activity, requiring facilities for mooring and servicing both static and cruising vessels. For example visitor, long-term, and residential moorings, trip boats, business barges and trade boats, floating classrooms, passenger/charter boats, holiday hire boats, restaurant, theatre, conference, art gallery boats, hotel boats and ships, etc as well as commercial freight vessels.

There are two basic types of moorings found on the inland waterways:

- **On-line:** Where provision is made for mooring along the banks of the waterway's navigable channel.
- **Off-line:** Where provision is made for mooring off the navigational channel in a lay-by, mooring basin or marina.

It is British Waterway's policy to increase the provision of off-line moorings along waterways and to limit the growth of on-line moorings where practicable. This is due to a number of operational, navigational and practical limitations associated with on line moorings.

In 1999 there was a total of 935 off-line mooring sites on British Waterways network, providing 21,500 individual moorings. Approximately 47% of the moorings were accommodated within marinas. Market research has revealed that 44% of boat owners prefer off-line moorings compared to 3% for on-line, primarily on the grounds of personal safety and boat security.

Marinas and mooring basins normally require planning permission. Where it is proposed to extract aggregate to create a marina, permission is also required from the minerals planning authority. Residential boats, business barges and trade boats, and other uses accommodated within purpose built floating structures such as aquahomes (houseboats) and aquachalets may require planning permission. Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 includes the construction or extension of marinas involving over 1000 square metres of waterspace. This means when developing a marina or mooring basin, the possibility of having to undertake an EIA will need to be investigated at an early stage. On average, 1000 square metres of waterspace can only accommodate 8 average size narrow boats.

6.4.2 Visitor Moorings

Visitor moorings do not require planning permission. Visitor moorings of between 1 hour, 24 hours, 7 days or longer should be provided in appropriate locations, where there is good access to the towing path, good links to surrounding facilities or places of interest and services. These mooring facilities can include Elsan, rubbish disposal (in the form of a wheely bin), water tap, WC, information, etc, which can all be housed in either a stand alone structure or integrated within other waterside buildings. Emergency access is required, although no car parking facilities are required. Local authorities should advise developers of the benefits and added value that the provision of these facilities could contribute to waterside development, which is discussed in more detail in section 7.7 on "Use of Planning Conditions, Obligations and Agreements".

6.4.3 Commercial Moorings

Static or permanent business barges require planning permission. Business barges (such as floating offices, architectural studios, conference facilities, information centres and community boats, etc), floating classrooms and trade boats (such as floating cafes, restaurants, art galleries, retail outlets, hotels, theatres, etc) have been successfully accommodated in either static converted barges or purpose built floating structures. Business barges and trade boats bring added life and vitality to waterspaces in both urban and rural areas and have contributed to regeneration through diversification, stimulating improvements to adjacent buildings and enhancing the waterside environment. Business barges and trade boats generate benefits to both small businesses³⁸ and to the local community and economy³⁹. These commercial moorings will need to be supported by facilities including service pods for electricity, water and amenity lighting, servicing of boats (deliveries, refuse collection, etc) which should be linked with associated land based facilities. Vehicular service and emergency access as well as some car parking will be required.

³⁸ The benefits of business barges and trade boats to small businesses include: alternative to acquisition or rent of land; self contained business starter units; requires simple infrastructure and services; easy to relocate (subject to new consents) to another destination; novel, attractive office space for staff and customers; sales, meeting room or presentation space created in a unique environment; as well as low maintenance; can be moved temporarily to a boat yard for maintenance and repairs.

³⁹ Benefits to the local area: employment opportunities; new business space; provision of facilities for waterway visitors (trade boats); can open up access on to the waterway from inaccessible buildings; creates life and activity on the water space; provides an informal level of surveillance, adding to safety; acts as a catalyst for regeneration, stimulating further enhancements to the area; attracts new visitors along the waterway to the local area; generates expenditure in the local economy.

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6.4.4 Residential Moorings

Permanent residential moorings (static barges), purpose built floating structures (such as houseboats or aquahomes) will usually require planning permission. Permanent residential moorings, purpose built floating structures, residential mooring basins or marina developments, although modest in number, represent an element in the Government's drive towards increased choice in housing type and lifestyle and in urban areas increased densities and capacities. Residential mooring provision also has less of a visual impact than traditional housing stock, widening the opportunities for such provision to be made where open landscape is an important feature for an area. British Waterways suggests that when considering optimising urban capacity and providing greater choice in housing stock, that reference is made to the utilisation of "water", particularly in urban areas and market towns. Residential moorings need to be directly serviced with electricity and water, have access to support facilities such as sewage and refuse disposal, and ideally showers and toilets. Vehicular emergency access to the moorings (and some car parking) will be required. It should be noted that in certain urban areas where there are good existing public transport links, limited or no car parking facilities are required. British Waterways would be pleased to provide advice to local authorities on appropriate locations and service requirements associated with residential moorings, etc.

Residential moorings represent one way of utilising designated housing sites or **windfall sites** that are in sensitive locations.

6.4.5 Types of Off-line Mooring Provision

The type, nature, scale and siting of off-line moorings will depend on the nature of the boating activity as well as the location of existing and potential attractions being served.

Stand Alone Marina Developments

It is British Waterways' experience that the creation of a new waterspace to accommodate 100+ mooring berths would appear to be the "critical mass" beyond which essential costs such as access and service facilities⁴⁰ can be made to be affordable, set against anticipated income. These stand alone marina

⁴⁰ Waterside facilities such as shop/office/chandlery/sales, maintenance/repairs, stores for gas bottles and fuel, wet dock/dry dock, refuse arrangements, parking/winter hardstanding, slipway/boatyard, clubhouse, manager accommodation etc. Boat building/repairs tend not to be based in marina developments associated with urban regeneration/prestige developments as they do not suit the location and are often 'priced out'. However in non urban centres such facilities are often located within marina developments and provide valuable employment for the local area.

developments tend to predominantly accommodate long term moorings with limited provision for residential moorings and visitor moorings, hire boat and boat sales facilities⁴¹. These types of marina development generally are located in the open countryside or on the edge of urban areas rather than within core urban centres.

Enabling Development for Provision of Mooring Basins and Small Scale Marina Developments

As stated above, it is not economically viable to develop small scale stand alone mooring provision (unless by lifestyle operators or funded as part of mineral or aggregate extraction scheme). Therefore mooring basin and marina developments (less than 100 mooring berths) and restoration of redundant canal basins and arms are rarely a single use activity and frequently require the financial benefit of other uses around the waterbody. These developments are normally associated with other built development such as residential, office, retail, or commercial leisure development, or in association with other attraction(s), or are located in close proximity to a larger mooring facility with a full range of service facilities as referred to above.

British Waterways has successfully re-used existing waterspaces, such as Limehouse Basin and Poplar Docks in London to accommodate small scale marina development. This is an appropriate type of development for the re-use of non-operational or redundant commercial docks, in accordance with PPG13.

The commercial uplift generated by waterside locations for adjacent land uses can often offset the provision of the mooring basin. For example, the restoration and extension of Union Wharf Canal Basin at Market Harborough as a focus for rural regeneration has involved the conversion of waterside buildings into hotel/restaurant, craft units and residential accommodation and the construction of new residential apartments around the newly extended mooring basin.⁴²

These types of mooring developments can accommodate a range of residential, visitor, commercial and long term moorings and can add interest and character to developments.

⁴¹ The type and size of mooring provision will determine the land take or if restricted to a site, will dictate the type of moorings and facilities provided. A marina accommodating 140+ marina boats would require approximately 2 hectares of land - a hectare of water and a hectare of land for parking, landscaping, roads, access and for possible on-site deposition of excavated material. This land take would increase if the basin were part of a land based development. The majority of mooring developments require parking provision and the level of provision will be determined by the types of moorings accommodated.

⁴² DETR (June 2000) "Waterways for Tomorrow" and IWAAC (December 2001) GPG

6.4.6 Factors which influence the location of Off-line Lay-bys, Mooring Basins and Marinas

The location of mooring provision is a balancing act between competing needs. In locating mooring basins the following elements must be considered and balanced. Factors that influence the location of moorings along the waterway include:

- **Proximity to a waterway** - mooring provision is restricted to locations adjacent to waterways and strategic locations such as the junction with another waterway.
- **Physical** - attributes geology, aggregate extraction potential, topography, site size, flooding, access, water quality, built heritage value, landscape and nature conservation value, ground conditions.
- **Operational Management**- connection to the waterway, navigational restrictions, water supply, relation to locks and bridges.
- **Economic viability and long-term sustainability** – see above. Proximity to existing and proposed attractions as well as opportunities to link to existing and proposed attractions. Scope for phased development.
- **Planning** – National and Regional Planning Guidance, development plan policies, statutory environmental and heritage designations⁴³, open countryside and Green Belt designations, sustainability (in terms of identifiable demand for the facility), design,⁴⁴ long-term viability, use of brownfield sites, sequential testing, traffic generation and accessibility. Tourism strategies, economic development and regeneration strategies and action plans eg rural recovery plans, will all inform decision making process.
- **Design** - Mooring developments will require careful and sensitive design and integration with the waterway, the waterside landscape and the surrounding area. This is the case whether mooring provision is stand-alone or part of a larger land based development. The different types of mooring have different requirements including servicing, car parking, security requirements and emergency, operational and user access arrangements, which need to be integrated with land based uses within the main development area. There is a need to design holistically so that each component co-exists with

the other uses and the advantages of scale and shared costs make the overall scheme viable.

6.4.7 The Issues

- **Associated Facilities Manager Accommodation** In mooring basin and marina developments, particularly in stand-alone developments, site management and presence is essential and this may require the provision of residential accommodation, either in the form of a permanent residential mooring or built dwelling.
- **Moorings in Sensitive Locations including Open Countryside and Green Belt Designations** – PPG 2 defines new buildings as inappropriate to the Green Belt but exceptions include essential facilities for outdoor sports and recreation and the re-use of redundant buildings. Development of inland waterways provides opportunity for extensive recreation and the associated facilities are often necessary for these activities to be enjoyed by the public. Mooring provision can facilitate outdoor recreation, and is considered a suitable after use for former mineral working sites. These are two exceptions allowed for new development in the Green Belt subject to being tailored to the needs and sensitivity of the location, in accordance with PPG2. Off-line moorings do not necessarily require significant amounts of built development and can be sensitively designed and landscaped to fit with surroundings. Mooring basins and marina developments can also open up the opportunity to reuse buildings that might otherwise stand derelict. **For waterways to be successful catalysts for sustainable rural regeneration and diversification, boaters need to cruise through Green Belts and other designations to gain access by water from urban areas to rural attractions and therefore require mooring facilities on route.** There is also potential to provide improved access to the towing path or combine with surrounding footpaths to create circular walks, encouraging the use of the countryside for informal recreation. Provision specifically aimed at the holiday and leisure industry is also increasing in popularity, eg aquachalets. Such facilities still need to be supported by ancillary facilities and need to be sensitively designed and integrated with the waterway, the waterside landscape and the surrounding area.
- **Moorings for people with disabilities** should be provided in new mooring developments and in popular visitor mooring areas eg town centres, place of interest, honey-pots, heritage sites.
- **Existing mooring basins and marinas and docks** - there is a need to protect existing provision. The introduction of residential moorings and long-

⁴³ SSSIs, AONBs and SINCs as well as EU designations such as SPAs and Conservation Areas

⁴⁴ Issues such as appropriateness of scale and type of development in relation to location, the ability of that location to absorb such activity and that alternative locations are considered where appropriate.

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term moorings can bring many redundant basins back into use and compliment surrounding redevelopment.

- **Development Plan Policies** - British Waterways' review of existing development plans referred to in section 1.1 revealed that few specific references are made through policies for the provision for moorings, or alternatively policies tend to concentrate on residential aspects of mooring provision. Such an approach provides no positive guidance for mooring provision and forces its consideration under policies that were not formulated with such development in mind. As a result, moorings have tended to be developed on a fragmented, piecemeal basis, which has proved problematic. Mooring provision should be considered as a specific development within development plans, with policies:
 - recognising the benefits of mooring provision in terms of sustainable transport and tourism, rural diversification and regeneration, choice in housing type and lifestyle, urban densities and capacities;
 - promoting high quality schemes – consideration of issues such as appropriateness of scale and type of development in relation to location, the ability of that location to absorb such activity and that alternative locations are considered where appropriate (application of sustainability and sequential policies);
 - encouraging the use of planning obligations to secure funding for improvements to moorings, or in the case of large developments, the provision of new mooring basins.

There is a need for proactive development plan policies that recognise the restrictions on mooring provision and location. British Waterways recommends that any development plans for the provision of moorings is informed by a mooring strategy that provides a clear and coherent vision and strategic framework for mooring provision within a waterway corridor. This may require a resource review and assessment by one or more local authorities in conjunction with British Waterways of the levels of hire, commercial and private boat ownership and boat movement, current and predicted demand for moorings over the plan period. The resource review and assessment should:

- identify the shortfall in provision;
- appropriate locations in planning, physical and operational terms to construct new lay-bys, basins and marinas as well as restore disused and derelict basins, canal arms and to extend existing marinas.

6.4.8 Planning Policy Objectives

In the light of the above, any policy objectives should address the following:

- **The allocation of land for new mooring basins and marinas in sustainable locations, with the appropriate level of facilities.**
- **The promotion of residential, long term and visitor moorings, trip boats, business barges and trade boats, floating classrooms, passenger/charter boats, holiday hire boats, restaurant, theatre, conference, art gallery boats, hotel boats (and ships), etc as integral parts of new waterside development, including the use of planning agreements to secure moorings.**
- **The promotion of the recreational and leisure benefits of waterway corridors by providing moorings for pleasure craft, trip boats and community boats where appropriate.**
- **The encouragement of the redevelopment of redundant basins for moorings and associated facilities.**
- **The provision of adequate visitor moorings and facilities (including disabled moorings and sanitary stations) in key locations, eg town centres, places of interest and heritage sites.**
- **An acknowledgement of the benefits residential moorings can bring to urban areas such as added security, contribution to the character of the area, contribution to affordable housing and housing choice.**
- **The promotion of sensitively designed and sustainable residential moorings.**
- **The promotion of commercial boat uses in suitable locations.**
- **The promotion of holiday aquachalets in suitable rural locations.**
- **Encouragement of the re-use of redundant wharves, basins, and canal arms, disused commercial docks and redundant mineral workings and agricultural land for the provision of moorings.**
- **General presumption against infilling disused basins and canal arms.**

6.4.9 Examples of Existing Development Plan Policies

Examples of policies on provision of Built Facilities

Dacorum Borough Council, LP (Deposit Draft October 1998)

113 Location of Recreational Mooring Basins, Lay-bys and Residential Moorings on the Grand Union Canal

Recreational Moorings

Appropriate, generally small scale, recreational mooring basins and lay-bys will be permitted in urban areas and in the Green Belt outside the Chilterns Area of Outstanding Natural Beauty, subject to the following criteria. Proposal must:

- i. Cause no demonstrable harm to interests of acknowledged importance on nearby land;
- ii. Integrate satisfactorily into the landscape in such a way that serious damage is not caused to its character and appearance;
- iii. Be served by an adequate existing road access, and not require, apart from any minor improvement and/or addition, the creation of new roads or substantial change to the character of country roads and/or lanes;
- iv. Cause no seriously adverse effect on the value of the canal and nearby land for nature conservation;
- v. Not result in the proliferation of basins and/or lay-bys where this would cause:
 - the overloading of the local road system and consequent inconvenience and danger on it; or
 - damage to the landscape and/or countryside; or
 - loss of character of the Grand Union Canal as an important historic and visual feature and as a source of tranquillity in the urban and rural scene.

In addition, and where appropriate, proposals should:

- i. be close to existing services and amenities; in the Green Belt, they should make use of existing buildings and damaged sites;
- ii. make a positive contribution to the canalside environment;
- iii. offer advantages in canal management and use, such as relocation of boats from towpath moorings; and
- iv. incorporate low-key informal recreation facilities where appropriate;

Proposals in the Chilterns Area of Outstanding Natural Beauty will be judged according to the same criteria, and against the need to conserve the natural beauty of the landscape.

Examples of policies on provision of Moorings, Mooring Basins and Marinas

Tewkesbury Borough Council, LP (Deposit Draft November 1998)

TSM9 - Marinas

The development of new marinas/boating stations will be encouraged where they are allied to existing facilities and rural related activities and subject to no conflict with landscape or nature conservation policies and having regard to their impact on the landscape protection zone.

Camden Borough Council, UDP (Composite Draft June 1998)

RC10 - Moorings

The Council will welcome the provision of moorings in locations where these will not hinder navigation of the waterways or adversely affect the amenities in the surrounding area. Moorings should be provided on the non-towpath bank and only in locations with good accessibility, and where adequate servicing facilities can be provided.

Vale Royal Borough Council, LP (1st Review Deposit Draft July 1996)

RT23 Mooring Facilities

Mooring facilities will be permitted as follows:

- i. Proposals for further development of the Cheshire Canals to exploit their recreational potential for boating, cruising, walking, cycling or angling will be allowed in areas where canals are underused and not allowed where they are overused;
- ii. Further linear moorings will not be allowed. (Exceptions may be made where the proposals are for the extension of linear or layby mooring facilities at existing locations where pressure from boat numbers is clearly demonstrated and the development would not result in the obstruction of the waterway for other users). Instead moorings will be allowed only at separate mooring basins for 50-100 boats and exceptionally for up to 200 boats, or alternatively at small scale transit mooring facilities for up to approximately 50 boats
- iii. Major boating centres for accommodating 200-250 boats must be spaced at intervals of about one day's cruising;
- iv. Proposals for the small scale expansion of existing marinas will be allowed;
- v. Proposals for mooring facilities in the open countryside/green belt which include built development which is not considered to be necessary (such as Hotel, Restaurant etc.) will not be allowed. Proposals must satisfy the general requirements for recreation/tourist developments set out in policy RT1.

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Residential Moorings

Proposals for a limited number of residential moorings, especially those arising from a British Waterways moratorium of 1991, will be acceptable within and at the edge of the urban areas, subject to relevant development control criteria. Locations in open countryside will not be acceptable unless incorporated in an appropriately sited recreational mooring basin. Proposals will be determined in the light of criteria (a) — (e) and (i) and (iv) above and must include:

- i. Sufficient space at the moorings for essential facilities including water standpipe(s), electricity supply (no overhead lines), refuse and sewage disposal and adequate landscaping; and
- ii. Adequate pedestrian and service vehicle access; and
- iii. no more than minimal, unobtrusive essential lighting, especially in rural or urban fringe areas; and
- iv. no individual garden area(s). Linear residential moorings should be located on the opposite bank from the towpath and should not unduly impede navigation.

Car parking standards

For mooring basins and lay-bys car parking requirements will be related to the number of boats and the accessibility of the site. For residential moorings, provision will be judged according to the availability of passenger transport, using one space per two boats as a guideline.

Oxford City Council, LP (Adopted September 1997)

RE34 – Built Facilities

Subject to other policies in the Local Plan, the Council would support the establishment of refuse and sewage disposal points for river and canal users provided they are sited so as not to detract from the canal or river scene.

Staffordshire County Council, SP (Deposit Draft October 1998)

R7 - Canal Facilities

New canal facilities and associated services such as moorings, service facilities, marinas, hire and trip boat facilities, information points, restaurants and heritage attractions should be sited in or adjacent to towns, villages and canal junctions, subject to the need to protect the countryside and conservation areas. Canalside development should contribute positively to the function and appearance of canals, wherever possible, providing new life for redundant buildings. The wildlife value of canals is recognised and will be conserved and enhanced.

North Shropshire District Council, LP (Adopted August 1996)

T2 – Location of Canalside Development

The District Council will seek to ensure that new developments such as boat moorings, marinas, boat yards, chandleries and other canalside facilities are sited at appropriate locations on the canals identified on the Proposals Map where there is good access to the road network and the developments will not be visually intrusive or detrimental to nature conservation interests.

6.5 Tourism

6.5.1 The Issues

There is a trend towards taking more frequent but shorter holidays including 'long weekends', rather than the traditional single main holiday. Other trends indicate a move towards independent holidays and active holidays as well as combining land and water based holidays.

The Department for Culture, Media and Sport has highlighted the need to increase access to tourism for all and is promoting four key strategic themes, namely:

- sustainable development of tourism to safeguard the countryside, heritage and culture;
- initiatives to widen access to tourism for the 40% of people who do not take a long holiday;
- more integrated promotion of the cultural, heritage and countryside attractions;
- the development of innovative niche markets, such as **sports tourism**.⁴⁵

Government is seeking to increase the economic and social benefits offered by the waterways by encouraging people to make use of the inland waterways for tourism and leisure.⁴⁶

Waterways form part of an area's cultural inheritance and distinctiveness. Developing products that promote the culture, heritage and countryside opportunities at a regional and local level include contemporary culture (such as waterside café culture and nightlife), water-based sport, cultural heritage value (such as development of waterway cultural facilities and heritage attractions) and traditions of waterways.

To develop waterways as a regional and local tourism product that will attract local recreation visitors as well as national and international tourists there is a need to encourage:

- the creation of new waterside destinations and attractions;
- the development of new tourism related businesses eg waterside cafés and information centres, waterside and floating hotels, feature moorings and historic craft, cycle hire businesses, new trip boat routes, hire boat centres, education

⁴⁵ DCMS Tourism Division (1999) "Tomorrow's Tourism – A Growth Industry for the New Millennium"

⁴⁶ "Waterways for Tomorrow"

and discovery centres and watersports centres (rowing, canoeing, etc);

- development of facilities and recreational opportunities, eg provision of pontoons and moorings for the use of hire boat operators, improved boater's moorings and other facilities at strategic locations, cycle hire businesses with the potential for pick-up and drop-off points and links to other forms of transport at appropriate locations, provision of secure overnight moorings for visitors on navigable waterways and docks, and the creation of additional circular walks.
- links between waterside destinations via walking routes and trip boats; link attractions on the waterways with localised tourism trip boats.

British Waterways' estate currently attracts 160 million yearly visits to its waterways and the associated canal museums, 65,000 boats are hired for a week period for holiday use per annum. The waterway network is easily accessible with 47% of the population living within 8 km (5 miles) of an inland waterway.

Inland waterways are regionally, sub-regionally and locally significant tourism resources and can substantially contribute to achieving sustainable tourism. The value of inland waterways as a tourism resource is referred to in the tourism and leisure strategies prepared by the Regional Tourist Boards and the national pilot for Regional Environmental Guidance, which acknowledge that waterways are:

- becoming an important tourism resource, visitor destinations and attractions in their own right, as well as providing links to key markets⁴⁷;
- important for and continue to provide opportunities for water based activities and development of the waterway system for boating holidays and recreational activities⁴⁸;
- an important natural and cultural heritage asset that are playing an increasingly important role in the region's tourism industry and that there is currently regional growth in waterway-related leisure and tourism.

Notwithstanding the above, there are key issues that need to be acknowledged through development plans:

- Shortage of mooring facilities.

⁴⁷ Yorkshire Tourist Board (1993) "Analysis of Tourism in Yorkshire and Humberside and its Prospects"

⁴⁸ Yorkshire Tourist Board (April 1998) "Commitment to Quality – Regional Tourism Strategy for Yorkshire 1998-2003"

- The concept that the waterspace is a finite resource. Development, restoration and use of waterways and other waterbodies⁴⁹ to:
 - accommodate different types of tourism vessels,⁵⁰ static and cruising vessels to accommodate residential, business and commercial leisure uses⁵¹;
 - create waterside visitor destinations;
 - stimulate and support land based regeneration.

Use of waterspace strategies as a planning and design tool should be utilised to determine the size, impact and appropriateness of tourism vessels, facilities and infrastructure requirements as well as identify the optimum capacity of the waterspace itself, impact on views and listed structures, etc. The use of the waterspace strategy as a planning and design tool is discussed in section 7.2.

- Promotion of waterways as an important tourism resource, tourism destination and visitor attraction in their own right⁵², as well as providing links to other visitor destinations and attractions such as waterside parks, pubs, galleries and museums.
- Waterways are recognised as being able to contribute to rural regeneration and diversification through tourism and recreation⁵³. The restoration of canal arms and basins as well as creation of new marina and mooring basin developments (to accommodate narrow boats, cruisers, dutch barges and aqua homes and chalets) present opportunities within market towns, accessible and remote rural areas to create destinations and activity nodes. The creation of new marina and mooring basins with associated mixed use "enabling" development and other built service facilities may be necessary in the Green Belt and open countryside, in order to support and develop the use of waterways as tourism resource.
- Improving and strengthening the waterway infrastructure and environment by:
 - **enhancing the appearance of the waterways** – promoting landscape improvements, water

⁴⁹ such as docks, basins and arms (both on and offline)

⁵⁰ such as trip boats, passenger/charter boats, holiday hire boats,

⁵¹ restaurant, hotel, retail boats, theatre, conference and business barges, art gallery boats being housed in either static converted barges or purpose built floating structures

⁵² Developing the waterway network for boating holidays, water-based sport tourism and recreational use and land based tourism attractions and accommodation associated with waterway use

⁵³ Waterways and waterbodies contribute to the creation of an enterprising countryside partly through greater opportunities for the urban dwellers to gain access to and enjoy the countryside as well as for rural communities themselves.

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quality enhancement, habitat creation and public art;

- **improving the safety of the waterways** - planning and designing out crime;
- **increasing accessibility to the waterway** – Integrating towing path network with other modes of transport and the wider transport network, promoting the use of green travel plans, planning conditions and planning agreements on waterside developments to secure the provision of facilities, sustainable routes, linkages and enhancement of the waterway environment.

6.5.2 Planning Policy Objectives

In the context of the need to recognise and promote waterways as a tourism resource in their own right, as well as linking other destinations and as a catalyst for tourism led regeneration in urban, market towns and rural areas, any policy objectives should address the following:

- **Encourage the development of waterway related tourism and leisure attractions and activities that will attract local recreation visitors as well as national and potentially international tourists.**
- **Designate waterway corridors (even in part) as “Action Areas” to:**
 - **ensure opportunities to utilise tourism as an element in or focus for regeneration;**
 - **protect, enhance and utilise the historic waterway infrastructure, and fabric as well as the historic and ecological character as a focus for regeneration;**
 - **stimulate growth in waterway-related leisure and tourism through:**
 - **the development of linked waterside visitor destinations, to revitalise urban centres and market towns;**
 - **the creation of development clusters at nodes along rural waterway corridors (for example, re-use and restoration of redundant canal basins as a focus for waterside and waterbased development).**
- **Safeguard and promote marinas, mooring basins, linear moorings, associated services and built facilities.**
- **Encourage tourist attractions to make use of the waterspace and redundant waterside buildings as well as contribute towards environmental regeneration of the waterways.**
- **Encourage the development of the waterway network for activity holiday or short break opportunities such as boating holidays, watersport tourism and recreational use.**

6.5.3 Examples of Existing Development Plan Policies

Hereford & Worcester County Council, SP (Deposit Draft January 2000)

RST15 – Development of Tourism Potential

Proposals which seek to develop the tourist potential of the Country’s rural areas, urban areas, towns, villages and industrial, archaeological and historical heritage will be promoted where they are acceptable in relation to Policy RST.14. Proposals which help to conserve historic buildings, or features of importance are to be particularly encouraged, as are the development of facilities for holidays on inland waterways or facilities which contribute to the local distinctiveness of an area.

Worcester City Council, LP (Adopted April 1998)

TO13 - Tourist Development – Associated Moorings

Proposals for the development of new or extension of existing public houses, restaurants, hotels or tourist attractions in waterside locations will normally be expected to provide associated visitor moorings.

TO14 - Floating Restaurants

Proposals for floating restaurants will be considered on their merits including their size and appearance and appropriateness of the vessel to the historic and landscape setting of the river or canal.

Denbighshire County Council, UDP (Deposit Draft May 1999)

TSM4 - Tourist Related Development in Llangollen

Tourist related development in Llangollen will be permitted where it would conserve/enhance the town’s setting in the landscape and contribute to or improve its tourism appeal with a range of attractions and accommodation, in particular:

- Safeguard and enhance the canal and its associated facilities.

TSM18 - Shropshire Union Canal

In respect of the Shropshire Union Canal, the Council will permit developments which:

- Maintain and/or enhance public access to and along the canal;
- Maintain or improve the navigability of the canal;
- Provide additional facilities and services which enhance the tourism role of the canal;
- Involve the improvement and enhancement of the canal side environment. Land is safeguarded at Llangollen as shown on the proposals maps for an overnight mooring basin.

Cheshire County Council, SP (Adopted July 1999)

TR2

Provision will be made for recreation and tourism attractions, facilities and accommodation, to include those which, in appropriate locations:

- i. Develop the sporting and recreational infrastructure;
- ii. Support urban regeneration;
- iii. Make use of derelict or other previously-used land and buildings;
- iv. Enhance the landscape on the urban fringe;
- v. Support the rural economy;
- vi. Make use of the public transport and rights of way networks, disused railways, recreational waterways, or other man-made water bodies;
- vii. Provide facilities for users of recreational waterways and, towpaths;
- viii. Contribute to and make use of the Mersey Forest and community woodlands.

Swansea City Council, LP (Adopted January 1991)

TRS21

Development in Swansea utilising the tourist potential of the regional waterway centred on the Neath, Tennant and Swansea canals and dock system will be approved provided they do not cause unacceptably adverse effects on the environment and nature conservation interests. Lines will be protected or the proposed canal link from the Tennant canal to Swansea and for linkage of the Swansea canal with the navigable section of the River Tawe.

Rushcliffe Borough Council, LP (Adopted June 1996)

CRT111

The following areas will be safeguarded from development which would prejudice their recreational, tourist and commercial potential with particular protection given to environmental and wildlife features which contribute to the character of the areas:-

- i. River Trent
- ii. River Soar
- iii. Grantham Canal

Blaby District Council, LP (Adopted September 1999)

L10

Planning permission will be granted for the development of appropriate ancillary facilities that will complement features of tourism significance, in particular the following attractions:

- i. The proposed water-based recreation in the Soar valley south, (Braunstone, Enderby, Glen Parva and Whetstone);
- ii. The Grand Union Canal.

Camden Borough Council, UDP (Proposed Modifications 1998)

RC8

Information and facilities in the interest of recreational and leisure enjoyment of the canal, the Council will work with British Waterways to promote the provision of appropriate signposting and informative and interpretative material and will encourage public art along the canal corridor. The design and siting of any such provision should respect the traditional appearance, character and setting of the canal. The Council will seek to secure the reopening of a Canal Information centre, preferably at Camden Lock.

6.6 Sport and Recreation

6.6.1 The Issues

Section 22 of the British Waterways Act 1995 places environmental and recreational duties on British Waterways which include providing access for the public. Virtually all waterways owned by British Waterways are accessible to the general public via the towing path and the towing path network provides urban dwellers access to the countryside.

British Waterways' estate can accommodate a wide range of "recognised" watersport and informal recreational activities⁵⁴, for example:

- **towing path and associated waterside land** – eg leisure cycling, jogging, walking, bird watching and rambling. Long distance footpaths and heritage trails;
- **river navigations and canals** – rowing, dinghy sailing, canoeing, dragon boat racing, angling⁵⁵, private pleasure boaters, holiday hire boaters and pleasure trip boaters, (and jet ski-ing on certain of the large river navigations);
- **reservoirs and non-operational/disused commercial docks** – sailing, dragon boat racing, canoeing, angling, sub-aqua and rowing as well as powered watersports such as water ski-ing and jet ski-ing.

British Waterways is required to consult 18 national user groups⁵⁶ and regularly holds user group meetings

⁵⁴ Sport England (November 1999) "Planning Policies for Sport: A Land Use Planning Policy Statement on Behalf of Sport".

⁵⁵ British Waterways controls coarse fishing on approximately half of the waterways within the estate

⁵⁶ Such as the Association of Waterways Cruising Clubs, British Canoe Union, Inland Waterways Association, National Federation of Anglers, Ramblers Association, Residential Boat Owners Association. Local user groups such as Canal/Waterway Societies,

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to help resolve local problems and develop new initiatives.

Many sections of waterway act as linear urban parks, or form regional and local country parks (eg Lee Valley Regional Park), water parks and many waterways adjoin formal parks and informal areas of open space. The waterway performs an essential link between such public provision, while acting as a “stepping stone” (connecting habitats) and “green lung”. Many sections of urban waterway corridor remain under-used and provide the opportunity to be linked with the improvement of urban parks, which could accelerate the regenerative effect of inland waterways within urban areas.

Notwithstanding the above, there are key issues that need to be acknowledged through development plans:

- Waterways and the towing path network can contribute to the provision of watersport and informal recreation. It is important that local authorities when assessing the range of existing and future needs for sport, open spaces and recreational facilities in their areas take account of the role and value of waterways and waterbodies for both land-based and water-based recreational activities. For example, water sports, angling, recreational cycling and walking, etc.
- Waterways and waterbodies are forms of open spaces⁵⁷ that can successfully accommodate land-based recreation, as well as, land and water-based sport uses. Waterways and the towing path network can contribute to the provision of high quality new open space, as they can perform multiple functions⁵⁸ as outlined in section 2.2.2. Local authorities need to specify on their unitary development plan and local plan’s proposals maps and in the accompanying schedules, waterways and other waterbodies as “sites that are of a particular quality, function or value for recreation”.
- Inland waterways are amenities within urban areas and can contribute to the urban renaissance and improved living environments by achieving more efficient use of urban land and re-use of previously developed sites. By utilising waterways

as an informal recreational resource (ie use of the existing "water" to provide the recreational or open space requirement rather than the traditional use of "land" for the recreational or open space provision), densities of development could be raised.

- There are opportunities to maximise the utilisation of rural waterways as an important local recreation and leisure resource in market towns, accessible and remote rural areas. Leisure and recreation facilities such as indoor leisure facilities, marina and mooring basin developments may be necessary in the Green Belt and open countryside, in order to support and develop the use of waterways as recreational resource.
- Management and ongoing maintenance are key issues relating to long-term use of the towing path network as safe recreational routes.
- Intensive Fisheries – British Waterways actively encourage the use of canals and river navigations for on-line angling. British Waterways also actively encourage the use of reservoirs and creation of new off-line waterbodies for intensive fisheries to facilitate angling and to provide a form of rural diversification and development. Proposals for new intensive fisheries will have regard to:
 - the primary operational needs of maintaining water supply;
 - water quality and nature conservation requirements;
 - the amenity and informal recreational value of the reservoirs, docks and lakes;
 - mitigation measures to ensure that undue disturbance is not caused to adjoining residents and other land users nearby;
 - provision of appropriate access and car parking arrangements can be incorporated.
- The increasing number of national nature conservation and landscape designations has increased the potential for conflict between watersports and environmental interests. British Waterways support Sport England’s planning policy objective to “protect, improve, and bring into use new resources for water-based sport. To reduce potential conflicts between the sports use and the environment and between different users through good management practice and by the use of codes of conduct” in conjunction with

angling clubs, ramblers, residential moorers, cycling groups etc, attend these regular meetings.

⁵⁷ PPG 17 recognises the need to improve the waterway network as potential green chains and green links that form an integral part of the local open space network.

⁵⁸ Waterways and waterbodies have strategic functions, accommodating active sport and informal recreational activities and the towing path network and providing opportunities for promoting health and wellbeing. Waterways and waterbodies are also an important accessible amenity in urban areas, wildlife corridors, community resource and visual amenity.

appropriate planning mechanisms, such as S106 Agreements;⁵⁹

- The issue of the visual and environmental impacts of new transport infrastructure on potential towing path users for informal recreation purposes, as well as, economic impacts on the existing water-based leisure industry and on opportunities for recreational and leisure development is discussed in section 6.10.
- The issue of canal restoration projects, which offer substantial scope for new sport, leisure and recreation activity is addressed in section 6.11.
- The issue of use of redundant mineral workings, disused commercial docks and agricultural land in proximity to inland waterways is covered in section 6.16.

6.6.2 Planning Policy Objectives

British Waterways is seeking the inclusion of policies within development plans that:

- **Protect and enhance the towing path and waterway network as sporting and recreational assets of regional and sub-regional importance.**
- **Protect and promote disused and infilled (completely or partially) canals as recreational routes and spaces and not to prejudice future canal restoration.**
- **Secure the provision of new moorings and mooring basins to meet the identified shortfall and need of such facilities in the area.**
- **Seek to re-use disused wharves and basins, to retain boatyards and other services used in connection with water-based recreation**
- **Protect and enhance the waterway network as an integral part of the local open space network.**
- **Identify sites and waterspaces with potential for water-based recreation and sport in both urban and rural areas.**
- **Encourage the shared use of the towing paths, where feasible, including new facilities for cycling, access for all, and safe, well managed routes.**
- **Create a series of long distance footpath trails;**
- **Create new facilities for water-based and waterside leisure, recreation and sport, where feasible and appropriate, in conjunction with**

adjacent land uses and development, eg mooring basins, marinas, off-line fisheries, etc.

- **Seek to protect appropriate waterways, and access to them, for sport and recreation.**
- **Resist developments that would have an adverse effect on the sporting potential of inland waterways.**
- **Promote the use of appropriate waterways for sport activities whilst taking account of nature conservation and biodiversity interests.**
- **Allow for the provision of ancillary facilities for example boathouses and slipways where there is an identified need, subject to nature conservation and biodiversity interests.**
- **Seek to bring into sporting use formerly redundant water bodies and identify opportunities to make best sporting use of newly created water bodies.**
- **Seek management solutions to conflicts between sport and nature conservation interests and between different sports.**

6.6.3 Typical Examples of Development Plan Policies

An example of a policy encouraging the use of reservoirs for water-based recreation and sport:

Tameside Metropolitan Borough Council, UDP (Adopted 1996)

L6 – Use of Reservoirs

Use of reservoirs for sport and recreation will be supported in line with Policy L1, but must:

Be subject to the primary operational needs of maintaining water supply, and;

- Be consistent with water quality and nature conservation requirements, and;
- Be consistent with the amenity and informal recreational value of the reservoir, and;
- Not cause undue disturbance to adjoining residents and other land users nearby, and;
- Ensure that appropriate access and car parking arrangements can be incorporated.

⁵⁹ Sport England (November 1999) "Planning Policies for Sport: A Land Use Planning Policy Statement on Behalf of Sport".

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Examples of policies encouraging the use of canals and rivers for water-based recreation and sport:

Powys County Council, SP (Adopted February 1996)

TR22 – Recreational Use of Canals

Proposals to use the Montgomery and the Monmouthshire and Brecon canals for recreational purposes and to develop appropriate related facilities will be permitted providing that there are no planning, access, service, environmental or amenity problems. No permission other than temporary permission should be granted for any development inconsistent with the planned restoration, improvement, maintenance and recreational use of the canals.

Camden Borough Council, UDP (Proposed Modifications 1998)

RC5 – Recreation

The Council will encourage the development of the recreational and leisure potential of the canal in so far as this does not adversely affect the nature conservation interest and is consistent with the capacity of the waterways and the amenity of the surrounding area. The Council will seek to ensure that existing water-based activities are not displaced by redevelopment or change of use.

Solihull Metropolitan Borough Council, UDP (Adopted April 1997)

R3 – Recreational Potential of Canal System

The Council, in conjunction with the British Waterways Board, will seek the greater exploitation of the recreational potential of the canal system in the Borough for both waterborne and other users, whilst safeguarding the wildlife habitats of the canals and the canal banks.

London Borough of Tower Hamlets, UDP (Adopted December 1998)

Dev46 Riverside, Canalside, Docks and Other Water Areas

Waterways and water bodies will be protected and promoted for their contribution to the character of the borough and as important open areas within the borough by:

- i. Conserving existing areas of value and, where possible, seeking to restore and enhance the natural elements of the waterway environment;
- ii. Resisting the loss of water protection areas as defined on the proposals map;
- iii. Supporting initiatives which will result in improvements to water quality;
- iv. Where appropriate promoting public access in waterway corridors;
- v. Identifying appropriate locations for water related recreation long waterway corridors subject to nature conservation considerations; and
- vi. Resisting development which will have an adverse impact on the water environment, including the quality of surface and ground water, on public access to waterways and on water related recreation.

British Waterways' review of existing development plan policies found no examples of policies actively encouraging the re-use of non-operational docks for water based recreation and sport. Also, no examples of policies safeguarding existing land-based facilities which help to retain and expand watersports or encourage the development of such facilities were found.

6.7 Waterborne Transport and Sustainable Distribution

6.7.1 Waterborne Freight

The White Paper on Integrated Transport⁶⁰ released by the Government in July 1998 states that: "the Government will encourage greater use of inland waterways in the movement of freight including aggregates and waste, where that is a practical and economical option". However, the Government acknowledges that much of the inland waterway network is unsuitable for carrying significant volumes of freight⁶¹, but there may be scope for increasing volumes on some of the larger inland waterways and to introduce improved handling technologies for cargo transfer⁶². DETR Guidance on Full Local Transport Plans (March 2000) refers to inland waterways within the context of "sustainable distribution".⁶³ Most freight traffic is found on the tidal inland waterways with freight carrying on the non-tidal system being confined to a few waterways, mainly river navigations.

The Association of Inland Navigation Authorities (AINA) of which British Waterways is a member, is of the view that the use of the inland waterway network is no longer economically or environmentally suitable for the significant transfer of goods between the major cities with mainland in Britain⁶⁴. However, the inland waterway network is particularly suitable for short-hauls, for the movement of high volume, low value

⁶⁰ DETR White Paper (July 1998) "A New Deal for Transport : Better for Everyone",

⁶¹ Although the Government is seeking the transfer of 3.5% of road freight movements to water, it is accepted by the Association of Inland Navigation Authorities (AINA) that a major portion of this shift would be as a result of growth in estuarial and coastal traffic, with approximately 1% of freight movement on the inland waterways.

⁶² DETR (March 1999) "Sustainable Distribution : A Strategy", and DETR (June 2000) "Waterways for Tomorrow"

⁶³ The criteria to be used in the assessment of freight elements of the LTP are set out in Table 27 of Annex D.

⁶⁴ Association of Inland Navigation Authorities (June 2001) "A Strategy for Freight on Britain's Inland Waterways"

products which are not unduly time sensitive⁶⁵ and for addressing niche market goods⁶⁶ where it can provide a cost effective alternative to the local road network. The physical nature of suitable bulk cargoes means that short-hauls, particularly on the tidal river or commercial waterways through large cities, can have a disproportionately large impact on reducing both the number of HGV movements on roads and the lengths of journey travelled.⁶⁷ For example, the waste transfer scheme for Edmonton on the Lee Navigation in East London. This “Waste by Water” initiative will remove 45,000 lorry movements per year. British Waterways considers that its commercial waterways⁶⁸ should be maintained to sustain the demands of current use and have the ability to be increased in capacity to accommodate longer-term development of estuarial and coastal shipping requirements. In waterborne freight transport terms, its non-commercial waterways have limited potential⁶⁹ and any freight carriage can be compatible with the waterways’ roles for leisure, sport and recreation use and as ecosystems.

PPG 12⁷⁰ considers protective policies to be appropriate to safeguard land for future waterway connections to existing or proposed manufacturing, distribution, and warehousing sites adjacent or close to inland waterway networks and to coastal ports.

New inland waterway links may need to be constructed to support a significant local or niche markets. However, new links solely to support strategic freight opportunities are not being advocated.⁷¹ British Waterways would encourage the retention of freight interchange facilities on all navigable waterways, where appropriate and where there is a prospect of use.

Similar conclusions to the AINA (June 2001) “A Strategy for Freight on Britain’s Inland Waterways”

⁶⁵ Such as the transport of domestic waste, aggregates and recycled materials, the materials used in the construction cycle for developments

⁶⁶ For example, movement of gravel from quarry to processing plant, transfer of waste from collection point to incinerator or landfill site or other schemes.

⁶⁷ Association of Inland Navigation Authorities (June 2001) “A Strategy for Freight on Britain’s Inland Waterways”

⁶⁸ These are the large canals and river navigations operated by British Waterways, which are classified by the Transport Act 1968 as being primarily available for commercial use. They comprise (in England) the rivers Trent, Ouse, Lee, Severn, Weaver, and the Aire & Calder Navigation, South Yorkshire Navigation, and Gloucester and Sharpness Canal. These waterways are equivalent in size to the River Thames and the lower reaches of the rivers Nene and Great Ouse managed by Environment Agency.

⁶⁹ Association of Inland Navigation Authorities (June 2001) “A Strategy for Freight on Britain’s Inland Waterways”

⁷⁰ PPG 12, Paragraph 5.22 on Safeguarding Transport Routes

⁷¹ Association of Inland Navigation Authorities (June 2001) “A Strategy for Freight on Britain’s Inland Waterways”

report are made in the recent Freight Study Group’s report and the Government’s response to it.

6.7.2 Waterborne Passenger Transport

The White Paper on Integrated Transport⁷² states that “*in addition to carrying freight, inland waterways also have an important role to play in providing passenger transport...*”. In transport terms, waterways have greater potential for short-haul freight movement than comprehensive passenger network service. The two main impediments to increasing the role that waterways can play in providing passenger transport are the number of locks along a route and the lack of integration with other transport services. It is likely that passenger services such as water buses, water taxis and passenger boats will remain a niche service but provide a valuable adjunct and alternative to the land-based network, particularly for tourists and visitors who are less time sensitive and commuters at strategic sites, eg London Docklands. Water passenger transport services currently operate on the Regent’s Canal for tourists. The potential for integrated passenger services between waterways and the main waterside destinations should be explored, incorporating links to public transport systems. For example, the potential scope for introducing water buses and water taxis to carry people, particularly in urban areas (eg Brindley Place in Birmingham) and to assist in the management of traffic in historic towns⁷³ should be promoted. There are opportunities to use navigable waterways to provide public access to town centres from edge of town car parks. British Waterways is currently discussing the concept of “Park & Glide” schemes with Reading Borough Council, and Bath & North East Somerset Council in Bath.

Use of the towing path for walking and cycling is dealt with in Section 6.9 Use and Improvement of Towing Path.

6.7.3 Planning Policy Objectives

In order to encourage greater use of inland waterways for the movement of freight and passengers in accordance with PPGs 12 and 13, local authorities should give consideration to the inclusion of policies within the development plan that:

- **Encourage developers in any transport assessment or green transport plan that**

⁷² DETR White Paper (July 1998) “A New Deal for Transport : Better for Everyone”,

⁷³ English Tourist Board “Planning for Success” Tourism Strategy 1992/95

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accompanies planning applications for significant waterside developments, to consider:

- using waterborne freight in the construction cycle, for delivery of supplies and removal of waste;
- waterborne passenger transport opportunities.
- Encourage the carrying of minerals and spoil by water wherever possible.
- Safeguard land for realistic opportunities for new waterway connections to existing or proposed manufacturing, distribution, and warehousing sites adjacent or close to waterways.
- Encourage Local Transport Plans to explore opportunities for waterborne freight transport, the feasibility of establishing and operating water bus and water taxi routes, the potential for integrated passenger services between waterways and key waterside destinations, the concept of "Park & Glide" schemes and use of towing path for walking and cycling.

6.7.4 Typical Examples of Development Plan Policies

Policies related to waterborne freight

Hertfordshire County Council, SP (Adopted April 1998)

30 - Rail and Water Freight Depots

The establishment of rail and water depots for freight, including aggregates will be supported at suitable locations in the County, taking into account the suitability of the local road network for secondary collection or distribution, the relationship with employment uses and the environmental impact. Other measures to encourage through traffic to transfer from road to rail and water will be supported. Wherever appropriate, conditions will be imposed on planning permissions and planning obligations will be sought to maximise the amount of non-road borne freight.

Cheshire County Council, SP (Adopted July 1999)

IND4

Developments for manufacturing, storage and distribution uses which are likely to generate significant amounts of freight which could be realistically moved by means of transport other than road, should be located on sites which have, or can economically be provided with, access to a railway line or commercial waterway or a pipeline as well as to the principal road network.

London Borough of Newham Council, UDP (Adopted June 1997)

T26 - Protection of River Freight Transport Facilities

The Local Planning Authority will safeguard the retention of freight handling facilities on the waterway network except in circumstances where:

- vii. It can be demonstrated that the facility is operationally redundant and that there is no demand for continued use; or
- viii. It is required for redevelopment as part of a major regeneration project.

EQ5 - Waterside Commercial Development

Where appropriate, and by means of planning conditions and legal agreements, the Local Planning Authority will ensure that the new proposals for industry and those associated with waterway freight transport development will minimise any adverse impact on the nature conservation value of the area and on the use of the waterways in the borough for access and leisure purposes.

Hounslow Borough Council UDP (Review Deposit September 1999)

ENV.W.2.2 - The Grand Union Canal and Towing Path Supporting Statement

On planning consents on waterside sites the Council will attach an informative requesting contractors to make use of waterborne deliveries of plant and material, and also the removal of spoil during the construction process where feasible, as if this implemented it would be environmentally beneficial reducing pollution and congestion on the roads.

Stroud District Council, LP (Deposit Draft November 1999)

T10 - Waterborne Freight

Proposals for development within the boundary of the docks at Sharpness which would harm the viability of the docks for handling freight and shipping repairs will not be permitted.

Policies related to waterborne passenger transport

**Kirklees Metropolitan Council, UDP
(Adopted March 1999)**

T25 - The Waterway Network

Development proposals which would prejudice potential use of the waterway network for the freight movement or public transport will not normally be permitted.

**Camden Borough Council, UDP
(Composite Draft June 1998)**

RC11 – Waterborne Transport

The Council will promote the use of the canal for passenger and freight transport provided the level of use remains compatible with its use for water-based recreation and there is no unacceptable adverse effect on amenity or the environment.

**Harborough District Council, LP
(Deposit February 1995)**

TSP9 – Waterborne Transport

To promote waterborne methods of transporting passengers and freight as a means of reducing road congestion and pollution.

**Hounslow Borough Council, UDP
(Review Deposit September 1999)**

ENV.W.17 – Use of Waterways for Passenger Transport

The Council will encourage the use of waterways for passenger transport by facilitating the provision of the new piers and supporting facilities, and the upgrading of existing piers appropriate to their location at focal points of activity along rivers and canals. Such facilities should be high quality, well designed, make provision for pedestrian access and foster convenient interchange between waterway services and other modes of public transportation.

**Gloucestershire County Council, SP
(Adopted October 1996)**

TR9 – Waterborne Public Transport

The City Council will seek to maintain and, where possible improve the level and quality of public transport in conjunction with the County Council, taking into account social needs. The City Council will encourage British Waterways to introduce a water bus linking Hardwicke/Quedgeley and the Docks. Planning permission for the development of appropriately located mooring, servicing and other facilities reasonably necessary for the introduction of such a water bus service will be granted.

6.8 Safeguarding Boat Yards, Slipways and Wharves

6.8.1 The Issues

The use of the waterways for sport, tourism, leisure and recreational purposes as well as for waterborne freight and passenger transport depends on the availability of a critical number of accessible sites for related activities and facilities to support these uses. These include boat building, servicing and repair facilities, dry docks, wharves, pontoons and mooring sites, slipways, and landing stations, which all provide essential services and facilities for boat owners, watersport clubs and commercial operators. In certain parts of the country, these waterway related facilities face strong pressure from competing land uses. In rural areas, they can make a very valuable contribution to the economy and to rural diversification. The loss of facilities can have a dramatic affect on the use of any waterway for freight or recreational purposes.

There are a number of key issues related to boat yards, slipways and wharves:

- **Boatyards perceived as “Bad Neighbour Development”** – It is important for development plans to seek to retain boatyards (boat building and repair) used in connection with water-based recreation⁷⁴. New residential development in close proximity to existing boatyards can cause operational problems for the boatyard operator and could theoretically contribute to the closure of the boatyard.
- **Protection of slipways, boatyards and wharves to support and service water-based recreation, tourism, leisure and sport** – It is important for development plans to seek to retain or relocate boatyards and slipways used in connection with water-based recreation.⁷⁵ Local authorities should firstly, evaluate with British Waterways the availability of, and potential demand for, such facilities within their length of the waterway. Secondly, they need to consider carefully proposals for the redevelopment of such facilities for non-waterway related sport, leisure and recreation activity unless they are clearly surplus to current or anticipated future requirements, or unless alternative facilities are to be provided. Only where the boatyard, slipway or wharf is surplus to requirements or alternative facilities are proposed, should redevelopment occur.

⁷⁴ PPG 13: Transport (March 2001) Annex B Paragraph 12

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- **Protection of wharves for waterborne freight -**

Protection of existing facilities will not, in itself, generate freight activity, therefore wharves and freight interchange facilities on all navigable waterways should be safeguarded where:

- there is a prospect of future sustainable use of these sites and facilities by developments generating substantial freight movements such as distribution and warehousing;
- these sites and facilities could be critical in developing infrastructure to wider transport choices;
- these sites and facilities are located away from congested central areas and residential areas, and ensure adequate access to trunk roads and rail network to lead to intermodality.

British Waterways supports the principle that local authorities should consider uses related to sustainable transport first on disused transport sites before considering alternative uses⁷⁶. However, historically the majority of inland wharves (other than those located at ports or at source of raw material), were constructed in city centres. The nature of the growth of road transport and integrated transport logistics has made a significant number of these wharves redundant partly due to their location. Modern industrial uses, unless they are served by water-based freight transport, tend to have different locational requirements than when the waterways were primarily used for freight carriage. Ideally wharves should be sited on the edge of highly congested areas such as city conurbations with access to a major road, rail and waterway network.

British Waterways recognises that many of the existing wharves are located in congested central areas and would require considerable investment in the waterway infrastructure to accommodate developments generating substantial freight movements. Therefore, local authorities are encouraged to safeguard **strategically important** wharf sites for transport related development which might otherwise be lost to other development⁷⁷. British Waterways has developed a wharf development assessment procedure to assess all existing operational and non-operational wharves. This can identify strategically important wharf sites and potential wharf sites that could support the transshipments of goods and materials to and from British Waterway's commercial waterways. No existing wharf site should be developed for an alternative use, where the assessment identifies the site as

being of strategic importance for the transportation of freight, without an alternative site being identified and in certain cases obtained.

In light of the above, British Waterways suggests that local authorities commission British Waterways to undertake wharf development assessments within their administrative area and to involve British Waterways in:

- any discussions relating to potential sites for distribution and sites for interchange facilities that have access and that could be served by wharves on British Waterways owned waterways and in evaluating how appropriate those sites are for current and have prospective use;
- the identification and designation of sites for distribution and sites for interchange facilities, such sites to be identified in development plans and considered in determining planning applications.

- **Urban waterside development and regeneration and safeguarding wharves -**

Prior to identifying potential waterside development and regeneration sites and priority areas, an assessment needs to be undertaken to determine whether an established freight use is to be continued and non-operational wharf is to be safeguarded. This assessment at the outset is vital as the retention of wharves and any associated development will affect the mix of uses appropriate for site allocations and subsequent redevelopment proposals.

Where freight use is to continue, the waterside land will need to be protected for wharfage and related storage and processing activities, thus tending to preclude easy public access.

Unless water based freight use is required, it will not be appropriate to allocate large tracts of land for industrial use along a waterway. Where a waterway is not to be used for freight activities, or this use is to be limited, then it will be appropriate to consider a wide mix of uses provided that the development plan does not preclude or seek to restrict development to a limited range of activities.⁷⁸

However, the use (both actual and potential) of the waterway for freight transport should be considered and supported where appropriate.⁷⁹

⁷⁵ PPG 13: Transport (March 2001) Annex B Paragraph 12

⁷⁶ PPG 13: Transport (March 2001) Annex B Paragraph 45

⁷⁷ PPG 12: Development Plans (December 1999) Paragraph 5.22

⁷⁸ IWAAC (December 2001) "Planning a Future for the Inland Waterways – A Good Practice Guide"

⁷⁹ IWAAC (December 2001) "Planning a Future for the Inland Waterways – A Good Practice Guide"

6.8.2 Planning Policy Objectives

Any policy needs to protect the economic basis for commercial and recreational boat operations and resist the loss of any boatyard or wharf unless a clear case exists which justifies its loss.

Policies need to:

- **Protect existing boatyards, slipways and wharves for water based recreation, leisure and sport, including access.**
- **Protect against the loss of and access to strategically important wharf sites for transport related development.**
- **Promote the development of new boatyards and wharves, where demand exists.**
- **Protect existing and potential sites and routes, which could be critical in developing infrastructure to widen choices for both waterborne freight and passengers.**

Development plans need to indicate on the proposals map operational sites, facilities and infrastructure that facilitate the use of the waterway.

6.8.3 Typical Examples of Development Plan Policies

**Hounslow Borough Council, UDP
(Review Deposit September 1999)**

T.2.7 Waterborne and Rail Freight

Waterborne and Rail Freight will be encouraged where practicable and suitable and where the impact of the adjoining land is acceptable. The loss of existing wharves and railway sidings will also be resisted where appropriate, particularly where they are still in regular use or have the potential to be so in the future.

There are no known examples of adopted development plan policies specifically relating to boatyards or wharves and it is suggested that this is one area which needs to be particularly promoted through any development plan review process.

6.9 Use and Improvement of Towing Paths⁸⁰

Paragraph 296 of the DETR Guidance on Full Local Transport Plans (March 2000) states that *"Inland waterways can play a useful part in the implementation of the national strategies for cycling and walking. They can provide a safe environment, free from motor vehicles, by which to travel to work or school."*

There are a number of key issues related to the use of towing paths as sustainable transport and recreation routes:

- **Relationship between Towing Path and adjacent Waterside Development** - The boundary with the towing path and waterway forms a public and private interface and has a major influence on the perception of the environment. There is the need to ensure that access and towing path improvements form an integral part of any development proposals for any site. Siting and orientation of new buildings to generate natural surveillance of the towing path. The scale any new waterside building must be of a human scale at ground level, so as not to intimidate towing path users.
- **Towing Path as a Shared Surface** - The optimum use of the towing path as a shared surface for walking, recreational cycling, angling and mooring should be promoted within the constraints of safety and sustainability. Towing paths and quayside routes can only be shared use paths if dimensions and levels of use permit. Towing paths are important walking routes and should link into the wider footpath network and public transport. Lengths of the towing path network could be adapted for safe economic and sustainable informal recreational cycling, where such a use would not:
 - conflict with other users;
 - cause damage or destroy the historic waterway fabric, wildlife and nature conservation interests;
 - interfere with statutory operational and management requirements.

Sections of towing path for recreational cycling as part of the National Cycle Network are being implemented by Sustrans in co-operation with British Waterways.⁸¹ However, it is not

⁸⁰ The term towing path also refers here to riverside paths and quayside routes.

⁸¹ To assist Sustrans National Cycle Network, British Waterways has undertaken design audits and produced a guidance document on development, design and construction of cycleways to ensure that the interests of British Waterways and its users are adequately protected, whilst at the same time enhanced by the provision of a multi-use high quality towing path.

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appropriate to introduce segregated paths along many lengths of waterways due to the range of uses, the level of uses, the limitations of the physical infrastructure and the historic and ecological character of the waterway.

- **Commuter Cycling as a Towing Path Use** - The towing paths are the 'pavements of the waterways' and are a shared use path. Cycling is permitted on many sections of towing path, although it is banned in a few places for safety reasons where there is a higher risk of conflict with other users or hazards exist on the towing paths (eg low bridges). British Waterways encourages safe and considerate recreational cycling. In certain urban locations in recent years there has been a significant increase in commuting cyclists using the towing paths during peak times. Some cycle at great speed with no regard for their own or others' safety. Such use is deterring pedestrian use. British Waterways attempts to control and enforce safe use, and is installing cycle calming measures where they do not detract from the waterway character. British Waterways generally resists any proposals to designate the towing paths as cycle routes or alternative 'off-road' routes, in local transport plans. However British Waterways will consider proposals where the likely level of use will not cause hazards or conflict with other users.
- **Presumption against the Creation of New Offside Walkways** - There is the presumption against new developments on the offside of the waterway ie the side opposite to that of the towing path creating new linear waterside walkways on the ground that:
 - the waterway heritage and character is different on towing path side to the offside. Waterways are unique in that the historic fabric of the waterway infrastructure is an attraction in its own right as well as the waterspace itself having leisure and recreational value. Often buildings and structures rise sheer out of the water or are constructed on top of the waterway wall on the offside, which all contribute to the unique waterway character, but may prevent the creation of a continuous offside walkway;
 - such provision reduces the opportunity to increase the extent of waterside habitats along the navigation, public access may reduce the value of such habitats;
 - access may restrict the space available for improving the environmental quality of individual waterside site boundaries, this is a particular issue for industrial premises;
 - access would impact upon personal and site security – security of boats moored on the offside and the creation of vulnerable dead

ends where private ownership will not provide exits to public routes.

It is recognised that there are circumstances where a section of walkway on the offside would be appropriate:

- in linking major waterfront developments;
 - in the creation of a circular route connecting major waterfront development and other attractions;
 - where there are pressures on the towing path eg Camden Lock area in London.
- **Importance of Continuous Towing Path** – the development of a continuous path is desirable under all bridges. However, the use of cantilevered walkways as a design solution (subject to avoiding an obstruction to navigation or navigational safety hazard) should only be acceptable in the event that:
 - a new walkway cannot be accommodated on an adjacent site as part of any redevelopment scheme;
 - there is no alternative to achieve the desire line and the environmental impacts will be minimal or mitigation measures can be introduced to minimise impact.
 - **Development of Continuous Riverside Walkways** – British Waterways promotes the concept with the support of riparian owners.
 - **Access for All** – There is a need to consider the needs of disabled people (including people with hearing, sight and learning difficulties, as well as the physically disabled) where any future enhancement, conservation and development schemes are being planned. Access for all provision must be in keeping with the built and natural heritage of the historic waterway network. British Waterways is working in partnership with the Field Fare Trust to develop new initiatives and have produced a guidance document entitled "Waterways Access for All" which applies waterways access for all principles in the context of good design practice, heritage management and environmental code of practice appraisals.
 - **Management and Maintenance of the Towing Path** - British Waterways and other canal owners receive no specific central grant funding to invest in and maintain towing paths. Therefore, British Waterways are dependent upon maintenance agreements with local authorities and funding for access and towing path enhancement works as part of urban regeneration schemes, urban fringe and countryside recreational initiatives. The latter schemes cover capital costs only and provide no revenue support for ongoing management costs. Management and ongoing maintenance are key issues relating to the long-

term use of the towing path network as sustainable routes. British Waterways would welcome the opportunity to work with Right of Way Officers to review and implement the provisions of the Countryside and Rights of Way (CRoW) Act 2000.

6.9.1 Planning Policy Objectives

In light of the above issues, any development plan policy objective should:

- Encourage the access to and use of the towing paths as recreational routes.
- Discourage the creation of new walkways on the offside unless creating a circular route connecting major waterfront development and other attractions or where there are pressures on the existing towing path.
- Encourage the integration of the towing path into the wider footpath network.
- Encourage access to and use of the towing path through the siting, orientation and scale of new building and the creation of gateways and sight lines.
- Recognise the shared use of the towing path for walking, recreational cycling, angling and moorings.
- Encourage developers for waterside sites as part of planning application and supporting documentation (such as transport assessments and green transport plans) to include access and towing path improvements within the application site.
- Encourage ongoing maintenance of the towing path to form an integral part of the overall site management plan and maintenance regimes through planning conditions or planning obligations.
- Encourage the following opportunities as types of on-site transport measures and facilities as part of a waterside development (through conditions or planning obligations) in order to encourage use of the towing path for walking and cycling:
 - the creation of and improvement to existing access points to the towing path and the improvement of the towing path itself as an integral part of new waterside development schemes on the towing path side;
 - the provision of bridge crossings, linking new waterside development with the towing path as an integral part of development schemes on the offside, where appropriate.

6.9.2 Typical Examples of Development Plan Policies

Examples of policies encouraging the use and improvement of the towing path as part of the wider footpath and recreational path network:

Harlow District Council, LP (Adopted April 1995)

R10 – A Strategic Network of Recreational Paths

The Council will actively encourage and pursue the creation of a strategic network of recreational paths to provide linkages from the built up areas of the Borough to open spaces, woodland, riverside and water areas and the wider countryside and in determining planning applications will take this into account. In particular the council will:-

- i. Give favourable consideration to development proposals which provide important additional links in the recreational route network;
- ii. Seek to negotiate such linkages where necessary;
- iii. Give favourable consideration to development proposals which will improve the condition and appearance of existing links in the network;
- iv. Seek to protect existing Rights of Way;
- v. Not grant permission for any development which would prejudice public access onto and through the recreational path network, unless specific arrangements are made for suitable alternatives. The Council will where necessary attach conditions to planning permissions to require diversion of footpaths.

Amber Valley District Council, LP (Adopted November 1997)

R25

The Borough Council will continue to promote the leisure use of redundant rail and canal routes which link areas of public open space, housing and centres of employment.

Camden Borough Council, UDP (Composite Draft June 1998)

RC7 – Green Chain

The Council will seek to protect and enhance the canal as a green chain to provide a habitat for wildlife and a pedestrian route in pleasant environments. The Council will promote the canal as part of the network of metropolitan walks and will seek to create circular routes to link the canal to other open spaces.

Tewkesbury Borough Council, LP (Deposit Draft November 1998)

REC6 – Footpaths

The Borough Council will support improvements to the public rights of way network within the plan area. Priority will be given to:

- i. Improving pedestrian access to and alongside waterways;
- ii. Routes well related to tourist attractions;
- iii. Ensuring the provision of a co-ordinated network of safe and convenient pedestrian routes within existing and proposed housing areas, and links to adjacent areas/facilities and the existing footpath network.

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Examples of policies encouraging the use and improvement of the towing path for recreational cycling:

Hereford & Worcester County Council, SP (Deposit Draft January 2000)

RST5 – Recreational Cycling Routes

The development of cycle routes will be promoted for recreation and tourism in accordance with the County Cycling Strategy. Priority will be given to routes which access popular visitor areas where they contribute to the provision of sustainable access for visitors and routes which allow access from the railway network. Opportunities will be sought to align cycle routes with safe, attractive, off-road greenways such as disused railways, canal towpaths, forestry tracks and linear parks, combined with the use of quiet roads to create continuous links in a County network. Development and extension of the National Cycle Network will be supported.

South Staffordshire District Council, LP (Adopted December 1996)

R14 – Footpaths, Cycleways and Bridleways

Planning permission will be granted for proposals contributing to the development of a network of footpaths, cycleways and bridleways for recreational use based upon existing rights of way, disused railways, cycleways and canal towpaths provided that:

- i. Proposals for new routes are located and designed so as not to intrude upon the character and appearance of the area.
- ii. Proposals provide safe and convenient routes for pedestrians, cyclists and horse riders.

Proposals which provide links to the Staffordshire Way would be welcomed, as well as shorter circular routes around Country Parks and picnic places and paths and bridleways providing easy access between settlements and the surrounding countryside. In implementing this policy, the possible need to extinguish, divert or create rights of way will be taken into account.

Bury Metropolitan Borough Council, UDP (Adopted August 1997)

R5

The Council will attempt to use existing and proposed open spaces to provide attractive pedestrian and cycle routes between parts of the urban area and to link urban areas to rural areas.

Bury Metropolitan Borough Council, UDP (Adopted August 1997)

RT3/4 – Recreational Routes

In promoting access to the countryside, the Council will seek to establish a network of designated recreational routes to provide access, where appropriate, for pedestrians, cyclists and horse riders. These routes will be safeguarded and any development which would prejudice their establishment or use will not be permitted.

The following routes are presently identified as having potential for recreational use:

- RT3/4/4, The **Irwell Valley South of Bury Town Centre**. This route follows the canal towpath and a former railway line linking Prestwich Forest Park with Radcliffe and Bury Town centres.

Examples of policies encouraging the use and improvement of the towing path for walking:

Oxford City Council, LP (Adopted September 1997)

RE25

The City Council will normally seek to retain existing footpaths, towpaths and rights of way within the City; to establish new routes where appropriate; and to ensure replacement routes are created for those lost to new developments. The Council will seek improvements to facilitate use by people with disabilities particularly along the Oxford Canal and the river towpaths and at access points to them.

6.10 Built Conservation

The built environment of the waterways represents a unique working heritage of industrial architecture, archaeology and engineering structures and is seen as a valuable part of the national heritage⁸² as well as an integral part of sub regional cultural heritage and local distinctiveness⁸³. British Waterways' estate is the third largest estate in Britain, following the Church of England and the National Trust. It includes 130 Scheduled Ancient Monuments⁸⁴, 2800 listed buildings and structures, and over 805 linear km (500 miles) of Conservation Areas. Inland waterways possess all the "heritage values" as defined by English Heritage, which are indicators of why people value their environment for historic interest⁸⁵. British

⁸² DETR (February 1999) "Unlocking the potential a new future for British Waterways"

⁸³ "Viewpoints on the East Midlands Environment", May 1999 (national pilot for Regional Environmental Guidance)

⁸⁴ In Scotland entire canals have been scheduled providing blanket protection. Certain local authorities have included all the canals or sections of canals within their administrative area on Sites and Monuments Records as being of archaeological interest.

⁸⁵ English Heritage (March 1997) "Sustaining the Historic Environment: New Perspectives on the Future"

Waterways recognises that Conservation Area designation is an important vehicle to preserve and enhance the character of the waterways and their associated corridors. Conservation Area Character Appraisals are an important tool for defining the character and value of historic estates, such as British Waterways' estate and in developing planning policies, development criteria and management guidelines, according to their particular landscape character, archaeological and historical significance.

British Waterways is obliged to protect and conserve any buildings, sites and objects of archaeological interest.⁸⁶

6.10.1 The Issues

The key issue relates to **appraising and sustaining waterway character and distinctiveness**. The development plan should ensure that all conservation areas are subject to detailed assessment and proposals that aim to ensure that the desire of section 72 of the Act 1990 is achieved.⁸⁷ In defining and appraising the unique character of waterways to inform the formulation of development plan policies and designation of future conservation areas⁸⁸, local authorities should recognise firstly, that the extent of British Waterways' ownership on many lengths of waterway is limited.⁸⁹ Although the waterway infrastructure and buildings within British Waterways' ownership are significant components of the waterway heritage, the character of the inland waterway extends beyond the immediate British Waterways' ownership boundary to create a distinctive visual envelope. It is the action of other landowners within waterway corridors as much as British Waterways that will damage or sustain the quality of the historic waterway fabric and environment. For example, demolition of

waterside buildings can cause loss of enclosure, and the siting, orientation massing and design of development can significantly affect the adjacent waterway. British Waterways has no control over the actions of landowners adjacent to the waterway, except as a statutory consultee.

Waterways have a distinctive character which extends beyond local authority administrative boundaries. Inconsistent development plan and development control decisions between local authorities within a particular waterway corridor can erode the quality of the historic waterway fabric and environment.

As there is currently no published guidance to date to assist local authorities in defining and appraising the unique character of waterways⁹⁰, British Waterways has produced on the following page a checklist for defining and appraising waterway character.

Other issues related to waterway restoration schemes and the impact of highway and rail infrastructure upon the structural integrity, environment and character of inland waterways are addressed within sections 6.11 and 6.12 respectively.

6.10.2 Planning Policy Objectives

To avoid the loss of any element of the waterway infrastructure and the erosion of character and local distinctiveness of the waterway corridor, development plan policies should encourage the conservation, enhancement and management of the built heritage and landscape character of waterway corridors and waterspaces. The policies need to:

- **Address the archaeological heritage, local waterway vernacular historic waterway infrastructure, fabric and features and the built form relationship with the waterspace.**
- **Conserve and enhance the waterway character and fabric, particularly from inappropriate road and rail bridge design and alignment.**
- **Conserve and enhance views to and from the waterway.**
- **Conserve and enhance other key historical waterway infrastructure, furniture and features.**

Development plan policies should encourage the utilisation of waterways as an historic cultural asset for tourism, leisure and recreation as well as a catalyst and focus for regeneration.

⁸⁶ British Waterways Act 1995, section 22 subsections 1b and 2b,

⁸⁷ Under section 72, local planning authorities must give special attention to the desirability of preserving and enhancing the character or appearance of conservation areas when exercising planning control. The unitary development plan/local plan is considered the most appropriate mechanism to set out local planning authority's strategy for planning control in conservation areas and to integrate conservation policies with wider policies for an area.

⁸⁸ In 1998 British Waterways carried out a postal questionnaire survey of all the Local Planning Authorities in England and Wales which contained waterways owned by British Waterways within their administrative boundaries, to enable a quantitative and qualitative analysis of existing designations within British Waterways' estate to be undertaken (89% response rate). Approximately 27% of the designations were characterised by having the waterway form the edge to the Conservation Area and 15% of the designations were characterised by having the waterway itself as a linear Conservation Area with boundaries tightly drawn. Only 29% of the conservation areas that included a waterway had a prepared or published conservation area character appraisal.

⁸⁹ On many lengths of waterway British Waterways' ownership does not extend beyond the track (that is, the canal bed, walls, cuttings and embankments), and its equipment on the offside, and the back of the towing path on the other side.

⁹⁰ English Heritage (March 1997) "Guidance Note on Conservation Area Character Appraisals". This current English Heritage guidance on conservation area character appraisals does not refer to appraising waterway character.

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6.10.3 Typical Examples of Development Plan Policies

<p>Camden Borough Council, UDP (Proposed Modifications June 1998)</p> <p>RCx - Canal Character</p> <p>The Council will seek the retention and wherever possible the restoration of historic features and structures which contribute to the character of the canal. In the case of new development the Council will seek to ensure that the design and materials of any proposals for the towpath and banks, including landscaping, respect the traditional character of the canal.</p>
<p>Dacorum Borough Council, LP (Adopted April 1995)</p> <p>107 - The Canalside Environment</p> <p>Development adjoining the Grand Union Canal will be expected to make a positive contribution to the canalside environment. As such, the design, scale and materials of new developments and canalside facilities must be appropriate to the environmental character of the canal. The retention of original canalside buildings and structures, such as locks, bridges, lock cottages and pumphouses, will be encouraged. Development proposals which seriously affect their character and the contribution they make to the canalside environment will be refused. Encouragement will be given to proposals to improve pedestrian access, and small scale facilities appropriate to the canal, where consistent with other environmental and land use policies of the Plan. Such facilities may include picnic areas, seating and nature trails to improve public enjoyment of the canal.</p>
<p>Tamworth Borough Council, LP (Adopted January 1995)</p> <p>BE10 - New Designations</p> <p>The Borough Council will consider the designation of additional Conservation Areas in the following areas:</p> <p>v. The Canal System</p> <p>Recognition that the canal system is an important heritage feature in its own right.</p>
<p>London Borough of Tower Hamlets, UDP (Adopted December 1998)</p> <p>Dev47 – Riverside, Canalside, Docks and Other Water Areas</p> <p>New development proposals adjacent to the rivers, canals and other water areas will normally be expected to:</p> <ol style="list-style-type: none"> Retain, and if necessary, convert structurally sound and architecturally interesting buildings or groups of buildings; Retain and/or re-use historic artefacts, materials and features; Be designed to conform to the general scale and form of the waterside character; Respect important views into and out of the area; Where appropriate provide access to the waterside; and Not have an adverse effect on sites of nature conservation as shown on the proposals map.

6.10.4 Checklist for Defining and Analysing Waterway Character

Extent of definition of the Special Architectural and Historic Character and Appearance of Waterway(s) within the Conservation Area Character Appraisal	
Criteria	Characteristics
Historical Development of Waterway	Construction and structural evolution Company and ownership Personalities and associations
Historical & Current Waterside Landuses & Buildings	Description of historical land uses adjacent to waterway Description of current land uses adjacent to waterway Description of historical waterside buildings and their relationship with the waterway Description of existing waterside buildings and their relationship with the waterway
Waterway Topography	Description of track - channel level and width Topographical course through the landscape, eg alignment of route Land form, eg presence and type of cuttings and embankments
Waterway Infrastructure	Presence and type of structures, eg: <ul style="list-style-type: none"> • Locks • Aqueducts • Tunnels • Bridges • Other water control structures Presence and type of operational buildings, eg: <ul style="list-style-type: none"> • Lock cottages/houses • Pump houses • Toll offices • Bridges • Other water control structures Presence and type of waterside furniture, eg: <ul style="list-style-type: none"> • Mooring bollards • Other signage • Mile posts/stones
	Description of ground surface treatment for: <ul style="list-style-type: none"> • Towing path • Lock quadrants • Waterside edges • Steps/ramps
Waterway Envelope	Level and form of enclosure, eg: <ul style="list-style-type: none"> • Buildings • Boundary and retaining walls • Planting • Bridges • Cuttings and embankments Description of wider waterway landscape Buildings relationship with the waterway with respect to: <ul style="list-style-type: none"> • Siting • Orientation • Scale • Form • Mass • Materials Extent and type of planting Types of views of and from the waterway: <ul style="list-style-type: none"> • Important • Glimpsed • Negative • Controlled • Roofscape/skyline

6.11 Landscape Character, Nature Conservation and Biodiversity

6.11.1 The Issues relating to Landscape Character

Inland waterways pass through cities, towns and countryside including urban fringes, coalfields, Green Belts, green wedges, National Parks, AONBs and SSSIs, creating a diverse and unique range of linear waterway landscapes, uniquely combining landscape and townscape, enclosure and openness which all contribute to local and waterway distinctiveness. The "landscape" is not simply a rural phenomenon but also encompasses the whole of the external environment including the urban landscape. The landscape character of inland waterways is both distinctive and valuable within the wider landscape framework.

It is therefore important for development plans to include policies that protect the unique and distinct landscape character of a particular waterway and encourage the enhancement of its environmental quality. In order to protect inland waterways as a landscape and environmental asset, development plan policies need to be informed by an assessment of the landscape and natural character of a particular waterway.

The landscape character of an inland waterway often extends beyond the immediate boundary of the waterway infrastructure and waterside buildings to create a distinctive visual envelope. The visual envelope of a particular waterway is very important and its definition should improve understanding and appreciation of the waterway landscape and define appropriate proposals for conservation, management and enhancement. Therefore the visual envelope of a waterway should be used by local authorities as a vehicle to develop specific policies or influence development control, or guide Action Areas, etc. British Waterways has modified and extensively used the landscape evaluation technique devised by the National Rivers Authority⁹¹ to define the visual envelope and landscape character and quality of canal, river navigations, docks and reservoirs. That is, the landscape elements and their contribution, the aesthetic characteristics, perceptual quality of the landscape and notable vistas and views from the water

itself at boat level and the towing path as well as views from the land to the water which need to be protected, framed or controlled. For example, oblique views and vistas, open views, distant views, etc.

This landscape evaluation technique is being used by British Waterways to provide the baseline information to:

- identify the present and likely future forces for change affecting the waterway landscape, environmental capacity and quality;
- assist in the planning, design and environmental assessment of capital engineering schemes;
- inform representations to development plan policies and proposals;
- assess specific proposals for change (including responding to third party planning applications and assessing applications for external funding);
- identify opportunities for landscape improvements such as boundary improvements, ecological enhancement and habitat creation opportunities, key links and connections including towing path and access improvements as well as, opportunities to develop water-related recreation and amenity use;
- produce conservation plans, management plans and maintenance programmes.

Conservation Plans and Management Plans are recognised as useful tools in evaluating the built and natural waterway environment and in establishing an integrated and consistent approach across local planning authority boundaries. Management Plans produced by British Waterways address land management related issues notably landscape and ecology, and the IWAAC Good Practice Guide (December 2001) highlights the usefulness of Management Plans in providing guidance on the contents of planning obligations and planning conditions.

Much of landscape improvement and management work within waterway corridors is delivered by British Waterways working in partnership with local authorities, the Groundwork Trusts, local environmental and community groups. For example AONB partnerships, urban fringe management projects (eg North Worcestershire) and joint working with the Farming & Wildlife Advisory Group on the Grand Union Canal at Leighton Linlade and on the Selby Canal. It is therefore important for development plans to include policies that encourage a partnership approach to landscape improvement and management in the waterway corridor.

⁹¹ The former National Rivers Authority (1993) conservation technical handbook entitled "River Landscape Assessment" describes the basic technique for a standard landscape evaluation of river corridors and their surrounding areas. It provides the framework for a consistent national approach to defining the patterns of landscape character as well as, defining appropriate proposals for conservation, management and enhancement.

PART B: UTILISING THE DEVELOPMENT PLAN SYSTEM

British Waterways' Landscape Evaluation Survey Sheet Template

WATERWAY/BW OS EXTRACT NO	CHARACTER ZONE	DATE	
REGIONAL LOCATION	CORRIDOR LOCATION	TIME	
LA DISTRICT	PHOTO NEG NO	WEATHER	
GENERAL IMPRESSIONS		THE SURROUNDING LANDSCAPE	
SEQUENTIAL CHANGE (from previous zone)		GENERAL NATURE OF VIEWS none limited extensive wide filtered potential near middle distant Significant Views:-	
OVERALL PERCEPTUAL QUALITY A B C D		KEY ELEMENTS OF IMPORTANCE	
ADJACENT LAND USE wood scrub pasture arable public open space residential commercial industrial derelict other:		ELEMENT	IMPACT -- - 0 + ++
THE CANAL CORRIDOR		COMMENT	
GENERAL NATURE OF VIEWS IN VIEWS ALONG CANAL			
KEY ELEMENTS OF VISUAL IMPORTANCE		HISTORIC/BACKGROUND	
ELEMENT	IMPACT -- - 0 + ++	COMMENT	
		DESIGNATIONS	
		RECOMMENDATIONS	
		REGIONAL	
		CORRIDOR	

6.11.2 The Issues relating to Nature Conservation and Biodiversity

The nature conservation value of British Waterways' network is considerable, including over 100 SSSIs on or adjoining waterways, and about 3000 County Wildlife Sites. The statutory sites have recent additional protection through the CRoW Act 2000, and British Waterways, other statutory authorities and local authorities have new duties to positively manage these sites. The County Sites are largely protected through local planning policy.

As stated in the section above, waterways pass through cities, towns and countryside including urban fringes, landscape and nature conservation designations, providing important linear wildlife routes, bringing wildlife into urban and intensively managed agricultural areas. Inland waterways also provide an array of important habitats⁹² for a wide

range of species⁹³ (many of these species are scarce and have significant conservation value) as outlined in "British Waterways and Biodiversity: A Framework for Waterways Wildlife Strategies" (2000). Therefore, inland waterways have a key role to play in enhancing the biodiversity value of wetland and other habitats. Canal and river corridors are recognised as important open space corridors because of their linear and continuous structure, and function as stepping stones that are essential for the migration, dispersal and genetic exchange of plants.⁹⁴

⁹² Habitats - Canal and river channels, waterway banks, towing path verges, hedgerows, cutting and embankments of canal and reservoir structures, built structures such as bridges, tunnels, locks, weirs and buildings, standing open waters such as supply

reservoirs, associated lakes and ponds, historic spoil tips (created when the waterways were originally constructed) and dredging tips, feeders and streams, reedbeds, adjoining land such as field margins, woodlands (many occur in strips alongside) and scrubs, etc.

⁹³ Species - water voles, otters, amphibians, reptiles, fish, freshwater sponges, molluscs, butterflies and moths, bats, white-clawed crayfish, water plants, birds, dragonflies and damselflies, and trees.

⁹⁴ PPG 9: Nature Conservation (October 1994)

The wide range of terrestrial and aquatic habitats include waterway banks, where land and water meets, are often the most “biodiverse” habitats. They support a range of species of plants, invertebrates, waterbirds, water voles, amphibians and reptiles. However, habitat quality varies, both along the waterway and from bank to bank. The protection and enhancement of edge habitats (ecotones) is key to sustaining biodiversity⁹⁵ and the management of the waterway bank habitat must be balanced with engineering and recreational needs. The impact of development adjacent to a waterway must be carefully considered in terms of the waterside edges and the waterbody itself. Aquatic life also varies along the network with a number of waterways holding important populations of nationally and internationally scarce species of insects, molluscs and plants.



Key threats to wetland biodiversity⁹⁶ include eutrophication, drainage, pollution, flood defence, agriculture, bank protection and other engineering schemes, lack of or inappropriate management, invasion of aggressive non-native species and recreational activities, such as increased boat traffic on waterways. Key threats to urban habitats⁹⁷ include development pressure on derelict land and waste ground, recreational pressure and demolition and refurbishment of old buildings.

Environmental quality is crucial to sustainable waterside development and is relevant to all aspects and stages of regeneration and development⁹⁸. There is potential for habitat creation and conservation on all waterside sites, however, navigation requirements, built heritage character, recreational uses and other waterside uses must be carefully considered in relation to biodiversity issues and opportunities.

To secure high quality landscape design and habitat creation in new waterside developments, it is important that developers are encouraged to:

- carry out a detailed site appraisal (defining the waterway landscape and biodiversity character and the quality, its relationship to the waterway itself, waterway topography, landscape and biodiversity features);
- include strategic principles to guide the landscape and planting design (including functional, aesthetic and biodiversity objectives) within any design statement accompanying waterside applications. For example encouraging the use and specification of native plant species;
- produce a biodiversity plan linked to existing national, local and waterway biodiversity objectives and management plan for the development⁹⁹.

The conflicts between increasing pressure from boat traffic and watersports with conservation interests and the relationship between canal restoration projects and ecological issues are discussed in sections 6.6 and 6.12.

⁹⁵ English Nature (March 1997) “Wildlife and Fresh Water: An Agenda for Sustainable Management”

⁹⁶ Wetland biodiversity include habitats and their fauna and flora. Wetland Habitats occur where water is the dominant feature and in British Waterways’ estate takes the following form of rivers and feeders, reservoirs and canals.

⁹⁷ Urban Habitats – For example, buildings and other built structures, derelict land, including disused industrial land, demolition sites and waste ground, wetlands, parks and gardens, as well as railway lands.

⁹⁸ English Partnerships (April 1999) “Space for Growth”

⁹⁹ English Partnerships (April 1999) “Space for Growth”

PART B: UTILISING THE DEVELOPMENT PLAN SYSTEM

6.11.3 Planning Policy Objectives

Local planning authorities in preparing development plans should aim to:

- Encourage the protection and improvement of the natural waterway environment and its wider landscape character through washland and biodiversity protection, control of pollution and habitat enhancement and creation.
- Ensure any new development seeks to protect and enhance the landscape quality and biodiversity of waterway corridors.
- Protect existing areas of wetland habitat in the plan area and to create new wetland habitat where opportunities exist.
- Ensure that recreational development takes into account the need to protect sensitive habitats and species.

6.11.4 Typical Examples of Development Plan Policies

Policies related to waterways as a form of open/green space

**Worcestershire County Council, SP
(Deposit Draft January 2000)**

CTC6 - Green Open Spaces and Corridors

Both within and on the periphery of settlements the creation and conservation of green open spaces and green corridors, including watercourses, appropriate to the landscape character of the area will be encouraged. Where possible these should be continuous and linked to the open countryside in order to maximise their ecological and landscape potential.

**Coventry City Council, UDP
(Proposed Changes July 1999)**

GE2 – Green Space Enhancement Sites

A network of Green Space enhancement site will be established, in partnership with a range of organisations, to make the best use of neglected and unsightly land, improve environmental quality and provide or enhance Green Space. These will include Community Pocket Parks, Nature Reserves and Community Woodlands, wetlands and river corridors.

Projects will be selected and prioritised on the basis of:

- The potential for the enhancement of biodiversity;
- The need and demand for local action;
- Practical support from the local community;
- The ability to implement and maintain the proposal; and
- Value for money.

GE3 - Green Space Corridors

A network of green space corridors will be protected, promoted and encouraged across the City for:

- amenity;
- access to open up the countryside;
- outdoor sport and recreation;
- environmental education; and
- landscape and nature conservation.

They include green wedges, wetlands and river corridors, linear open spaces and the Coventry Canal.

CA22 - Urban Green Space in the Central Area

The following sites will be retained as green open space:

- ii Coventry Canal.

BE3 - The Enhancement of Transport Corridors and Gateways

The environment along the main transport corridors and gateways to the City will be protected and enhanced through the promotion and control of development in:

- iii The canal corridor.

Policies related to landscape character and features

North Warwickshire Borough Council, LP (Adopted May 1995)

REC8

Development adjoining the canals will be expected to create an attractive frontage onto the canal, utilise the canal as a landscape feature in the landscaping scheme, and provide for pedestrian access to the canal and where possible to the towing path.

Ealing Borough Council, UDP (Adopted January 1998)

OL19 – Landscape features and Ancient Habitats

The Council will consider landscape features, both in the built-up area and open land, which are affected by development and will promote conservation and enhancement of important features of the natural environment such as ancient habitats, (which are surviving and non re-creatable parts of the historic landscape), natural river features, ponds, ditches and hedgerows, river floodplains, woodland, canals, green lanes and networks or patterns of other locally important habitats. The Council will take into account any prior value of the land beside its existing amenity value.

Policies related to environmental quality

Chorley Borough Council, LP (Adopted January 1997 & September 1999)

EP13 & EN19

The Borough Council will pursue and support schemes to reclaim derelict sites, improve the appearance of neglected land, remove unsafe buildings and unfit housing, and secure environmental treatment of cleared sites. In particular environmental enhancement schemes will be pursued in the following areas:

- i. Leeds and Liverpool canal (including the disused Walton Summit Branch).
- ii. Along other major watercourses.

Policies related to nature conservation and waterways

High Peak Borough Council, LP (Adopted April 1998)

OC10 Existing Natural and Man-made Features

Planning permission will be granted for development provided that:

- i. existing natural and man-made features, including open watercourses and other wetland features, where appropriate, be sympathetically integrated;
- ii. The development will not materially reduce the opportunity for the movement of wildlife or prejudice the continued survival of the wildlife species, or significantly detract from the nature conservation interest of the area;
- iii. The development will comply with all other provisions of the plan.

Conditions will be imposed and/or planning obligations sought, to ensure that appropriate steps are taken to protect and manage such features.

Hinckley & Bosworth Borough Council, LP (Adopted February 2001)

E13 - Water Environment

The Council will not permit development which would materially harm the quality and ecology of the water environment.

London Borough of Newham, UDP (Adopted June 1997)

EQ3 – Waterside Nature Conservation

Where natural habitats are identified, and they would be affected by waterside developments, the Council will require their retention, or provision of an equal or equivalent natural habitat elsewhere.

Solihull Metropolitan Borough Council, UDP (Adopted April 1997)

ENV5 – Canals and Waterways

The Council will safeguard and seek opportunities to enhance the visual amenity and wildlife habitats of rivers, canals and their towing paths.

Nottingham City Council, LP (Adopted January 1997)

CD29 – Waterways and Wetlands

Planning permission for development within or adjacent to waterways or wetlands will not be granted where it would be detrimental to the quality of these habitats.

Lichfield District Council, LP (Adopted June 1998)

E14 - Water Habitats

The District Council will seek to prevent developments, which would result in an unacceptable loss in the quantity and quality of water within a river catchment area. The District Council will not permit developments, which may affect the water quality and quantity of river catchments, wetland areas and aquatic habitats unless it is demonstrated that satisfactory remedial measures will be carried out.

PART B: UTILISING THE DEVELOPMENT PLAN SYSTEM

6.12 Waterway Restoration and Construction of New Links

6.12.1 The Issues

Waterway restoration continues to bring significant regeneration and recreational benefits to every part of the country. The Government is seeking to increase the economic and social benefits generated by waterway restoration and has encouraged the Regional Development Agencies to take account of the waterways in their strategies and to support “worthwhile” proposals for restoration.¹⁰⁰ The Inland Waterways Amenity Advisory Council’s document “A Second Waterway Age” published in June 2001¹⁰¹ reviews more than 100 waterway restoration and development projects, evaluating each one in terms of its heritage and ecological value, its contribution to extending or linking the national system and its potential for generating economic or social benefits.

Local authorities are encouraged to identify future waterway restoration schemes seeking British Waterways assistance where necessary and where appropriate,¹⁰² protect disused waterways and to safeguard land for future waterway restoration schemes within the development plan so that the sites and routes are not severed by other development or transport infrastructure.¹⁰³ A valuable protection method can be to create public walks or cycleways (integrated into existing recreational routes) along disused waterways. Such informal recreational uses can protect the waterway route from further development prior to restoration becoming a reality and will also raise people’s awareness of the waterway itself.

British Waterways encourages local authorities to seek the reconstruction, restoration or de-culverting of a waterway or the construction of a proposed new waterway in association with any adjacent development, where the waterway route is in the same ownership and where construction or restoration would benefit the proposed development. The construction, reconstruction, restoration or de-culverting of the section of waterway adjacent to the development site could form part of the development scheme’s overall provision of open space. Where the

waterway route is not in the same ownership but where the construction or restoration would still benefit the adjacent development, British Waterways encourages local authorities not to permit development unless the scheme includes:

- developer contributions for the construction, reconstruction, restoration or de-culverting of the section of waterway adjacent to the development site;
- developer contributions towards the maintenance of the constructed, reconstructed, restored or de-culverted section of waterway adjacent to the development site in perpetuity.

British Waterways also encourages local authorities to resist development which would prejudice the future restoration and use of a disused waterway, or which would result in the loss of any waterway infrastructure and structures including buildings and locks. Furthermore, any essential development that would affect the alignment of the waterway should only be permitted if adequate arrangements can be made for its restoration on an alternative alignment, and for the restoration or improvement of the towing path. Some redundant canal arms can be at risk of being lost through redevelopment as part of comprehensive proposals, or affected in such a way as to prejudice their future reinstatement.

Where disused waterways cross local authority boundaries, it is crucial that all the respective development plans protect the disused waterway and safeguard land for its future restoration. Cross local authority boundary partnerships may be required between Councils for certain restoration schemes. Furthermore, a strategic view will need to be taken since the actions in one local authority’s administrative area may commence in advance of activities in the adjoining authority.

The Design Manual for Roads and Bridges encourages the Highways Agency and local highway authorities to ensure that future road schemes consider waterway restoration projects at the outset and to provide navigable crossings where appropriate.¹⁰⁴ Such issues and areas of potential conflict should be addressed both within development plan policies and the local transport plan policies and proposals.

Previous culverting of disused waterways is a major problem for many restoration schemes. Where a major road or railway crosses a waterway, culverts may need to be replaced by new tunnels or other such solutions. Where routes of disused waterways have been built on

¹⁰⁰ “Waterways for Tomorrow” pages 39 & 47

¹⁰¹ Inland Waterways Amenity Advisory Council (December 2001) “Review of Waterway Restoration and Development Priorities”

¹⁰² Where there is a likelihood that the whole or part of the restoration project will proceed within the development plan period.

¹⁰³ “Waterways for Tomorrow” paragraph 6.52; PPG 12: Development Plans (December 1999) paragraph 5.22; and PPG 13: Transport (March 2001) Annex B, Paragraphs 12 & 13

¹⁰⁴ “Waterways for Tomorrow” paragraph 6.53

or obstructed in a way that cannot be overcome local planning authorities may need to consider alternative routes and designating land for such a use. The proposed routes for future waterway extensions, development of by-passes or new waterways, should be indicated in the development plan, and a development framework for the corridor established.¹⁰⁵ A feasibility study will need to be undertaken to assess and evaluate the alternative alignment options prior to the preferred route being indicated in the development plan.

While the prime objective of waterway restoration is to make waterways navigable account must be taken of the need to protect the biodiversity interests of the waterways. Experience has demonstrated that it is essential to assess and include the biodiversity opportunities and to take account of water supply factors from an early stage of planning a waterway restoration project, in order to achieve sustainable restorations.¹⁰⁶ IWAAC Good Practice Guide (December 2001) and British Waterways advocate a management plan approach to ensure that biodiversity interests have been fully integrated into project feasibility, design and implementation processes. Management Plans should be used to identify the overall and site specific opportunities and constraints generated by waterway restoration and to facilitate informed and balanced decision making.

However, within development plans it should be recognised that not all derelict waterways, particularly spurs of old or by-passed canals will be restored, but the biodiversity and recreational value of these derelict waterways should be protected and promoted.

The Association of Inland Navigation Authorities (AINA) has published a vision for the strategic enhancement of the inland waterway network. This consists of 11 projects for the restoration, construction or improvement of waterways creating links in the national network and opening up broad navigable trunk routes connecting the estuaries of the rivers Thames, Severn, Humber and Mersey, and linking with the Wash and the English Channel. British Waterways supports this initiative. To secure delivery of the vision, it will be vital that the 11 projects identified are promoted within the respective development plans.

“Enabling Policies” may be valuable in development plans to allow for the diversion of waterways, the

creation of missing links and the extension of waterways.

6.12.2 Planning Policy Objectives

To avoid the loss of any element of the waterway system, development plan policies should refer to:

- **The need to protect the existing network and to safeguard the routes of potential restoration of derelict or disused waterway, basins, arms and docks.**
- **The prevention of encroachment, infilling or unsuitable development, which could prejudice current restoration proposals or future restoration schemes for derelict or disused waterways.**
- **The need to fully consider and to take into account bridge crossings in relation to future highway and railway proposals over derelict or disused waterways.**
- **The heritage, environmental and recreational value of derelict or disused waterways.**

6.12.3 Typical Examples of Development Plan Policies

Staffordshire County Council, SP (Deposit Draft October 1998)	
R8	Restoration of Canals
Proposals for the restoration of former canals will be supported, having regard to the benefits to the canal system, urban regeneration and the impact on the nature conservation value of the land.	

¹⁰⁵ PPG 13: Transport (March 2001) Annex C, Paragraph 9 Planning for New Inland Waterways

¹⁰⁶ Inland Waterways Amenity Advisory Council (December 2001) “Review of Waterway Restoration and Development Priorities”

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Examples of enabling policies to facilitate the re-opening of waterways.

South Lakeland District Council, LP (Adopted September 1997)

L12 - Lancaster Canal

Development will not be permitted which would be likely to prevent or impair the restoration of the Lancaster Canal, along the route shown on the Proposals Map, or which would result in the loss of any buildings, locks or any other structures associated with the canal. Any essential development that would affect the alignment of the canal will only be permitted if adequate arrangements are made for its restoration on an alternative alignment, and for the restoration or improvement of the canalside towing path and its links to existing footpath routes. The Council will seek the restoration of the canal in association with any adjacent development, where the canal route is in the same ownership and where restoration would benefit the proposed development. Such restoration must take into account the importance of and the need to protect the wildlife interests of the canal, whilst recognising the primacy of navigation as being the reason for the existence of the canal.

Stroud District Council, LP (Deposit Draft November 1999)

R8 - Canal Based Recreation

Development on the route of or adjacent to the Stroudwater or Thames and Severn Canals will not be permitted unless the scheme contributes to the reconstruction or restoration of the related canal for the purposes of navigation.

North Kesteven District Council, LP (Adopted February 1996)

R5 - River Slea Navigation Corridor

Where proposals for the development within the corridor are acceptable in principle, the District Council will expect public access to be afforded to, and along, the canalside and will seek to ensure that any proposal does not undermine the ability to restore the canal to full use as a recreational and visual asset. New bridging proposals will be required to provide sufficient headroom for the use of the canal by narrowboats.

Shrewsbury & Atcham Borough Council, LP (Deposit November 1997)

TR12 - Shrewsbury - Newport Canal

The council will not permit development which would prejudice the restoration of the Shrewsbury & Newport Canal as a navigable waterway or as a cycle/pedestrian route.

Camden Borough Council, UDP (Composite Draft June 1998)

RC9 Waterspace

Generally no buildings will be permitted which would encroach on, cantilevered or bridge over the waterspace or towing path. Where canal basins have been filled-in in the past, their reinstatement for water-based recreation will be encouraged.

6.13 New Bridge Crossings

6.13.1 The Issue

The issue of mitigating the impact of new bridges or improvements to highway and rail infrastructure on the environment and character of inland waterways, including disused waterways earmarked for restoration is important. The siting and location of motorway bridges, other major road bridges, railway bridges and footbridges can have visual and environmental impacts on the setting of historic structures and on potential towing path users. The siting and location of bridges can also impact upon the existing water-based leisure industry and on opportunities for recreational and tourism development, which would be in conflict with the principle of sustainable development. Any proposed location for a new bridge should not be selected solely by considering the needs of the scheme which has engendered the bridge proposal but also the effect of the proposed bridge on the waterway corridor. The impact of any bridge on a waterway corridor should include consideration of the navigational needs; potential restoration, environmental, visual and landscape impact on the waterway corridor; as well as the needs of towing path users and waterway businesses.

Development proposals, local plan policies, or new and improved infrastructure, such as road proposals, should not adversely affect inland waterways. Where new and improved infrastructure, such as road proposals, may adversely affect inland waterways, local authorities should consult British Waterways¹⁰⁷.

¹⁰⁷ PPG 13: Transport (March 2001) Annex B Paragraph 13

6.13.2 Planning Policy Objectives

New bridges can deter waterside development and use of the waterway network by damaging the environmental quality and character of the waterway. As such development plan policies should aim to:

- **Protect the visual, heritage, landscape and environmental quality of waterway corridors from new transport infrastructure schemes, particularly from inappropriate road and rail bridge design and alignment.**
- **Encourage new transport infrastructure where appropriate, to open up adjacent inaccessible waterside land and waterspaces for development, amenity and use.**

6.13.3 Typical Examples of Development Plan Policies

Leicester City Council, Replacement LP (Deposit Copy 2001)

SPA14 Riverside Bridges

New bridges should embody the highest quality design.

The scale, function and character should be appropriate to the riverside setting and they should make a positive contribution to the wider riverside landscape.

The impact of any noise generated by use of a bridge should be mitigated through the design and construction.

6.14 Telecommunications

6.14.1 The Issues

With 50% of the population in Britain living within five miles of a waterway, waterways have been affected by modern telecommunications development, primarily in the form of mast development. In recent years, British Waterways has been consulted on a considerable number of mast applications and prior approval procedures. Many have involved insensitive siting of masts and the installation of inappropriate mast designs with little regard for the waterway environment. This has resulted in masts being erected that have a significant negative visual and perceived impact on the historic waterway environment and the enjoyment of the waterway as a recreational and tourism resource.

Few of the masts have been erected on British Waterways' land, and therefore, British Waterways has been able to exert little control over their

development. In recognising that the demand for telecommunications development will increase in the future, encouraged by the Government¹⁰⁸, British Waterways decided to adopt a proactive role in telecommunications development along its waterways and identify suitable sites, and seek appropriate design, siting, landscaping and environmental solutions. Adopting a holistic appraisal of the waterway, its users and its setting, will avoid a proliferation of mast structures along the network.

The initiative to date has involved the laying of fibre optic cables below ground along a number of the towing paths. In private partnership, British Waterways is establishing telecommunications masts (which can link into the fibre optic network where it is available), to provide coverage for mobile telecommunications.

Within the visual envelope of waterways, there is a need to encourage operators to:

- consider the option of mast or site sharing with another operator;
- pay particular attention to siting and design issues, including the appearance of the mast and scope for landscaping/screening. A high quality of design and landscaping should be sought to minimise the impacts of such development regardless of existing developments on the site. Good quality design should include not only the design of the equipment but also the appropriate siting of the equipment in the location, along with landscaping appropriate to the setting and including the access route and point of access;
- consider opportunities for telecommunications development within other waterside developments
- undertake pre-application discussions with British Waterways where appropriate.

Emphasis should be placed on mast development that respects the waterside setting through design, appropriate siting and landscaping. Individual waterside sites should be assessed on a case by case basis¹⁰⁹, rather than a blanket presumption made against the use of waterway corridors or waterside sites within development plan policies. Emphasis should also be made within any planning policy for the need to tailor each development to the site, rather than provide a standard design. Design statements should accompany any application, including consideration of the design of the mast, screening of the structure, landscaping of the site, appropriate access and any additional site based opportunities.

¹⁰⁸ DETR (June 2000) "Waterways for Tomorrow" page 6 - The Government wants to encourage innovative uses such as telecommunications and water transfer.

¹⁰⁹ Informed by a character appraisal of the corridor and a detailed site appraisal.

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6.14.2 Planning Policy Objectives

In the light of the above, any development plan policies should seek to:

- Promote the use of towing paths to accommodate new cable technology.
- Ensure that any apparatus above ground respects the waterside setting through design and appropriate siting and landscaping.
- Ensure that any apparatus below ground is appropriately designed and maintained.
- Ensure that access to any facility can be achieved.

6.14.3 Typical Examples of Development Plan Policies

There are few examples of adopted development plan policy relating directly to telecommunications and none that relate in any way to inland waterways.

6.15 Hydro-Electric Power – Renewable Energy Schemes

6.15.1 Issues

In PPG22 (1993), local planning authorities are encouraged to take account of 'renewable energy' as they prepare their development plans.¹¹⁰ Inland waterways are suitable for hydro-electric development although these will be predominantly 'low head' schemes which concern a short fall of water.¹¹¹

However, hydro-electric power initiatives can be constrained by the floodplain, this is addressed in PPG 25.

6.15.2 Planning Policy Objective

It is accepted that only some inland waterways would be suitable for this form of power generation but in these areas, development plans should include policies that address the following:

- **The promotion of hydro-electricity schemes at appropriate locations**

¹¹⁰ PPG22 :Renewable Energy (February 1993) and Energy Paper 55

¹¹¹ Annex to PPG 22: Renewable Energy (February 1993) advises that specific regard should be taken of the design of any hydro-electric system, the extent of designated landscape areas, pollution, archaeology and conservation matters, fisheries, use of existing infrastructure, construction matters and licensing considerations.

- The protection of the environment and specific attention to the free flow of migratory fish and the need for fish screening to prevent access to turbines.
- The appropriate design and installation of hydro-dam equipment and ancillary accommodation, to reflect Green Belt or countryside designations.
- The suitability of vehicular access to any hydro-dam scheme and installation of overhead cables.
- The supply and quality of water through any hydro-dam scheme.
- The needs of other water users in the vicinity.

6.15.3 Typical Examples of Development Plan Policies

Most Structure Plans refer to the need to address alternative means of producing energy. While some English and Welsh Local Plans include specific policies relating to alternative power and wind generated electricity, only Scottish development plans refer to hydro-electric power.

6.16 Water Quality, Water Resources¹¹² and Flood Flows

6.16.1 The Issues

In the light of climatic change and increased awareness of environmental issues, there is a need to protect our water resources, prevent deterioration in water quality, where appropriate and manage the risks of flooding both to the waterways themselves and surrounding land.

Due to the increasingly extreme weather conditions being faced by Britain, new methods of flood management need to be considered. British Waterways needs to be involved at all stages in any developments which could alter the flood risk to the waterways network. Canals are artificial structures and water must be shed through artificial means (e.g. weirs) which may not have sufficient capacity. On planning applications where Local Authorities are minded to grant permission where the impact or mitigation measures involve the use of a waterway owned or managed by British Waterways, Local Authorities should give British Waterways the opportunity to make further representations. British

¹¹² Transfer, supply and drainage

Waterways is not a drainage authority and unless British Waterways has given prior consent, planning applications should not be entered into if surface water drainage is to the canal. Waterways may assist in mitigating flood risk however, canals should not be viewed as flood alleviation schemes as British Waterways has no statutory responsibility for land drainage. The waterways do form part of the land drainage network and under PPG25, any flood risk assessment associated with a development needs to take into account the impacts on a catchment scale which should include the impacts on waterways.

The future sustainable development of waterways will depend on the continued provision of a reliable water supply. British Waterways water supply system is integrated into the majority of water catchments in the UK. It is possible that land use changes and development within these catchments will have a negative impact on the water supply system to waterways. On planning applications the Local Authority should have regard to the impact on the water supply system to waterways of these changes.

In the absence of any express statutory or other right (such as certain provisions of the Highways Act 1980), British Waterway's consent is required to drain into those waterways that it owns or manages. With respect to traffic matters, it is considered important that British Waterways is fully consulted by any Highway Authority if drainage works are to be carried out under the Highways Act 1980. All other discharges require British Waterways consent.

Notwithstanding the need to be vigilant on flooding issues, waterborne freight, leisure, recreation, and tourism facilities associated with the use of inland waterways (e.g. boatyards, freight transfer facilities, marinas, sanitary stations, mooring basins and associated development which have to be located adjacent to waterway to operate) are entirely appropriate development within a recognised flood plain. The prohibition of development in line with PPG 25, should not include those forms of leisure, recreation, and tourism activity which may require ancillary development such as modest buildings even in "high risk" areas. While these may be at risk of flooding on occasion, this would simply prove inconvenient rather than financially or environmentally destructive.

British Waterways' emergency and operational depots by their nature need to be close to the waterways in case of breach and for essential maintenance. Such development must form an acceptable use in "high risk" areas and should be identified in the PPG.

Given the wide ranging nature of flood impact, third party planning application consultations should look beyond British Waterways current statutory

150 metres range, to developments that will be draining into or are likely to have an impact on British Waterways waterway and river navigations. For example, there is a risk that flood alleviation works may result in the closure of navigations due to heavy water flows despite there being no flood event.

The quality of water and its protection from surrounding developments is taken very seriously by British Waterways. The aim is to achieve as high quality water as possible. Where water quality is currently at General Quality Assessment Class D (fair quality), as set out in the Environment Agency classification system, British Waterways would wish to, at least, maintain that level. British Waterways is currently planning to increase sales of water from the canals for the use by industrial, commercial and residential users. Water quality will therefore become an increasingly important issue.

Importantly the discharge of any contaminated water needs to be very carefully controlled. It is British Waterways' policy that permission is required from British Waterways for any effluent discharge into British Waterways owned canals, docks, reservoirs, feeders and culverts, etc. British Waterways normally only accepts clean uncontaminated surface water.

The supply and transfer of water will need to be assessed for any adverse effect upon fisheries, nature conservation, archaeological remains, landscape, recreation and sport and mitigating measures implemented if required.

6.16.2 Planning Policy Objectives

Any planning policy relating to the quality of water and management of flood water needs to be effective and environmentally acceptable. While the Environment Agency is the key statutory body, any development relating to use of canals and river navigations owned or managed by British Waterways must be made in full consultation with British Waterways.

Policies need to address the following:

- **Maintenance or improvement of the quality of surface waters in accordance with the Environment Agency classification system with the aim of achieving General Quality Assessment Class D (fair quality) or above.**
- **Resistance of development which poses threats to the quality of ground or surface waters.**
- **Acceptance that some forms of leisure or tourist related development and their ancillary accommodation can be appropriate in accepted flood risk areas.**

PART B: UTILISING THE DEVELOPMENT PLAN SYSTEM

- **Promotion of sustainable urban drainage systems with new and existing development areas.**
- **Ensure all water discharged into British Waterways' waterways is uncontaminated and that the infrastructure can accommodate it safely.**
- **Ensure that adequate pollution control measures are incorporated into new developments to reduce the risk of water contamination.**
- **Seek to prevent floodplains and prevent development, which would create an unacceptable increase in the risk of flooding on site or elsewhere, particularly if this was as a result of increased surface run-off.**
- **Seek to resist development which itself would be at risk of flooding.**
- **Protection of existing flood defences.**

6.16.3 Typical Examples of Development Plan Policies

General policies on water resources

Sheffield City Council, UDP (Adopted March 1998)

GE26

Development will be permitted only where it could not damage the waterway environment and people's appreciation of it by reducing the water quality of rivers, streams or the canal. Every effort will be made to enhance the environmental value of waterways by improving their water quality to at least Class 2 standard. Priority will be given to:

- open waterways in housing areas;
- waterways where the public have access to the banks.

Essex County Council, SP (Deposit Draft February 1998)

NR1

Development will only be permitted where:

- Adequate water resources can be provided within the plan period at an acceptable environmental cost;
- There would not be a risk to existing water resources, including the flow and water quality of underground or surface water, or existing abstractions;
- Such development would not be at direct risk from tidal or fluvial flooding or likely to increase the risk of flooding elsewhere;
- There is not to be an adverse effect upon fisheries, nature conservation, archaeological remains, landscape and recreation in river and canal corridors, coastal margins and other waterside areas.

Policies aimed at protecting the waterway environment

Chorley Borough Council, LP (Adopted January 1997)

EN23 Protecting the Waterway Environment

The Borough Council will refuse or impose conditions on any development proposal which would result in a significant deterioration in the river water quality, unduly damage the ecology of watercourses or compromise the achievement of statutory water quality objectives. Conversely, treatment and disposal works which could improve river quality will be permitted subject to the provisions of other policies in this plan.

City of Lincoln Council, LP (Adopted August 1998)

46B – Protecting the Waterway Environment

Planning permission will only be granted for development in, under, over or adjacent to lakes, ponds and watercourses if the Local Planning Authority is satisfied that adequate measures will be taken to:

- Safeguard the biodiversity and ecology of the area;
- Prevent pollution and other degradation of the water environment;
- Minimise flood risk;
- Mitigate against erosion;
- Protect the public;
- Safeguard access for maintenance.

46C – Protecting Open Water Features

Planning permission will not be granted for development which would result in the loss of open water features (including their margins) shown on the Proposals Map through their culverting or enclosure by other means, except where the Local Planning Authority is satisfied that such works are unavoidable in achieving the satisfactory development of land.

Waltham Forest Borough Council, UDP (Adopted January 1996)

ENV37 Water Environment

Development should not have an adverse effect on the water environment. In particular, the Council will:

- Resist the infilling of open water and wetland areas and the culverting of watercourses.
- Seek to ensure that any improvement or management of water bodies should take account of the needs of nature conservation.

Examples of policies on disposal of foul sewage, trade effluent and surface water

**North West Leicestershire District Council, LP
(Deposit Draft January 1995)**

E29 Land Drainage

Development that would adversely affect the quality and ecology of watercourses will not be permitted. Satisfactory arrangements will be required for disposal of foul sewage, trade effluent and surface water.

**East Riding of Yorkshire District Council, LP
(Adopted April 1999)**

U10 Holderness Local Plan

Development proposals must be designed so as to avoid adverse impact on existing watercourses resulting from an increase in the rate of surface water run-off from the site. Provision of appropriate methods of surface water disposal to watercourses should be made as part of the proposal to safeguard water quality.

**Northamptonshire County Council, SP
(Adopted June 1997)**

E3 Land Drainage and Discharge

Planning permission for development will not be granted where:

- i. The activity use or operation involved would result in the discharge of damaging material into watercourses.
- ii. The proposal would have an adverse environmental impact on rivers, ponds, wetland or other water features.

The proposal would reduce or remove existing water related recreation activities.

Examples of policies on conservation of natural and water resources

Staffordshire County Council, SP (Deposit Draft October 1998)

D2 – Conservation of Natural Resources

Policy D2 is designed to ensure that the adverse environmental impact of development is minimised and that local plans include policies to ensure this. In particular:

- i. adverse impacts of effluent discharges should be as far as possible eradicated;
- ii. developers must be encouraged to incorporate measures which reduce surface water run-off;
- iii. watercourses should be protected and culverts discouraged;
- iv. water resource difficulties should be addressed as early as possible in the planning of new development.

NC6 Water Resources

The highest possible degree of protection will be afforded to groundwater resources, and to standing water bodies and river systems with their associated wetlands. Development or land use change which would lead to pollution or degradation of these resources will not be permitted unless, exceptionally, it can be demonstrated that adequate mitigation measures to counteract the effect of such adverse impacts can be satisfactorily implemented.

Examples of policies aimed at preventing water pollution

**Tamworth Borough Council, LP
(Adopted January 1995)**

CD105

Development proposals on sites contaminated by previous or existing uses will not generally be accepted unless it can be demonstrated that the development will not cause or increase pollution of watercourses and groundwater resources.

**Tewkesbury Borough Council, LP
(Deposit Draft November 1998)**

ENV9 Water Pollution

Planning permission will not be granted for development, which would damage the quality and ecology of rivers, watercourses and other bodies of water. New development must be accompanied by adequate sewage and sewage disposal infrastructure in order to avoid water pollution by sewage, sewage effluent, industrial wastes or contaminated surface water. Proposals must demonstrate that where hazardous, toxic or pollutant materials are used, or wastes produced, that these will be stored, handled or disposed of in ways that avoid the risk of pollution.

PART B: UTILISING THE DEVELOPMENT PLAN SYSTEM

6.17 Waterways and Waste

6.17.1 The Issues

There are opportunities to use development sites for temporary use for offloading and treatment of dredged material prior to disposal as well as for the disposal of dredged material. For example, use of dredged material as a covering material as part of landscaping schemes. However, British Waterways recognises that this needs to be carefully controlled and balanced against the issue of land contamination.

A substantial amount of dredged material is deposited alongside waterways and watercourses using British Waterways permitted development rights under the General Permitted Development Order 1995. Dredgings and other waste materials are also used in the beneficial conditioning of agricultural land or for ecological improvement.

British Waterways has a number of licensed dredging disposal sites adjacent to both urban and rural waterways, including sites within Green Belts. British Waterways is constantly looking for suitable sites for waste disposal operations (offloading dredgings, treating dredging and dredging disposal) in both urban and rural areas.

New waste disposal facilities adjacent to waterways have environmental implications and ARE specifically addressed by the Environment Impact Assessment Regulations. The issues of leachates, dust and the stability of water infrastructure are critical and should be addressed by way of local planning policy. Any new waste disposal facilities sited adjacent to waterways should also consider transporting the waste and processed material to and from the facility by water and should accept dredged material.

Land reclamation schemes in particular need to take account of the impact upon the waterway and its environs and need to address bank protection works and waterway walls.

There is clearly a need for early consultation by developers and landowners with British Waterways to explore solutions to prevent contamination of the waterway.

6.17.2 Planning Policy Objectives

Development plan policies should advocate that:

- **Emerging development briefs should encourage early consultation with British Waterways.**
- **Any dredged material is appropriately analysed and if necessary treated before disposal.**

- **The structure of the waterway should be respected and maintained.**

Development plan policies should encourage the use of development sites as temporary sites for offloading and treatment of dredged material prior to disposal as well as for the use of dredged material as a covering material as part of landscaping schemes, where appropriate.

6.17.3 Typical Examples of Development Plan Policies

Cheshire County Council, SP (Adopted July 1999)

R15 Disposal of Waste in the Green Belt

The disposal of waste in the Green Belt is inappropriate development unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Inappropriate development will not be allowed in the Green Belt except in very special circumstances. (The need to dispose of dredgings from canals and other watercourses may constitute special circumstances in relation to Green Belt policy 5.61).

London Borough of Newham Council, UDP (Deposit Draft March 1999)

EQ63 Waste Disposal Facilities Requirements

Planning applications for waste disposal or storage, including land filling, will normally be required to be accompanied by an assessment of their impact. Facilities will not normally be approved unless they meet the following criteria:

- i. There is a separation from existing and proposed schools, hospitals, housing and other sensitive land uses, including for example those sites where a large number of people work or which attract a large number of visitors or where sensitive operations are carried out;
- ii. There is good access to the strategic road network or rail or river depot transshipment facilities and access arrangements are satisfactory in environmental and highway terms;
- iii. The facility must have appropriate landscaping and be screened from view where necessary. Waste storage and other processes shall be wholly contained within enclosed buildings and be operational between defined hours;
- iv. No significant land contamination or airborne, water or noise pollution should result from the operation of the facility.
- v. The effects of such development on the Council's regeneration objectives for the area will be a material planning consideration in assessing development proposals.

6.18 Minerals and Aggregates

6.18.1 The Issues

The Government is actively encouraging greater use of inland waterways for the movement of freight including aggregates and waste *“where that is a practical and economical option”* and has advised that *“the revised planning guidance on minerals will promote greater use of water transport”*.¹¹³

Local authorities are encouraged to consider re-use of redundant mineral workings in proximity to inland waterways for:

- the disposal of dredgings;¹¹⁴
- the marina and mooring basin development;
- the creation of waterbodies for watersports;
- the creation of nature reserves.

There is also potential for partial filling of mineral voids with dredgings to reduce the water depths to make them safer.

British Waterways advocates that both development plans and minerals local plans should consider the opportunities for watersports after use of new mineral workings allocations.

Please cross reference with section 6.4 on water-based development, section 6.6 on sport and recreation and section 6.7 on waterborne transport and sustainable distribution.

6.18.2 Planning Policy Objectives

- **Proposals for new mineral and aggregates extraction, where appropriate seek to transport minerals and any infill by water.**
- **Proposals for new mineral and aggregates extraction, should be resisted where there is likely to be an adverse effect on waterbodies and associated habitats.**
- **Encourage the provision of water-based recreation such as the creation of marinas and waterbodies for watersports as part of restoration schemes for former mineral workings.**

6.18.3 Typical Examples of Development Plan Policies

Oxfordshire County Council, SP (Adopted January 1996)

PE4 – Oxfordshire Minerals and Waste Local Plan 1996

Proposals for mineral extraction and restoration (including waste disposal) will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.

PE6 – Oxfordshire Minerals and Waste Local Plan 1996

Where mineral working or waste disposal is to be permitted a further buffer zone must be left between the mineral working/waste disposal adjacent significant watercourses and canals to preserve their setting and avoid pollution. The size and landscape treatment of the buffer zone will depend on the characteristics of the area and the details of the proposals. Proposals for diversion of watercourses will be determined in accordance with policy PE5. Existing trees and hedges should be retained.

Sheffield City Council, UDP (Adopted March 1998)

MW7(i) Environmental Impact of Mineral Working and Waste Disposal Operations

Mineral working and waste disposal facilities will be permitted only where disturbance to the environment would be kept to an acceptable level and where they would:

- i. use canal, rail, pipeline or conveyor facilities, wherever possible.

¹¹³ Government's White Paper on the Future of Transport "A New Deal for Transport : Better for Everyone", July 1998

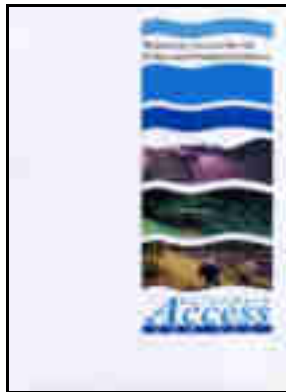
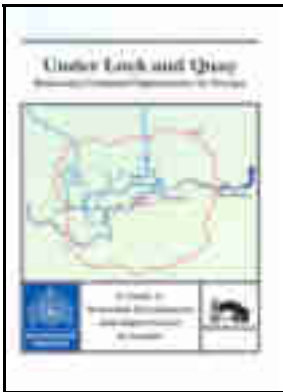
¹¹⁴ For example, dredgings from the River Trent are deposited in mineral voids and the dredgings are being reprocessed by the mineral operator to sell on as aggregates.

PART C: PLANNING DELIVERY TOOLS

Chapter 7: Types of Supplementary Planning Guidance

To underpin and guide local planning and management policies and to highlight opportunities, the following tools are available to set out the visions and objectives of waterside sites as well as for a waterway corridor as a whole.

- Area Specific Supplementary Planning Guidance eg corridor studies, design guides and guidelines, conservation area character appraisals and conservation plans.
- Site Specific Supplementary Planning Guidance eg planning briefs and masterplans informed by waterspace strategies.
- Topic Based Supplementary Planning Guidance eg on crime prevention, bridge crossings, moorings, biodiversity.



7.1 Area Specific Supplementary Planning Guidance

7.1.1 Production of Corridor Studies

British Waterways' approach to strategic planning, sustainable development and management of its waterways is to adopt a corridor wide and partnership approach. These two approaches are an integral part of the corridor study concept developed by British Waterways over the last 20 years. The corridor study is a means of examining and reconciling the competing waterway and waterside interests of:

- tourism, recreation and commercial development
- the use of waterway for recreation and freight
- heritage, landscape and nature conservation, biodiversity and water quality
- the protection of existing and potential wharfage sites
- engineering and management.

The aim of a corridor study is to develop a strategy that protects the waterway as a resource and its environment from inappropriate development, as well as unlock the potential and encourage the utilisation of the waterway. This is achieved by providing a vision for the future regeneration, development and management of the waterway corridors that can be:

- translated into policies and proposals as part of future development plan preparation or review process;
- fed into various investment and external funding strategies including designation of regeneration priority areas;
- considered for adoption by the local planning authority as supplementary planning guidance;
- used to guide future strategies and plans prepared by the partner organisations and guide future management and maintenance regimes, priorities and programmes.

The purposes of corridor studies are to:

- improve understanding and appreciation of a particular waterway environment, as well as play a valuable role in guiding development, promoting mixed use, acting as vision and framework document, stimulating regeneration and contribute to the marketing of the city, borough or district and sub region;
- provide baseline information to assist in the review of development plan policies and in the assessment of specific proposals for change (including the determination of planning applications and assessment of applications for external funding);
- provide development and design guidance to ensure the delivery of a consistent and coherent approach to development and improvement within the visual envelope of any particular waterway, as a locally distinctive character of a particular waterway.

These corridor studies and action plans involve the assimilation of the varying policies and strategies of many partner organisations and stakeholders.

Corridor studies and action plans have been jointly funded by local authorities and a range of other organisations such as Regional Development Agencies, English Partnerships, Countryside Agency, English Nature, Lee Valley Regional Park Authority, Environment Agency, Town Councils, Regional Tourist Boards, etc. In many instances the corridor study has transcended a number of local authority

administrative boundaries providing a vision and strategic framework for the development, regeneration and management of the whole waterway corridor.

British Waterways suggests that local authorities give consideration to the preparation of Corridor Studies in order to:

- inform the drafting of appropriate policies within development plans;
- inform guidance contained within planning briefs for waterside sites;
- form the strategic framework for masterplans for waterside sites;
- be a material consideration in the determination of planning applications for waterside sites.

7.2 Production of Design Guides/ Development and Design Guidelines

There is a need to ensure the delivery of a consistent and coherent approach to development and improvement within the visual envelope of the waterway based on urban design principles. Although generally referred to as “urban design” considerations, these concerns are as relevant to development in rural areas and villages as in towns and cities.

British Waterways suggests that local authorities give consideration to the preparation of a design guide or a set of generic guidelines for development within a waterway corridor either jointly or in consultation with British Waterways¹¹⁵. This will provide a clear framework for planning decisions within the corridor. These guidelines would enable firstly, local authorities to use the document as an advisory document in the preparation of development plan policies and development briefs and as a material consideration in the negotiation and determination of planning applications. Secondly, the guidelines would assist developers (including existing landowners, statutory undertakers and agencies, public utilities, public authorities, and owners of industrial premises) in preparing development and improvement schemes. It is important that any “Special Policy Area” or “Action Area” designation(s) should be supported by design and development guidelines.

For example, Birmingham City Council has produced firstly, the Canalside Development in Birmingham – Design Guidelines (draft SPG), which emphasises the

need for all new developments to achieve a high standard of design and to respect the surrounding area. The guidelines are aimed at developers and their design teams, and will provide detailed urban design principles to guide development adjacent to canals. The guidelines include a character appraisal for each of the City’s canals, and guidance on appropriate uses for canalside settings, access arrangements, conservation issues, and the types of materials to be used in buildings, towing paths and other canalside features. Secondly, Birmingham City Council has produced a Conservation Strategy (draft SPG) which recognises the historic importance of the City’s canals, and their potential for tourism, recreation and leisure. Thirdly, Birmingham City Council has produced a Houseboat Moorings policy (SPG) containing detailed guidance on the issues that the City Council will consider in assessing proposals for new residential moorings.

7.3 Site Specific Supplementary Planning Guidance

7.3.1 Production of Planning Briefs and Development Briefs for Waterside Sites

Planning briefs have been successfully used as valuable tools in bridging the gap between the development plan and a planning application. For waterside sites, it is important that planning briefs include guidance that will:

- ensure that any new waterside development is considered holistically with the opportunities for waterbased development;
- incorporate the towing path and the waterspace itself as integral parts of the new waterside development scheme;
- create an attractive view of the development both from the towing path and from the water at boat level;
- enhance the environmental quality and biodiversity of the waterway corridor and allow access to the water itself.

British Waterways advocate that future development briefs for waterside sites produced by local authorities are prepared in consultation with British Waterways¹¹⁶. A pre-requisite to the preparation of development briefs for key waterside sites should be the preparation of a waterspace strategy in order to

¹¹⁵ Alternatively the relevant navigation authority on non-British Waterways managed waterways. A list of navigation authorities can be obtained from the Association of Inland Navigation Authorities (AINA).

¹¹⁶ Alternatively the relevant navigation authority on non-British Waterways managed waterways. A list of navigation authorities can be obtained from AINA.

PART C: PLANNING DELIVERY TOOLS

generate the development and design guidelines contained in the brief. Alternatively, the development brief should state the requirement for a waterspace strategy to be prepared by the developer, in consultation with British Waterways.¹¹⁷

7.3.2 Importance of Waterspace Strategies in Delivering Successful Design, Sustainable Development and Regeneration of Waterside Sites

In addition to appraising a waterway's character and local context, as mentioned above, there is also a further and very important stage in the route to successful design and sustainable solutions, namely, the production of a waterspace strategy. This important planning and design tool for key regeneration and recreational locations, secures more activity, life and vitality on the water and seeks to ensure that a design approach looks from the waterway outwards rather than from the land to water.

British Waterways recognises the need to adopt a spatial approach to encouraging more activity, life and vitality on the water and to secure the utilisation of the adjoining waterspace to any waterside development site. As a result British Waterways has pioneered the waterspace strategy concept aimed at:

- informing local authorities, developers and their design teams of the range of moorings and uses that any particular waterspace can support and to identify the land based implications of such uses. For example:
 - buses/taxis, waterborne freight opportunities;
 - watersports and other water-based recreational uses (such as angling);
 - land based uses being accommodated in either static converted barges or purpose built floating structures (both on and offline) to add vitality and life to, and enhance the character and profile of the waterway. For example, residential boats, business boats, trade boats (such as floating cafes, restaurants, art galleries, hotels);
- ensuring the "added value" of the waterspace is fully explored - that it is not just a visual backdrop to the surrounding development but becomes a leisure and commercial resource and facility in its own right (as outlined above);
- encouraging the view that waterside development should be designed to incorporate the towing path as a sustainable transport and recreational route and the waterspace itself as integral parts of the scheme;

¹¹⁷ IWAAC (December 2001) "Planning A Future for the Inland Waterways, A Good Practice Guide"

- discouraging infilling of the waterspace to create land for development;
- ensuring that British Waterways is able to maintain its statutory obligations to maintain and operate the navigation and to ensure the safety of those using the navigation;
- identifying business opportunities that can be taken by others or in partnership with British Waterways.

As referred to in section 4.1, the role of waterspace strategies is to inform any development brief and masterplan preparation and to accompany significant applications within a waterway corridor. Therefore, British Waterways advocates that for all significant development proposals within a waterway corridor, the local planning authority should consider requiring developers to prepare a waterspace strategy in consultation with British Waterways.

7.3.3 Production of Masterplans

English Partnerships and the Urban Village Forum¹¹⁸ advocate the preparation of a masterplan for the entire development or regeneration area by the developer, prior to the local planning authority determining an application for outline planning consent, in cases where a planning brief has not been prepared. British Waterways supports this approach for waterside development sites within waterway corridors. Furthermore, British Waterways and IWAAC¹¹⁹ recommend that any masterplan be informed by a waterspace strategy.

"Planning A Future for the Inland Waterways, A Good Practice Guide", published by IWAAC provides guidance on:

- delivering quality waterside development and how to use the waterway to inform the masterplan, planning brief and design brief;
- practical planning mechanisms and tools (such as the use of waterspace strategies and corridor studies) that can be used to support waterways in the development plan and securing quality waterside development.

¹¹⁸ English Partnerships and the Urban Village Forum : A Guide to Good Practice in Undertaking Mixed Development Schemes

¹¹⁹ IWAAC (December 2001) "Planning A Future for the Inland Waterways, A Good Practice Guide"

Chapter 7: Types of Supplementary Planning Guidance

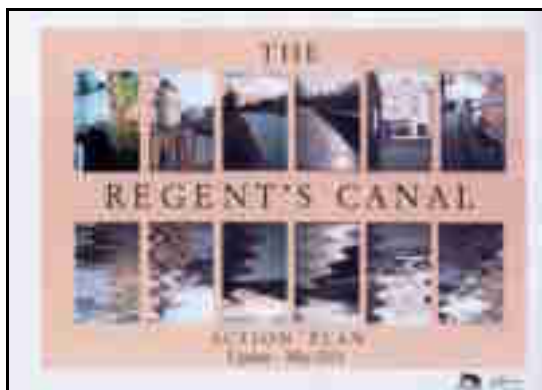
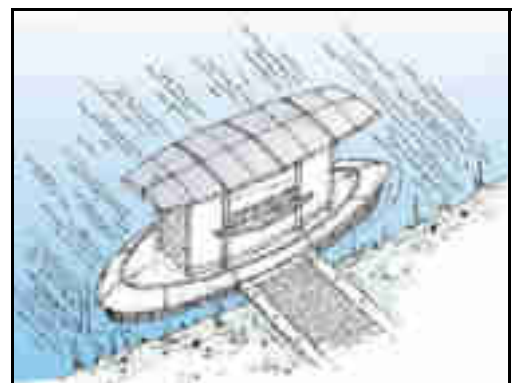


Figure 6 : Examples of Corridor Studies and Strategies

PART C: PLANNING DELIVERY TOOLS



Limehouse Basin, London



Gloucester Docks

Figure 7 : Examples of Waterspace Strategies

7.4 Development Plans and Local Transport Plans

PPG 12 on Development Plans (1999)¹²⁰ advises that the transport strategy and transport investment priorities set out in Local Transport Plans will have implications for land use strategy set out in development plans and visa versa. It is therefore vital that they take full account of, and complement each other. DETR Guidance on Full Local Transport Plans (March 2000) refers to inland waterways within the context of "sustainable distribution". Paragraph 296 states that:

"We are keen to see the best use made of inland waterways for transporting freight, to keep unnecessary lorries off our roads. Through freight grants, the business community and the government can work together to do much more to protect the environment and to tackle the problem of congestion on Britain's roads. We are currently examining the possibility of extending the inland waterways freight grants scheme to coastal and short sea shipping. (Inland waterways can play a useful part in the implementation of the national strategies for cycling and walking. They can provide a safe environment, free from motor vehicles, by which to travel to work or school. Local authorities need to maximise the potential of waterways in their area and set out their proposals in the Local Transport Plan)."

The criteria to be used in the assessment of freight elements of the LTP are set out in Table 27 of Annex D.

Table 27 - Sustainable Distribution

Quality of LTP	Descriptors
Minimum requirements	<p>Description of policy for the development of an integrated, sustainable distribution system which takes into account the dominant role of road freight and the potential for modal transfer to rail or inland waterways</p> <p>Evidence that the strategic role of freight distribution in the growth or regeneration of the local and regional economy has been assessed</p> <p>Evidence that efforts have been made to bring freight transport operators, businesses and the local community into the strategic thinking and planning process</p> <p>Clear evidence of effective partnership with navigation authorities, rail infrastructure providers and freight operating companies to promote greater use of alternative modes for freight distribution</p> <p>Evidence that opportunities for the greater use of rail and water freight are being taken into account on land use planning decisions</p>
Characteristics of a Good LTP	<p>Evidence of progress in establishing freight quality partnerships, identifying key organisations and companies involved</p> <p>Clear strategies to help industry develop and implement best practice</p> <p>Comprehensive assessments of existing operational and non-operational freight facilities within the area, evidence of consideration of potential for freight grants</p> <p>Clear strategies and identification of flows that could be transferred to alternative modes, including an assessment of the lorry journeys to be saved</p> <p>Strategy to balance the requirement for efficient goods distribution with the social and environmental effects, particularly in an urban environment</p> <p>Clear evidence of lorry routing strategies</p>

In addition to contributing to sustainable distribution, waterways and towing paths also have the potential to widen travel choices for cycling, walking, freight and public transport. The towing path network could have a useful role in the implementation of strategies for cycling and walking or providing a safe environment, free from motor vehicles, by which to travel to work or school. Therefore inland waterways can play a useful

role in the implementation of strategies for cycling and walking or providing a safe environment to travel to work or school. British Waterways suggest that local authorities set out their proposals for waterways within the Local Transport Plans in the context of the following Annex D tables:

- Table 8 entitled "Strategy to Encourage Cycling";
- Table 9 - "Strategy to Encourage Walking";

¹²⁰ PPG 12: Development Plans (December 1999)
Paragraph 5.4 on Development Plans and Local Transport Plans

PART C: PLANNING DELIVERY TOOLS

- Table 15 - "Establish an Integrated Strategy for Reducing Car Use and Improving Children's Safety on the Journey to School";
- Table 16 - "Measures to encourage voluntary adoption of travel plans by major employers";
- Table 27 – "Sustainable Distribution".

In order to maximise the potential of waterways and towing paths there is a need to:

- Acknowledge the role of waterways and towing paths in Local Transport Plans for cycling, walking, access for disabled people, and possibly for public transport (eg waterbuses and passenger boats), park and glide and limited waterborne freight transport.
- Set out their proposals in the Local Transport Plan and suggest new structures for partnerships between waterway and local authority.

7.4.1 Characteristics of a Good Local Transport Plan¹²¹

- Strategies to integrate waterways and towing paths with other forms of transport. eg travel plans.
- Strategies to encourage local operators to use waterways for freight transfer, in particular for the transportation of waste.
- Clear evidence of an effective partnership between local authority and British Waterways or the relevant navigation authority, to promote access to and greater use of inland waterways.
- Co-operation between the local authority and local waterway user groups, eg boaters, walkers, anglers, etc. and other voluntary sector bodies involved in the waterways, eg Community Boats Association.
- Effective integration with community plans as well as with economic development and regeneration, leisure, recreation, tourism and conservation strategies.

¹²¹ DETR (April 1999) "Guidance on Provisional Local Transport Plans"

7.5 Waterways and Community Plans/Strategies

Promoting achievement and tackling disadvantage are emerging as key policy platforms within many Community Plans. Waterways could contribute to:

- Securing a safe and attractive environment for current and future generations - waterfront developments can help revitalise urban centres and market towns. Opportunities to enhance the cultural distinctiveness as well as protect and enhance the natural and built environment of waterways eg improving access to and across waterways.
- Promoting the safety and well being of the community - waterways can help tackle social exclusion as waterways appeal and are accessible to all ages, social classes and ethnic groups. Waterways can also enhance community safety by tackling crime and fear of crime, water safety and quality, etc and provide opportunities for voluntary and community activity.
- Improving the health of the local community – Waterways can promote "healthy living" by using the towing path network as safe routes to walk and cycle to school or work, recreational routes and the use of waterways for water based sport and recreation which encourage healthier lifestyles.
- Regenerating the sub regional and local area and improving the local economy by making the most of cultural and natural assets - redevelopment of waterside brownfield sites, land and premises as well as opportunities for waterborne freight. Waterways form part of the environmental and cultural inheritance of an area, therefore present opportunities for branding, waterway related tourism, attractions and destinations such as sport tourism and activity holiday opportunities. There are also potential opportunities to develop cultural tourism¹²², festivals, attractions,

¹²² The aspects of culture that are unique to the waterways include:

- character and distinctiveness
- traditional and modern day arts and crafts - oral, music, painting, artisan skills and traditions
- activities related to current use of the waterways, such as informal water based recreation, and the unique outdoor education opportunities
- architectural and landscape heritage
- boating traditions
- unique social history as well as living history and heritage
- special character that helps create some very distinct cultural associations. For example, civic pride, sense of place and traditional values as well as personal experiences and senses.

museums and linkages with other tourist attractions and with other historic routes to create “cultural routes” as well as link widely to film, theatre, photography, literature and arts.

- Improving the opportunity and achievement in education and lifelong learning - floating classrooms, heritage and conservation training and skills, community boats. Waterways can facilitate creative, sporting, nature and education projects. There are opportunities to encourage the growth in the provision and participation in cultural and educational activities such as living history, social history, oral history, living archive etc.

All the contributions that waterways could make in the delivery of community plans suggested above, would have implications on development plans and conversely, development plans need to underpin the land use issues arising from these suggested contributions. Although British Waterways acknowledges that it would be inappropriate to include detailed proposals for access, interpretation and environmental education with a development plan, the development plan needs to include policies for the waterway corridors that provide an overall framework for such proposals.

7.6 Development Plans and Part IIA of the Environmental Protection Act 1990

Part IIA addresses the legacy of land contamination. It aims to identify statutory defined “contaminated land” that is any land that is causing or likely to cause:

- a significant harm to humans, crops and livestock;
- impacts affecting the use of property;
- damage to protected wildlife sites; or
- pollution of controlled waters.

The way a Development Plan addresses contamination will also impact on the local authority inspection strategy under Part IIA. Where land is identified as land that is currently undergoing, or in the near future will undergo remediation as part of redevelopment, it is unlikely to be a priority for inspection under the Part IIA regime.

Where land adjacent to waterways is identified as statutory Contaminated Land it should be dealt with as a priority by all regulatory systems administered by local authority including local planning authority.

7.7 Pre-Application Discussions and Application Design Statements

The DETR¹²³ advocates the submission of a pre-application design statement by a developer to explain the principles on which a development proposal is based and how they were derived and evolved from relevant policy, site and area appraisal and consultation. The preparation of a pre application design statement for significant waterside sites would encourage developers to consult with British Waterways prior to submitting any application and would enable British Waterways to give the local planning authority an initial response to the main issues raised by the waterside proposal.

There is a requirement for design statements to accompany planning application submissions for major development schemes. As stated in section 7.3.2, local authorities should consider requiring developers to produce a waterspace strategy to inform any design statement. The production of a design statement accompanied by a waterspace strategy will enable the impact of any proposed waterside development upon the character and appearance of the waterway corridor to be effectively evaluated and understood.

7.8 Use of Planning Conditions, Obligations and Agreements

The Government advocates that the development of inland waterways needs to be supported through the planning system in order to deliver the economic, environmental and social benefits offered by waterways.¹²⁴

Circular 11/95 relating to the use of conditions and 1/97 relating to planning obligations are fundamental to the planning application system.¹²⁵

It has been British Waterways’ experience under the current system that although some local authorities have secured significant waterway related public benefits through planning obligations, in many

¹²³ DETR (June 2000) “By Design - Urban Design in the Planning System: Towards Better Practice”

¹²⁴ DETR (June 2000) “Waterways for Tomorrow”. The first national policy document on the inland waterways to be published in the last 30 years.

¹²⁵ Government advice clearly advocates the use of conditions in preference to a legal agreement if this is at all possible. In some case, however, a legal agreement is the most appropriate way forward.

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instances this has tended to be opportunistic. It is considered that a more proactive role could be taken.

Planning obligations secured from the development or regeneration of sites on the waterside or otherwise benefiting from it should be reinvested and framed positively to benefit the waterways system and for mitigation against matters such as increased risk of flooding, eg investment in waterway and waterside improvements, facilities and infrastructure. are delivered through planning obligations.

The Government¹²⁶ requires British Waterways to encourage:

- the development of off-line moorings;
- adjoining landowners and authorities to participate in jointly enhancing value by the regeneration and provision of facilities that are to the benefit of the general public and that improve the recreational, amenity and community value of the waterways for boaters, anglers, walkers and cyclists.
- Use of planning conditions, obligations or agreements as tools to secure waterway improvements and promote more sustainable transport choices.

Any Section 106 monies or any future tariffs generated from the development or regeneration of sites on the waterside or otherwise benefiting from it should be reinvested in the waterways to contribute to:

- “unlocking the potential” of waterways - national planning policy objectives for waterways to deliver economic, environmental and social benefits and to unlock and maximise the potential of waterways there is a need to treat the waterway as a multifunctional space.¹²⁷ The principal functions of waterways and policy objectives are outlined in section 2.2;
- the delivery of national planning policy as outlined in section 3.2;
- the delivery of sustainable and quality waterfront and waterside development as well as delivery and subsequent maintenance of sustainable waterway corridors and the network as a whole;
- disposal of surface water run-off and flood risk management;
- addressing the shortage of moorings and boating facilities issue.

¹²⁶ DETR (February 1999) “A Framework Document for British Waterways” & DETR (February 1999) “Unlocking the Potential – A New Future for British Waterways

¹²⁷ As set out in “Waterways for Tomorrow” (June 2000, “Policy Measures”, pages 46-48) and the IWAAC publication “Planning A Future for the Inland Waterways” (December 2001)

7.8.1 Waterways and the Planning Obligation System - Site Specific Waterway Related Improvements

Site-specific waterway infrastructure, environment and access should be considered to be the top priority for all waterside sites within any planning obligation strategy. The following opportunities relating to wider public benefits and contributing to the delivery of sustainable waterside development and regeneration could be secured through planning obligations:

- improvements to the towing path itself (including signage and interpretation) and towing path access in the vicinity of a new development or creation of new access to the towing path¹²⁸ as types of on-site transport measures and facilities in order to encourage use of towing path for walking and cycling;
- the provision of a new bridge over a waterway where there is a clear need for improved access from a new development site;
- the provision of new wharves, slipways, boathouses and landing stations (used in connection with water-based recreation, leisure and sport) to meet identified shortfall and need for such facilities in the area;
- the creation or extension of mooring basins.¹²⁹ lay-bys, on-line linear moorings, associated services and built facilities, to meet identified shortfall and need for such facilities in the area;
- restoration of derelict or disused canal basins, arms and docks to form focus of mixed use and residential developments in urban areas, market towns and rural areas and help address the shortage of moorings;
- the provision of commuted sums to assist waterway enhancement¹³⁰ in the vicinity of an application site including habitat enhancement and creation and management schemes;
- maintenance agreements/commuted sums for ongoing maintenance of towing path as a sustainable route and running costs for water passenger transport services eg water buses and passenger boats;
- reinstatement of waterway walls affected by development;

¹²⁸ The term towing path also refers here to riverside paths and quayside routes.

¹²⁹ Example the Hemel Hempstead Case.

¹³⁰ The development of a pub bordering the Grand Union South will involve £10,000 worth of improvements to the towing path in the vicinity of the development, secured through a Section 106 Agreement. The pub benefits from its canal location with outside decking for seating adjacent to the canal towing path.

- the provision of replacement or improvement of existing surface water discharge channels into feeders, culverts, sluices, weirs or reservoirs;
- the construction of new soakaways, culverts or other works (or improvements to existing ones) required to alleviate flooding risk arising from nearby or remote development;
- works to realign water courses which feed into any of the feeders, culverts, sluices, weirs or reservoirs, the construction of new soakaways or works required to alleviate flooding;
- transportation in the construction cycle, for delivery of supplies as well as removal of extracted minerals and waste by water;
- works to ensure that off-site landscaping occurs, and agreement given for the use of British Waterways land (for example where development has a visual impact on the waterway which cannot be addressed on the development site);
- provision of navigable crossings as part of future road schemes, where proposed road or rail schemes cross over a disused or derelict waterways earmarked for restoration.

It will be vital that adequate monies are obtained and provided to the appropriate statutory body to deal with the site-specific works, eg the applicants for large developments would need to fund British Waterways for culvert improvements to cope with additional surface water discharges in order to avoid downstream flooding problems.

In some cases it may be appropriate for the organisation charged with the management of a waterway to be a party to a Section 106 Agreement. For example, to secure the proper provision of any improvements or facilities for the waterway and for the proper application of any financial contribution paid by a developer in respect of them.

7.8.2 Waterways and the Planning Obligation System - Pooling of Possible Future Tariffs generated from Development of Waterside Sites

Any extra Section 106 or future tariff monies generated by the enhanced development values created by waterside locations¹³¹ should be allocated to a borough/city/district wide, sub-regional or regional pool. The monies within any pool should be used to invest in strategic waterway infrastructure and environmental initiatives and maintenance in order to contribute to achieving a sustainable waterway corridor as a whole:

- **maintenance of the towing path network etc in perpetuity:** This is a key issue relating to long-term use of the towing path network as safe and sustainable transport and recreational routes;¹³²
- **improvements to water quality:** tackling water pollution has a potentially adverse effect upon fisheries, nature conservation, archaeological remains, landscape, recreation and sport. Improving water quality is a key national sustainable development indicator;
- **securing a continuous towing path** to create a continuous quality recreational route and sustainable mode of transport route;
- **creation of new wetland habitats and eradication of invasive species;**
- **delivery of strategic waterway infrastructure projects** such as waterway restoration of disused or derelict waterways, de-culverting of disused waterways and construction of new waterway such as the Bedford – Milton Keynes Link. Development sites located within future waterway restoration schemes should make a contribution to the restoration of their waterway frontage, this could take the form of open space provision.

¹³¹ Particularly the added value and commercial betterment of waterside residential developments

¹³² British Waterways and other canal owners receive no specific central grant funding to invest in and maintain towing paths and upgrading a towing path to cycling standards has an additional management cost of £1.6K per km per annum.

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7.8.3 Example of Good Development Plan Policy

One good example of development plan policy relating Section 106 Agreement of waterways can be found in the recently issued Deposit version of Sandwell MBC's Unitary Development Plan. At proposed policy C7 this advocates that the Council will:

**Sandwell Metropolitan Borough Council, UDP
(Deposit Plan 2001)**

C7

The Council will seek to protect the Borough's canal heritage, including canal side buildings and associated structures and areas around the can network that are of special interest. Where appropriate, the enhancement of the canals and their settings will be secured through Section 106 Agreements.

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APPENDIX 1

Schedule of Inland Waterways and Waterbodies Owned and Managed by British Waterways

BRITISH WATERWAYS NORTH EAST REGION

Aire and Calder Navigation
Calder and Hebble Navigation
Chesterfield Canal
Cromford Canal
Erewash Canal
Fosdyke Navigation
Grand Union Canal
Grantham Canal
Halifax Arm
Huddersfield Broad Canal
Market Harborough Arm
New Junction Canal
Nottingham and Beeston Canal

River Ouse
Pocklington Canal
Ripon Canal
Selby Canal
Sheffield and South Yorkshire Navigation
River Soar
Stainforth and Keadby Canal
Tees Navigation
Tinsley Canal
Trent Navigation
Upper Trent Navigation
Ure Navigation
Witham Navigation

BRITISH WATERWAYS NORTH WEST REGION

Ashton Canal
Caldon Canal
Huddersfield Narrow Canal
Lancaster Canal
Leeds and Liverpool Canal
Llangollen Canal
Macclesfield Canal

Manchester, Bolton and Bury Canal
Montgomery Canal
Peak Forest Canal
Shropshire Union Canal
St Helens Canal
Trent and Mersey Canal
Weaver Navigation

BRITISH WATERWAYS MIDLANDS & SOUTH WEST REGION

Ashby Canal
Birmingham and Fazeley Canal
Birmingham Canal Navigations
Bridgewater and Taunton Canal
Coventry Canal
Droitwich Canal
Grand Union Canal
Gloucester and Sharpness Canal
Middlewich Branch
Monmouthshire and Brecon Canal

River Severn Navigation
Sharpness Docks
Shropshire Union Canal
Staffs and Worcs Canal
Stourbridge Canal
Stratford-Upon-Avon Canal
Swansea Canal
Trent and Mersey Canal
Worcester and Birmingham Canal

BRITISH WATERWAYS SOUTHERN REGION (EXCLUDING LONDON)

River Avon
Aylesbury Arm
Grand Union Canal
Kennet & Avon Canal

Oxford Canal
Stratford-Upon-Avon Canal
Wendover Arm

BRITISH WATERWAYS LONDON REGION

Bow Back Rivers
Grand Union Canal
Hertford Union Canal
Lee Navigation
Limehouse Cut
Paddington Arm
Regents Canal
Slough Arm
River Stort

4 Docks in Isle of Dogs, London

- West India
- Millwall
- Poplar
- Blackwall

APPENDIX 2

A Description of British Waterways' Statutory Duties, Responsibilities and Organisational Structure

British Waterways is a public corporation¹ established under the Transport Act 1968, responsible for approximately 3,218 km (2,000 miles) of inland waterways (that is, canals and river navigations) within its estate. British Waterways' land and property portfolio includes 4,000 acres of land, 89 reservoirs, inland marinas, mooring basins and docks.

British Waterways is sponsored by the Department for the Environment, Food and Rural Affairs (DEFRA). British Waterways is:

- **a navigation authority with statutory duties** to maintain the safety and structural integrity of waterway infrastructure, water supply/discharges, waterway management and maintenance operations, including maintaining water levels for navigation purposes. British Waterways is heavily involved in restoring remainder waterways, in the construction of new waterways and in the development and management of marinas;
- **a steward and trustee for the historic waterway system** within the organisation's ownership with statutory duties under the British Waterways Act 1995 to protect and safeguard the heritage of waterways. British Waterways' land and property portfolio includes 130 Scheduled Ancient Monuments, 2800 listed buildings (six Grade I, eleven Grade II* and 2,783 Grade II) and 805 linear km (500 miles) of Conservation Areas. British Waterways' estate and assets is the third largest historic estate in Britain, following the Church of England and the National Trust.
- **an environmental body with statutory duties** under the British Waterways Act 1995 to protect and safeguard the natural environment and landscape character of waterways. British Waterways' land and property portfolio includes 800 locally designated Nature Conservation Sites and 100 Sites of Special Scientific Interest (SSSI), some with international protection;
- **a recreational body with statutory duties** under the British Waterways Act 1995 to encourage public access to and recreation use of the inland canal and river navigations. British Waterways' estate is used for the provision of recreational routes and for informal leisure pursuits and organised sporting activities and provides urban dwellers access to the countryside, currently attracts 160 million yearly visits. Waterways and towing paths fall into most informal recreation categories and the waterways themselves are utilised for pleasure boating and waterbased sports.
- **a transport provider for commercial freight**, with a total of 3 million tonnes being transported by water in 1998/99.

British Waterways is heavily involved in **regeneration** and has been responsible for initiating development and regeneration of British Waterways' land and property holdings and as a result plays major role in economic development and partnership regeneration in metropolitan, urban, market towns and rural areas. Furthermore, British Waterways is pursuing diverse and innovative schemes for the use, development, conservation and exploitation of the waterways, for example, by lending surplus water to industry and permitting the use of towing paths as conduit for cables or pipes, eg **telecommunications**.

Within British Waterways' statutory, operational and funding framework, DEFRA requires British Waterways to:

- encourage adjoining landowners and authorities to participate in jointly enhancing value by the regeneration and provision of facilities, as well as to seek funds from grant awarding bodies in order to facilitate the achievement of this objective;
- promote the fullest practicable use of its waterways for tourism, leisure, recreation and amenity, and for freight transport where appropriate without damaging the environment and heritage of the assets;
- work in partnership with local authorities and other public sector organisations, including the Regional Development Agencies; the water industry and

¹ British Waterways was one of the last nationalised industries, however, in 1999 British Waterways became a public corporation sponsored by the Department of the Environment, Transport and Regions.

A Description of British Waterways' Statutory Duties, Responsibilities and Organisational Structure

other private sector bodies; and the voluntary sector including local groups to:

- maximise the quality of the waterways and the surrounding amenities;
- secure and conserve the waterway's heritage and environment;
- secure additional investment; and
- advance the management and operation of the waterways.

The Government requires "British Waterways to carry out these statutory responsibilities within a wider context whereby, subject to economic and environmental appraisal, it aims to promote and accommodate conservation and regeneration; to maintain and enhance leisure, recreation, tourism and educational opportunities for the general public; and to facilitate waterway transport"².

Organisational Structure

British Waterways' Headquarters are based in Watford with a number of specialist central service departments based in Rugby, Gloucester and Leeds, who are responsible for monitoring, making representations and responding to governmental and statutory draft circulars, procedures and statutory instruments, etc.

For operational management purposes, British Waterways is divided into six regions (Southern, London, Midlands and SouthWest, NorthEast, NorthWest, and Scotland). Collectively the regions are responsible for, and provide professional services to, 19 waterway units in England, Scotland and Wales as illustrated in figure 2. The Regions are responsible for:

- making representations to draft development plans, local transport plans, mineral plans, etc produced by local authorities;
- responding to third party neighbouring planning applications.

Although British Waterways has regional offices, the operational areas do not correspond with the administrative areas of the Regional Government Offices, Regional Assemblies or with the Regional Development Agencies.

² DETR (February 1999) "Unlocking The Potential – A New Future for British Waterways".

APPENDIX 2



The Role of Waterways in Delivering Sustainable Development and Social Inclusion

Sustainable Development and Waterways

The planning system, and development plans in particular, are key to the delivery of sustainable development in relation to land use. The waterway network of the UK provides an ideal example of where the four aims as set out in the DETR publication 'A Better Quality of Life: A Strategy for Sustainable Development for the United Kingdom' (1999)³ can operate in parallel and where innovative and integrated solutions can be developed.

Waterways often provide opportunities for truly sustainable new developments where economic, social and environmental issues can be integrated. They provide opportunities for waterside business and housing development and tourism facilities. They

provide a focus for the local community and early participation in the development plan process will help to address issues of social inclusion and ownership of proposals. The environment of waterways, both built and natural, are key aspects of our heritage to be managed and enhanced for future generations. A specific sustainable development policy relating to waterways will help to encourage this co-ordinated approach.

The Sustainable Development Plans Group, in their report 'Development Plans and Sustainable Development: Making the Links and Measuring the Impacts' (2001) identified a number of national objectives to be taken forward based on the issues included in the UK Strategy. Many of the objectives can be addressed in management of the waterway network. Those where the waterways have a contribution to make are set out in the following table.

Planning- Related National Objectives for Sustainable Development Relevant to Waterways	
<ul style="list-style-type: none"> • Maintain high and stable levels of employment so everyone can share greater job opportunities • Our economy must continue to grow • Reduce the need to travel and improve choice of transport • Re-using previously developed land, in order to protect the countryside and encourage urban regeneration • Need housing which is more energy efficient, uses fewer resources and creates less waste • Greater use of sustainable construction materials • UK tourism industry to grow significantly in ways which are economically, socially and environmentally beneficial • Develop distribution systems which support economic growth, protect the environment and benefit society • Promote local business diversity • Reduce the need to travel, improve choice in transport and improve access to education, jobs, leisure and services • Ensure that disabled people have access to a wider range of goods, services and facilities • Bring empty homes back into use and convert buildings to new uses 	<ul style="list-style-type: none"> • Ensuring that development takes account of history and look for opportunities to conserve local heritage • Attractive streets and buildings, with low levels of traffic, noise and pollution, and green spaces, and community safety • Continue to reduce our emissions of greenhouse gases now, and plan for greater reductions in the long term • In the longer term more energy will have to come from new and renewable sources • Ensure that polluting emissions do not cause harm to human health or the environment • Avoiding waste of water • Minimising the loss of soils to new development • Reverse the decline in UK wildlife and habitats • Protection of individual features such as hedges, ponds and drystone walls • Strengthen protection of special sites • Protecting the wider landscape • Promoting public access and enjoyment of the landscape • Continuing expansion of UK woodland area • Protecting ancient semi-natural woodlands

Source: Sustainable Development Plans Group: 'Development Plans and Sustainable Development: Making the Links and Measuring Impacts' (2001)

³ The UK Government set out a framework for sustainable development in its publication, 'A Better Quality of Life: A Strategy for Sustainable Development for the United Kingdom' (DETR 1999). The Strategy set out four main aims as follows:

- Social Progress which recognises the needs of everyone
- Effective protection of the environment
- Prudent use of natural resources
- Maintaining high and stable levels of economic growth and employment

APPENDIX 3

The development, regeneration and long term management of British Waterways' network requires an integrated approach and development plans are key vehicles for achieving the aims of sustainable development and addressing issues of social inclusion which can contribute to achieving a better quality of life for all. A number of issues relating to waterways are outside planning control. For sustainable development to be successful local planning departments will need to consider new links with other organisations, such as through district or county-wide local strategic partnerships. A number of more local partnerships have been established specifically in relation to the waterway network. For example, the Kennet and Avon Canal Partnership and the Montgomery Canal Partnership, which are focussed upon canal restoration projects based upon sustainable development principles.

In addressing the management of waterways it is essential for local authorities to work closely with neighbouring authorities to ensure an integrated approach to waterways on a regional basis.

Sustainable Development Indicators

A number of indicators have been developed to measure progress towards the achievement of sustainable development that are directly relevant to the waterways and land use planning, whilst others are indirectly relevant.

Each local authority, in developing its development plan, is required to develop a number of local sustainability indicators. These can be used to measure success in implementing policies that relate to sustainable development and can inform subsequent reviews of development plans. There would be economic, social and environmental benefits from specific local indicators being developed to measure changes to specific lengths of waterways as part of development of local sustainability indicators in accordance with PPG 12. Examples could be visitor numbers, areas of different habitats, jobs created, freight transported by water or buildings put to new uses. British Waterways is currently developing its own indicators to link with national and regional sustainability indicators relating to waterways. A number of these could be adapted for use by Local Authorities as measures for the success of development plan policies relevant to waterways. Once these indicators are in place, British Waterways will be able to advise on their applicability to development plans in different locations or situations.

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

Explicit References to Waterways in PPGs

PPG 1: General Policy and Principles	
Paragraph 14	<p>Design</p> <p>For the purposes of this guidance, urban design should be taken to mean the relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity which are thereby established: in short, the complex relationships between all the elements of the built and unbuilt space. As the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves, landscape design, whether hard or soft, should be considered as an integral part of urban design.</p>
PPG 3: Housing	
Paragraph 13	<p>Assessing Local Housing Needs</p> <p>Assessments of housing need which underpin local housing strategies and local plan policies, are matters for local authorities to undertake in the light of their local circumstances. Local planning authorities should work jointly with housing departments to assess the range of needs for different types and sizes of housing across all tenures in their area. This should include affordable housing and housing to help meet the needs of specific groups - the elderly, the disabled, students and young single people, rough sleepers, the homeless and those who need hostel accommodation, key workers, travellers and occupiers of mobile homes and houseboats. Local assessments should consider not only the need for new housing but ways in which the existing stock might be better utilised to meet the needs of the community. The Department will issue further advice to assist local authorities in preparing local housing need assessments.</p>
PPG 4: Industrial and Commercial Development and Small Firms	
Paragraphs 11 & 12	<p>Locational Factors</p> <p>The Government's policy, set out in 'This Common Inheritance' and subsequent white papers, is to seek to control the emissions of greenhouse gases which lead to global warming. Locational policies in development plans can help to achieve that objective through reducing the need to travel, and encouraging development in areas that can be served by more energy efficient modes of transport – such as rail or water (including coastal shipping). Local planning authorities should consult the British Railways Property Board to help identify potential development sites such as old goods yards and depots or other land adjacent to track. Port authorities should be encouraged to contribute to a similar exercise. It will be important to consider not only land adjacent to existing infrastructure which is in use but also locations next to disused facilities which have been safeguarded under arrangements described in paragraphs 5.35 and 36 of PPG12, and which might be returned to freight use if demand increases. Where land for such development opportunities is scarce, planning authorities may indicate that they will give preference to proposals from industrial and commercial users who would benefit from efficient rail or water services rather than for retail or housing proposals which could be located elsewhere. Such policies need to be approached with flexibility and care. Their purpose is to maximise the potential use of transport infrastructure other than roads. But such an objective would not justify protecting such sites from alternative development if there was no realistic prospect of redevelopment for industrial or commercial purposes in the foreseeable future.</p> <p>Some types of modern distribution facility have a low density of employment, and are served by a very large number of lorries. Retail distributors, for example, depend on efficient distribution systems and require strategic locations capable of serving regional, national and European markets. Extensive, well-planned out of town distribution parks can offer economies of scale and consequent benefits to consumers or businesses supplied. Sites for such developments are best located away from urban areas, where the nature of the traffic is likely to cause congestion, and wherever possible should be capable of access by rail and water transport. Such sites should be reserved for those warehousing uses which require them, and not released for other uses unless there is a clear surplus of suitable sites in the area, and no realistic prospect of development for that purpose in the foreseeable future. Separate guidance on the location of retail development is provided in PPG6.</p>

<p>PPG 7: The Countryside: Environmental Quality and Economic and Social Development</p>	
<p>Paragraph 3.13.</p>	<p>Tourism Sport and Recreation</p> <p>Increasing opportunities for people to enjoy the countryside for sport and recreation provides new uses of land in the countryside and is an important source of income and employment. PPG 17 advises on providing for the needs of residents and visitors while respecting the rural environment. Footpaths, bridleways, byways, cycle routes and tow paths increase opportunities to enjoy the countryside. When deciding planning applications, authorities should take account of the effect of the proposed development on public rights of way, and draw the attention of developers to the separate consent provisions for diverting rights of way. Development should avoid interfering with the rights of way network where possible. Horse riding is increasingly popular in the countryside. Guidance on development involving horses is in Annex F.</p>
<p>Paragraph 4.15</p>	<p>Environmentally Sensitive Areas, Nitrate Sensitive Areas and Habitat Scheme Water Fringe Areas</p> <p>Environmentally Sensitive Areas are areas of special landscape, wildlife or historic interest which can be protected or enhanced by supporting specific agricultural practices.</p> <p>Nitrate Sensitive Areas cover groundwater sources where significant changes in agricultural practices will help protect the viability of drinking water supplies.</p> <p>In Habitat Scheme Water Fringe Areas farmers are encouraged to take waterside land out of production or manage it extensively to benefit wildlife.</p>
<p>PPG 9: Nature Conservation</p>	
<p>Paragraph 16</p>	<p>Nature Conservation Outside Designated Sites</p> <p>The Habitats Directive requires Member States to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna (see paragraph 23 below). These features are those which, because of their linear and continuous structure or their function as stepping stones, are essential for migration, dispersal and genetic exchange. Examples given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods.</p>
<p>PPG 11: Regional Planning</p>	
<p>Paragraph 6.3</p>	<p>Transport</p> <p>Main Aims of Regional Transport Strategy</p> <p>The RTS should provide:</p> <p>a strategic steer on the role and future development of railways, airports, ports and inland waterways in the region, for both passenger and freight, consistent with national policy;</p>
<p>Paragraph 6.5</p>	<p>Stakeholder involvement in preparing the RTS</p> <p>The successful implementation of the transport strategy will depend upon the co-operation of a large number of different organisations in both the private and public sectors, including the local planning and highway authorities. In preparing the RTS, therefore, it is important that the RPB (including the local planning and highway authorities represented on it) works closely with a wide range of relevant bodies. These will include the GO, RPBs for neighbouring regions and a wide range of transport bodies, including the Highways Agency, the Strategic Rail Authority (SRA now existing in shadow form), Passenger Transport Executives and Authorities, Railtrack, train and bus operators, port and airport authorities, freight associations, inland water transport bodies including British Waterways, and transport user committees. These bodies should be invited to outline their current transport plans and proposals for the region and to discuss how these support the sustainable development objectives for the region.</p>
<p>Paragraph 9.6</p>	<p>Rural Development and Countryside Character</p> <p>Where RPG incorporates sub-regional strategies these should recognise the characteristics of rural areas, taking account of the above and considering the scope for more local initiatives which cross county or unitary authority boundaries. This includes promoting rural regeneration, enhancing the local environment and increasing recreation opportunities through promotion of such initiatives as restoring inland waterways and extending Community Forests. Sub-regional strategies, which cut across county boundaries, may be particularly appropriate for tackling rural regeneration issues.</p>
<p>Paragraph 16.5</p>	<p>Monitoring and Review</p> <p>Contextual Indicators</p> <p>RPBs should also consider identifying contextual indicators which help to assess the performance of the strategies in achieving changes in regional outcomes which will only to a limited extent have been influenced by RPG. These indicators may also assist understanding of the evolving context in which the strategies operate. Examples of these contextual indicators include:</p> <p>modal split, particularly proportions of trips by foot, cycle, cars and public transport; road, rail and water borne freight;</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

Annex B Paragraph 25	<p>Freight and Ports</p> <p>Advice on freight is set out in the Government's paper "Sustainable Distribution: A Strategy", published in March 1999, and RPBs should ensure that RTS policies for freight are consistent with the principles set out in it. With the close involvement of the freight operators and other relevant interests, including the SRA, RPBs should ensure that the RTS provides regional strategic advice on an integrated freight distribution network. In particular it should look at the siting of rail/road terminals and port and airport links to rail and inland waterways. In doing so it should help promote the carriage of freight by rail and water. RPBs should also consider whether the RTS can provide guidance on the scope for the development of regional air-freight centres in order to meet local demand and to optimise the contribution of regional airports in the regeneration and competitiveness of their regions, while helping to reduce the need for long-haul road journeys to South East airports. Government policy in relation to shipping is set out in more detail in "British Shipping: Charting A New Course". Its policy on ports will be set out in a forthcoming paper.</p>
<p>PPG 12: Development Plans</p>	
Paragraph 4.4	<p>Effective Protection of the Environment and the Prudent Use of Natural Resources</p> <p>TABLE: Environmental Considerations for Development Plans</p> <p>policies for coastal protection, flood defence, and land drainage issues (PPG20 on coastal protection, DoE Circular 30/92 and advice from Environment Agency on flood protection and land drainage issues);</p>
Paragraph 5.16	<p>Transport Policies in Development Plans</p> <p>Development plans should include specific policies and proposals on the overall development of the transport network and related services, such as public transport interchange facilities, rail depots, roads, inland waterways, harbours and airports (including safeguarding zones). Policies and proposals relating to the management of traffic may include the co-ordination of public transport services, the movement of freight, the control of car and lorry parking and the provision to be made for buses, cycling and walking.</p>
Paragraph 5.22	<p>Transport Policies in Development Plans</p> <p>Safeguarding Transport Routes</p> <p>5.22 Where planning authorities wish to safeguard land for a future transport scheme (e.g. a new road, rail link or restored canal), they should do so through a proposal in the local plan... Similar protective policies are appropriate for rail and waterway connections to existing or proposed manufacturing, distribution, and warehousing sites adjacent or close to the rail and inland waterway networks and to coastal ports. Local authorities may also wish to safeguard sites for transport related development which might otherwise be lost to other development, such as sites adjoining railway sidings or wharves alongside waterways and ports.</p>
Annex C Paragraph 5	<p>Consultees for Development Plans</p> <p>In addition, local authorities should consider the need to consult the following agencies and organisations in respect of the issues outlined below:</p> <p>British Waterways, canal owners and navigation authorities - on all issues relating to inland waterways and land adjacent to inland waterways</p>
<p>PPG 13: Transport</p>	
Paragraph 45	<p>Freight</p> <p>The Government has set out its policy framework on freight in its 'Sustainable Distribution Strategy' (March 1999). While road transport is likely to remain the main mode for many freight movements, land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail and water. In preparing their development plans and in determining planning applications, local authorities should:</p> <p>Identify and, where appropriate, protect sites and routes, both existing and potential, which could be critical in developing infrastructure for the movement of freight (such as major freight interchanges including facilities allowing road to rail transfer or for water transport) and ensure that any such disused transport sites and routes are not unnecessarily severed by new developments or transport infrastructure. In relation to rail use, this should be done in liaison with the SRA which is best placed to advise on the sites and routes that are important to delivering wider transport objectives;</p> <p>Where possible, locate developments generating substantial freight movements such as distribution and warehousing, particularly of bulk goods, away from congested central areas and residential areas, and ensure adequate access to trunk roads;</p> <p>promote opportunities for freight generating development to be served by rail or waterways by influencing the location of development by identifying and where appropriate protecting realistic opportunities for rail or waterway connections to existing manufacturing, distribution and warehousing sites adjacent to or close to the rail network, waterways or coastal/estuarial ports; and</p> <p>on disused transport sites consider uses related to sustainable transport first, before other uses.</p>

APPENDIX 4

Paragraph 77	<p>Walking</p> <p>Local authorities, as part of their local walking strategy, should also promote walking through measures such as:(amongst others)</p> <p>encouraging pedestrian routes, for instance along river banks, canal towpaths or disused railways to be highly visible and integrated with other activities, in order to maximise pedestrians safety and security.</p>
Paragraph 79	<p>Cycling</p> <p>In preparing their development plans and in determining planning applications, local authorities should:</p> <p>in conjunction with work on the local transport plan, review existing provision for cyclists, in order to identify networks and routes including those to transport interchanges, along which the needs and safety of cyclists will be given priority, and set out the specific measures which will be taken to support this objective. Generally these routes will use existing highways, but may also include the use of redundant railway lines or space alongside canals and rivers. Linear parks in urban areas may often provide opportunities for cycling routes.</p>
Annex B Paragraph 10	<p>Annex B: Planning for Transport</p> <p>Ports and Shipping</p> <p>Government policy on ports and shipping is set out in the Transport White Paper, with more detail in ‘Modern Ports’ and in ‘British Shipping; Charting a New Course’. Local authorities should, where appropriate, work with the ports and shipping industries when preparing development plans and dealing with development proposals, taking account of RTSs. They should aim to promote the role of ports ion sustainable distribution, by encouraging good access by rail, shipping and waterways as well as road where possible, and by promoting interchange facilities and wharves and harbours where viable.</p>
Annex B Paragraphs 12 & 13	<p>Annex B: Planning for Transport</p> <p>Inland Waterways</p> <p>Government policy on the transport use of inland waterways is set out in the Transport White Paper and is developed in the Governments policy document ‘ Waterways for Tomorrow’ (June 2000). Local authorities should work with all those concerned in the inland waterway industry – British Waterways (BW) and other navigation authorities, private operators and the voluntary sector concerned with restoring currently disused waterways – to develop the potential of inland waterways. In drawing up development plans and determining planning applications, they should seek to reuse disused wharves and basins, to retain boatyards and other services used in connection with water-based recreation, and to protect and enhance the waterway environment, where these are viable options. BW, the Environment Agency and the Association of Inland Navigation Authorities can provide local authorities with information on waterways.</p> <p>In general proposals for waterside development should seek to enhance the use, enjoyment and setting of the adjacent waterway. Development proposals, local plan policies, or new and improved infrastructure, such as road proposals, should not adversely affect inland waterways. Where this may happen, local authorities should consult BW or other navigation authorities, the Environment Agency in its regulatory capacity, the Inland Waterways Association and the local waterway organisations. In liaison with these bodies, local authorities should identify and where appropriate protect disused waterways (by allocating the land in development plans and ensuring sites and routes are not severed by new development or transport infrastructure) where there is a reasonable degree of certainty of a restoration project proceeding, in whole or in part, within the development plan period.</p>
Annex C Paragraphs 8 - 10	<p>Annex C: Transport Infrastructure</p> <p>Planning for New Railways, Tramways and Inland Waterways</p> <p>The RTS provides a strategic steer on the role and future development of new railways, tramways and inland waterways. The construction of railway, tramway and other guided transport systems, is normally authorised by means of Ministerial Orders made under sections 1 and 3 of the Transport and Works Act 1992. Such orders can also authorise inland waterway schemes and works interfering with navigation rights, although they cannot be made where the primary objective could be achieved by means of an order under the Harbours Act 1964.</p> <p>Orders may provide for the carrying out of works, any compulsory land acquisition required in connection with the works, and ancillary matters (such as park and ride sites). Applications for Orders are made to the Secretary of State, and applicants can apply at the same time for a direction that planning permission is deemed to be granted. Alternatively, applicants can seek planning permission separately from the local planning authority. For transport schemes, the proposed route should be shown (at least indicatively) in the development plan, which should address any land-use opportunities and pressures created by the route.</p> <p>Schemes may either be considered at a public inquiry or hearing or by exchanges of written representations, enabling the planning aspects to be fully considered before any Order is made. For schemes which the Secretary of State considers to be of national significance, the Act provides for Parliament to vote on the proposals in principle. If approved by both Houses, the application will proceed to an inquiry for more detailed consideration.</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

PPG 15: Planning and the Historic Environment

Paragraph 5.8

Transport and Traffic Management

Schemes proposed under the Transport and Works Act 1992

Since 1 January 1993, when part 1 of the Transport and Works Act 1992 came into force, proposals which would have previously been authorised under private bill procedure have instead had to be authorised by orders made under that act. Such proposals include the construction or operation of railways, tramways, trolley vehicle systems, other guided transport systems, **inland waterways**, and structures interfering with rights of navigation. The act brings the procedures for authorising such schemes more into line with those which have applied for years to highways projects. If the relevant Secretary of State decides to make an order under the act, he may at the same time direct that planning permission be deemed to be granted for the proposal, to the extent to which it involves carrying out any development.

PPG 17: Planning for Open Space, Sport and Recreation (July 2002)

Paragraph 31

Sport and Recreation Requiring Natural Features and **Water**

Some activities (e.g. climbing, potholing) rely on particular natural features. Where these features exist, local authorities should recognise their actual and potential recreational value, possibly to more than the local population. Planning permission should be granted but only where the impact of sports and recreational activities on natural features can be minimised. Facilities should be planned carefully to ensure that conflicts between sport and recreational activities and other interests do not arise. In considering planning applications for development near **water**, local authorities should ensure that access for sport and recreation purposes is not restricted and should, where possible, be enhanced. The visual amenity, heritage and nature conservation value of **water resources** should also be protected.

Annex

Definitions

Open Space

1. Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this Guidance, open space should be taken to mean all open space of public value, including not just land, but also areas of **water** such as **rivers, canals**, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity (see paragraph 3(vi) below).

2. The following typology illustrates the broad range of open spaces that may be of public value:

parks and gardens - including urban parks, country parks and formal gardens;

- natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows) wetlands, open and running **water**, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits);
- green corridors - including **river and canal banks**, cycleways, and rights of way;
- outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;
- amenity greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;
- provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters);
- allotments, community gardens, and city (urban) farms;
- cemeteries and churchyards;
- accessible countryside in urban fringe areas; and
- civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.

This typology, or variations of it, should be used by local authorities when preparing assessments of need and audits of existing open space and recreational facilities.

<p>PPG 17: Planning for Open Space, Sport and Recreation (July 2002) (continued)</p>	
<p>3. Local authorities should also recognise that most areas of open space can perform multiple functions. They should take account of the various functions of open space when applying the policies in this document. These include:</p> <ul style="list-style-type: none"> • strategic functions: defining and separating urban areas; better linking of town and country; and providing for recreational needs over a wide area; • urban quality: helping to support regeneration and improving quality of life for communities by providing visually attractive green spaces close to where people live; • promoting health and well-being: providing opportunities to people of all ages for informal recreation, or to walk, cycle or ride within parks and open spaces or along paths, bridleways and canal banks. Allotments may provide physical exercise and other health benefits; • havens and habitats for flora and fauna: sites may also have potential to be corridors or stepping stones from one habitat to another and may contribute towards achieving objectives set out in local biodiversity action plans; • as a community resource: as a place for congregating and for holding community events, religious festivals, fêtes and travelling fairs; and, • as a visual amenity: even without public access, people enjoy having open space near to them to provide an outlook, variety in the urban scene, or as a positive element in the landscape. 	
<p>PPG 23: Planning and Pollution Control</p>	
<p>Paragraph 1.21</p>	<p>Water Quality</p> <p>The [Environment Agency as successor to the] National Rivers Authority (NRA) is responsible for policing and protecting the quality of inland, coastal and underground waters, for conserving and enhancing water resources, and for licensing water abstraction. It controls effluent discharges from processes not [formerly] falling within HMIP's control, as well as from water and sewage companies and all other types of discharges. From 1994, the Government intends to phase in a general system of statutory water quality objectives, initially in respect of rivers (some objectives are already in force in respect of E.C Directives). The [Agency] must ensure, as far as practicable, that the objectives are achieved. At present, the water quality objectives which underlie the system of controlling the environmental quality of rivers have no formal basis, with the exception of certain E.C water quality directives, and the system does not extent to all types of water.</p>
<p>PPG 25: Development and Flood Risk</p>	
<p>Paragraphs 37 & 38</p>	<p>Flooding and Land Use Planning – General Considerations</p> <p>Canals and other Artificial Water Bodies</p> <p>Canals, as inland waterways, operate differently to rivers and other watercourses as defined under the Land Drainage Act 1991. While some will fall within river or coastal flood plains, others will be outside flood-risk areas. Generally, canals have a limited number of feeders, which are often controlled so that they can be diverted away from the canal at times of flood. Sluices are controlled to discharge excess water from the canal during periods of high inflow to ensure that water levels do not exceed the freeboard and overtop to flood adjacent land. Canals also have some ability to store water before it is discharged, attenuating flood peaks and reducing the potential flooding. In some cases, canals cross river catchment boundaries, and water could be accepted in one catchment and discharged in another.</p> <p>The implications for development are twofold. Firstly, since the concept of a flood plain is not applicable, waterside development or redevelopment of previously developed land may not face the same flood risk constraints as development alongside a river. Canals may thus retain their potential to act as catalysts for urban and rural regeneration. Secondly, where developments propose to drain into a canal, due consideration should be given to the level and impact this drainage would have on the canal's ability to store water. The use of sustainable drainage systems(see below) is one way of overcoming concerns about the impact of development on the canal's ability to handle flood water. However, authorities considering development in the vicinity of canals should not overlook their own capacity to cause localised flooding, e.g. where overflow channels fail to operate or where canal embankments fail or are breached. Dams and reservoirs pose a similar potential for possibly large scale flooding. As for river flooding, a precautionary approach should be adopted at vulnerable locations, after consultation with the canal operator or dam/reservoir owner</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

Explicit References to Waterways in TANs and Planning Guidance Wales

TAN 15 – Development and Flood Risk	
Paragraph 13	<p>Development Control</p> <p>In respect of flood defence, the Environment Agency has two roles in considering development proposals. First it has to consider how development would affect rivers, and existing and new flood defence operations, taking account of conservation interests in the area likely to be affected. Not all flood defences are owned or maintained by the Environment Agency. Railtrack, British Waterways, highway authorities and riparian owners also control embankments which may serve as flood defences. Secondly, the Environment Agency will advise on how proposed development would itself affect flood risk by providing a broad assessment of the potential flooding effects, and the scope for engineering works to alleviate it.</p>
Paragraph 26	<p>Waterways</p> <p>Development associated with boats and canal or river moorings or with navigation is, by its very nature, likely to be within a flood risk area. In making assessments, local planning authorities should consult with the Environment Agency, which has statutory duties in respect of water recreation. They should also take into account the views of the appropriate navigation authority.</p>
TAN 18 - Transport	
Paragraph 13	<p>Pedestrians</p> <p>Consideration should be given to ways in which areas and developments can be made more attractive and safer for pedestrians. Studies of the movement of pedestrians should be undertaken, where appropriate, to identify conflicts with vehicular and other traffic, and spare capacity. Local authorities should include appropriate policies and proposals in UDPs. In some areas it may be possible to develop routes for pedestrians along river banks, canal towpaths or disused railways. But pedestrians should not generally be segregated from the roadway or other activity; isolated routes are not usually attractive and can encourage crime.</p>
Paragraph 16	<p>Cyclists</p> <p>Plans may also include policies for cycle use of redundant railway lines or space alongside canals and rivers. Sometimes such routes may serve the dual purpose of providing linear parks in urban areas. Routes shared with pedestrians, and sometimes with horseriders, should be considered where space allows. Provision of cycle routes and cycle priority measures should be encouraged in new developments. As with routes for pedestrians, care is needed to ensure that cycle routes are not isolated from all other activity.</p>
Paragraphs 38 & 39	<p>Inland Waterways</p> <p>Inland Waterways are used widely for recreation and are important for their heritage and environmental value, for water supply and flood defence. In some areas they may also offer potential for freight transport. UDPs should include policies and proposals for developing the potential of any inland waterways and disused docks in the plan area, subject to consideration of the potential impact on the local environment and the need to secure adequate road and rail access. Authorities should consider the value of retaining boatyards used in connection with water-based recreation.</p> <p>Where inland waterways would be affected by UDP policies and proposals, or by the construction or improvement of local roads, the local authority should consult the British Waterways Board (BWB), or other relevant navigation authority. They should also consult the Environment Agency, local waterway interest groups and the Inland Waterway Association (IWA). Care should be taken to avoid severing or adversely affecting inland waterways.</p>
Paragraph 40	<p>Shipping</p> <p>Coastal shipping in conjunction with the major navigable waterways can provide an environmentally friendly means of moving heavy freight to points close to its end use. This is dependent on the provision of wharves and harbour facilities able to handle and distribute the goods. Local planning authorities should seek to retain or provide appropriate rail, wharf and harbour facilities for such developments, by designating sites in UDPs. The provision of these facilities needs to be weighed against environmental considerations, such as loss or erosion of estuarine habitats.</p>

Planning Guidance Wales

Planning Policy	
Paragraph 8.3.3	<p>Siting of Development</p> <p>Where possible, employment and distribution sites should be conveniently located for access to rail sidings, wharves or harbours to encourage freight movement by rail or water rather than road. Where such facilities are currently unused or under used they should, where practical, be safeguarded for possible future use for transport purposes. Local planning authorities should ensure that disused transport routes are not severed by new development if there is a realistic prospect of their use for transport purposes in the future. Wherever possible provision should be made for the interim use of disused canal or rail alignments as open space corridors.</p>
Paragraphs 12. 2. 1 & 12.2.5	<p>Sport and Recreation</p> <p>The Government seeks to support the development of sport and recreation which is important for the individual and for the social and economic life of Wales. Such opportunities should, wherever possible, be available for everyone, including elderly people and those with disabilities. The planning system should ensure that adequate land and water resources are allocated both for organised sport and for recreation taking full account of the need for recreational space and current levels of provision and deficiencies and the impact of the location.</p> <p>Development plans may also include policies for the recreational use of redundant railway lines or space alongside canals and rivers, provided in the latter case care is taken to ensure there will be no detriment to flood defences. Sometimes such routes may serve the dual purpose of providing linear parks in urban areas. Routes shared with pedestrians, and sometimes with horse riders, should be considered where space allows. Provision of cycle routes and cycle priority measures should be encouraged in new development. As with pedestrian routes, care needs to be taken to ensure that cycle routes are not isolated from all other activity.</p>
Minerals Planning Policy Wales	
Paragraph 42	<p>Transport</p> <p>The Government wishes to see freight carried by rail or waterway rather than by road wherever this is economically feasible. Freight facility grants are available for infrastructure improvements to facilitate the removal of freight from road transportation. Such investment in the rail network for mineral transportation could provide a valuable resource capable of being shared by other uses in rural areas. Local planning authorities should encourage the construction of wharves at ports and railheads to serve new mineral development near the existing rail infrastructure. Development plans should promote the integration and co-ordination of transport and land use planning, including the provision of adequate storage and processing facilities for minerals at docks and railheads.</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

Consultation on Draft Planning Policy Wales Public Consultation

Paragraphs 12.6.3 & 12.6.6 **Planning for Transport Infrastructure**

12.6.3 The strategic significance of freight access to industry and commerce should be taken into consideration by local planning authorities. Wherever possible the carriage of freight by rail, water or pipeline rather than road should be promoted. Local authorities should consider which routes are most suitable for use by road freight and encourage the location or relocation of distribution and operating centres and other developments generating frequent road freight movements on sites which have good access to these routes. Wherever possible, new facilities should also be located adjacent to railways and/or ports to promote modal transfer.

12.6.6 Planning authorities should seek to promote the use of ports by the retention or provision of appropriate wharf, dock, harbour and rail transfer facilities, and by the protection or provision of access to them. The provision of these facilities needs to be weighed against environmental considerations, such as the loss or erosion of estuarine habitats. Inland waterways in Wales are principally used for recreation purposes

Paragraphs 17.2.2.1 & 17.2.3.3 **Sport and Recreation - Planning Policy**

The planning system should ensure that adequate land and water resources are allocated both for organised sport and for recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and the impact on the location. The facilities provided should be well designed and sensitive to the needs of users, safe and accessible by a variety of means of transport including walking and cycling.

UDPs may also include policies for the recreational use of redundant railway lines or space alongside canals and rivers, provided in the latter case care is taken to ensure there will be no detriment to flood defences. Sometimes such routes may serve the dual purpose of providing linear parks in urban areas. Routes shared with pedestrians, cyclists and sometimes with horse-riders, should be considered where space allows. Provision of cycle routes and cycle priority measures should be encouraged in new development. As with pedestrian routes, care needs to be taken to ensure that cycle routes are not isolated from all other activity.

Paragraph 18.2 **Energy**

Renewable energy generation from sources such as wind, waste, water (including hydro, tidal, waves and currents), sun, energy crops and wood should be addressed in development plans. Development plan policies should recognise the need for renewable energy and consider the contribution they can make towards the delivery of renewable energy and the amelioration of climate change targets, in the context of a Wales-wide assessment of capacity and potential for renewable energy, and criteria relating to the scale, nature and location of renewable energy schemes.

Paragraph 19.4 **Waste Treatment and Disposal**

In Wales, the aim should be to provide sufficient facilities to treat, manage, or dispose of all the waste produced. Each local authority should consider what facilities are required to manage all waste streams generated within its area in accordance with the proximity and self-sufficiency principles, although it may be necessary for some facilities to be shared. Local authorities should co-operate through joint working arrangements to ensure that the aim to provide Wales with an integrated and adequate framework or network of facilities is actually achieved thus meeting the requirements of the EC Directive. Local authorities should encourage the movement of waste by rail and **water** rather than by road wherever economically feasible and having regard to the proximity principle.

Paragraph 20.1 **Flood Risk and Climate Change**

Flood risk, whether inland or from the sea, is a material consideration in land use planning and whilst flood risk can be reduced by using mitigation measures, it can never be completely eliminated. Planning authorities should recognise when assessing development proposals located within flood risk areas that the development is still at risk from flooding which may threaten human life and cause substantial damage to property, even where mitigation measures are proposed.

Explicit References to Waterways in NPPGs & PANs in Scotland

NPPG 1: The Planning System	
Paragraph 18	<p>Integrated Transport</p> <p>The planning system is important in delivering the Executive’s commitment to a more integrated transport system. Integration of land use and transport is not just an end in itself. It is essential for the economy of Scotland that the labour force has easy access to places of employment and that raw materials, components and finished products can be transported efficiently. Integrated and sustainable transport is necessary to help improve air quality, address climate change and protect environmental resources from the damage caused by pollution. The planning system can encourage more sustainable travel patterns by:</p> <ul style="list-style-type: none"> • allocating land for development and selecting priority areas for regeneration to maximise the scope for access by foot, cycle and public transport; • ensuring an efficient transport network for the movement of freight and goods distribution, including where possible use of rail and water; • providing direct and safe access to local facilities by a choice of transport modes; • supporting mixed use, increased tenure choice and local service provision; • ensuring that the layout and design of development gives priority to walking and cycling where appropriate; and • identifying priorities for investment in transport infrastructure and safeguarding land for longer term possibilities.
Paragraph 20	<p>European Dimension</p> <p>European Union policy, particularly policy relating to the environment, has both direct and indirect effects on the planning system. For example, the Directive on Environmental Impact Assessment has been largely implemented through the planning system. There are a large number of EC Directives concerning the environment. Of particular relevance to planning are those dealing with Habitats and Wild Birds, Waste Management and Water Quality (including Bathing Water, Drinking Water and Urban Waste Water), Air Quality, Major Accidents Hazards, Landfill, Access to Environmental Information and the forthcoming Directive on Strategic Environmental Assessment. The obligations specified in these Directives have a number of implications for the use of land which should be recognised and reflected in development plans and development control decisions.</p>
Paragraph 54	<p>Other Legislation</p> <p>Planning decisions should always be made on planning grounds and in the public interest. The planning system should not be used to secure objectives that are more properly achieved under other legislation. The grant of planning permission does not remove the need to seek other statutory consents nor does it imply that these consents will be forthcoming. Even where legal or administrative measures outwith the planning system may exist for controlling a particular activity, this can still be a consideration to which weight is given in reaching a planning decision. If a consideration is material in planning terms, it must be taken into account in reaching a decision. For example, the planning authority should have regard to the impact of a proposal on air or water quality although the regulation of emissions or discharges will fall to be dealt with under other legislation.</p>
NPPG 4: Land For Mineral Working	
Paragraph 34	<p>Operational Considerations</p> <p>Site Conditions</p> <p>The main factors to be considered are visual intrusion, noise, blasting and vibration, dust, pollution of water courses and transport issues⁸. Apart from visual intrusion, these considerations are also covered by other legislation specifically related to pollution control. Planning authorities should not therefore seek to control, through planning measures, matters that are the proper concern of the pollution control authority, except where planning interests can be clearly distinguished. It is intended that these matters should be covered more fully in related Planning Advice Notes to be issued later. A brief description of each is given in the following sections.</p>
Paragraph 38	<p>Watercourses and Groundwater</p> <p>There is a substantial body of legislation in relation to water supply, pollution and land drainage. If they find their way into watercourses or groundwater, suspended solids and acidic drainage, in even small amounts or concentrations, can be harmful to fluvial habitats. The production of some metalliferous minerals, for example gold, may involve processes potentially hazardous to water quality. There is a need to take into account the requirement to protect the quality of groundwater, watercourses and supplies in accordance with UK and EC legislation.</p>

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Annex A Paragraph 1	<p>ANNEX A</p> <p>Environmental Assessment (Scotland) Regulations 1988: Schedule 3</p> <p>Environmental Statements</p> <p>1. An environmental statement comprises a document or series of documents prepared by the applicant providing, for the purpose of taking into consideration environmental information in respect of a proposed development, the information specified in paragraph 2 of the Regulations (referred to in this Schedule as "the specified information").</p> <p>2. The specified information is:</p> <p>a description of the likely significant effects, direct and indirect, on the environment of the proposed development, explained by reference to its possible impact on:</p> <p>Water</p> <p>An environmental statement may include, by way of explanation or amplification of any specified information, further information on any of the following matters:</p> <p>the estimated type and quantity of expected residues and emissions (including pollutants of water, air or soil, noise, vibration, light, heat and radiation) resulting from the proposed development when in operation;</p>
Paragraph 37 Paragraph 38	<p>NPPG 6: Renewable Energy Developments</p> <p>Individual Technologies - Planning Issues</p> <p>Hydro</p> <p>New hydro schemes have the potential, not only to support the climate change programme, but also to support economic development in remote rural areas. They will generally be small-scale run-of-river or small storage schemes, less than 10 MW.</p> <p>Individual Technologies - Planning Issues</p> <p>Hydro</p> <p>The characteristics associated with hydro developments raise a number of issues, which should be considered and addressed: -</p> <p>Water Regime - The Scottish Environment Protection Agency (SEPA) has a duty to promote the cleanliness of controlled waters and to conserve, so far as practicable, water resources. Consultation with SEPA should, therefore, be undertaken for all proposed hydro developments, both for small-scale projects covered by planning legislation and larger schemes authorised under the Electricity Act 1989. The EU Water Framework Directive requires a system of abstraction and impoundment control. At the time of writing, work is in hand in preparation for the implementation of the Directive.</p> <p>Aquatic Habitats and Species - different species will be affected in different ways, some of which such as the freshwater pearl mussel are protected under the EC Habitats Directive. Discussion with SNH will provide guidance on the species which require to be considered in a particular location. Experience has shown that by careful design it is possible to reconcile hydro schemes with conservation of the natural heritage.</p>
Paragraph 5	<p>NPPG 7 - Planning And Flooding</p> <p>Responsibilities For Flood Protection And Prevention</p> <p>The primary responsibility for safeguarding land or property against natural hazards such as flooding remains with the owner, including local authorities as owners of land and property. In addition regional and island councils have the leading role under the Flood Prevention (Scotland) Act 1961 which empowers them to take such measures as they think fit to prevent or mitigate the flooding of any <u>non-agricultural land</u> in their areas. Regional and islands councils may also maintain or repair existing flood defences but improvements or construction of new channels or defences requires the council to prepare a flood prevention scheme. The scheme must be widely advertised and submitted to the Secretary of State for confirmation. Objections made and not withdrawn are dealt with at a public local inquiry. Eligible expenditure on confirmed schemes is grant aided by The Scottish Office Agriculture, Environment and Fisheries Department (SOAEFD). Confirmation of a scheme does not automatically confer deemed planning permission, although under Section 37 of the Town and Country Planning (Scotland) Act 1972 the Secretary of State, by granting a sanction, <u>may</u> direct that planning permission is deemed to be granted. Some schemes may be permitted development under Class 20 of The Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (GPD0) i.e. the carrying out of any works required in connection with the improvement or maintenance of watercourses or land drainage works. Class 20 will be reviewed as part of the current Review of the Planning System.</p>

Paragraph 6	<p>Responsibilities For Flood Protection And Prevention</p> <p>Regional and islands councils also have permissive powers under the Flood Prevention (Scotland) Act 1961 to clean, repair, and otherwise maintain any watercourse (including the bed and banks of any river, stream or burn, ditch, drain, cut, canal, culvert, sluice or passage carrying or designed to carry water) but excluding sewers or water mains which are the responsibility of the Water Authorities (see paragraph 10). This means they may remove mud, silt, debris or other obstructions from the watercourse, and cut away bushes or scrub timber growing on the banks. They also have powers to clear culverts which are under existing development. All their powers under the 1961 Act, which can be exercised outwith an authority's area as well as within, will transfer to the new councils from April 1996.</p>
Paragraph 7	<p>Responsibilities For Flood Protection And Prevention</p> <p>For <u>agricultural and forestry land</u> responsibility for flood defence lies with the owner. Land drainage and flood defence works normally benefit from permitted development rights. Such works may have implications for flood risk downstream. Control is however exercised over all schemes which are grant aided by the Scottish Office Agriculture, Environment and Fisheries Department (SOAEFD) under the Farm and Conservation Grant Scheme. These may include making, improving or altering the banks or channels of watercourses or other agricultural flood protection works to provide or improve the drainage of agricultural land. With the exception of emergency floodbank repairs, farmers must obtain SOAEFD's prior approval before starting any kind of arterial drainage or river works on which they intend to claim grant. Farmers must also obtain written confirmation from the appropriate RPB that it has no objection to any works being carried out. Written consent must also be obtained from Scottish Natural Heritage (SNH) by the owner or occupier to undertake drainage or other works listed as Potentially Damaging Operations which affect sites of special scientific interest (SSSIs), national nature reserves (NNRs), European Sites and Ramsar Sites. In addition, to comply with the Habitats Regulations, SNH should be consulted by the relevant statutory body on all drainage or flood prevention projects which may significantly affect a European Site, including proposed sites. Permitted Development Rights may be withdrawn if these projects significantly affect the interests for which the European Site has been designated. Written consent must also be obtained from Historic Scotland where arterial drainage or river works could affect the integrity of a scheduled monument.</p>
Paragraph 8	<p>Responsibilities For Flood Protection And Prevention</p> <p>The Forestry Commission exercises control over all afforestation schemes which are grant aided under the Woodland Grant Scheme and all felling where a licence is required. Approval is conditional on compliance with the Forestry Commission's "Forests & Water Guidelines"⁷. These recognise that poor drainage practice could contribute to localised flooding and set out good practice in all forestry operations, including ground preparation and harvesting. For specified cases the RPB and planning authority are consulted and unresolved objections trigger a formal dispute procedure which can involve the Minister responsible for forestry</p>
Paragraph 10	<p>Responsibilities For Flood Protection And Prevention</p> <p>The regional and islands councils are responsible for the provision of public water supply and sewerage services in their areas. They operate and maintain water supply reservoirs, sewerage systems (including stormwater sewers) and sewage disposal arrangements. The water services departments of regional councils may be asked to comment on flood-related issues when they are consulted on development plans and planning applications e.g. if there are implications for their water and sewerage systems. After April 1996, these services will become the responsibility of the new Water Authorities.</p>
Paragraph 11	<p>The Role of Building Standards</p> <p>In considering planning applications, authorities should be aware of the role played by the Building Regulations⁸. Regulation 16 and Part G of the Technical Standards supporting the regulation have requirements to protect buildings and their users from the effects of moisture. This includes the preparation of the ground adjoining a building to minimise the risk of flooding. The regulation states that " a site, and ground immediately adjoining a site, shall be so drained or otherwise treated as to protect the building and its users, so far as may be reasonably practicable, from harmful effects caused by (a) groundwater, (b) flood water, and (c) existing drains". This applies to all new building work other than certain limited life buildings. This requirement is intended to ensure that suitable and adequate drainage is installed to deal with normal conditions.</p>

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Paragraph 12	<p>River Purification Boards and the Scottish Environment Protection Agency (SEPA)</p> <p>The River Purification Boards and island councils, as River Purification Authorities, maintain records of flow in certain rivers and have powers to install and operate flood warning systems. Many of the areas at risk can be given between 3 and 12 hours notice of flood events likely to endanger life or property. The RPB can provide data for flood risk assessment and draw attention to known flood risk areas on request. They are also statutory consultees with regard to some planning applications under the Town & Country Planning (General Development Procedure) (Scotland) Order 1992 (GDPO-Article 15(1)(h)). Before granting permission the planning authority have to consult the RPB if the proposed development consists of, or includes:</p> <ul style="list-style-type: none">• works in the bed or on the banks of a river or stream <p>These responsibilities, including the role of statutory consultee, are planned to transfer to SEPA from April 1996.</p>
Paragraph 15	<p>Flood Appraisal Groups and other consultations</p> <p>Issues which could form the basis for discussion in Flood Appraisal Groups include information and data requirements, catchment drainage management, flood prevention schemes, other mitigation measures, watercourse repair and maintenance, development plan land allocations, significant development proposals and future research requirements.</p>
Paragraph 16	<p>Flood Appraisal Groups and other consultations</p> <p>Planning authorities may also consult directly with a wide range of bodies, including those who control culverts and embankments which may serve as flood defences, such as Railtrack, British Waterways Board, Road Authorities and other riparian owners. To allow interested parties the opportunity to comment, Article 14(1) of the GDPO prevents the planning authority from determining a planning application within 14 days of receiving it, or advertising it, whichever is the later. It is open to the planning authority to allow a longer period for comments, eg in particularly complex cases. Planning authorities may also consult with local authority Emergency Planning Units who will have information on areas where there is a risk of flooding.</p>
Paragraph 22	<p>Background information</p> <p>The causes of flooding</p> <p>The historic reasons for building on flood plains are based on the premise that the advantages (flat, fertile land which is easily developed and managed) outweigh the disadvantage of intermittent flooding. Scotland's glaciated geomorphology, climate and extensive coastline mean that a certain amount of flooding is inevitable. It is estimated that most of Scotland can expect at least 60mm of rain in one day, once in 20 years and this level of precipitation may present a flood risk. The impact of this can be aggravated by :</p> <ul style="list-style-type: none">• a large catchment relative to the size of the watercourse draining it;• rapid snow-melt in upland areas feeding already high river flows;• high spring tides and strong winds creating storm surges in coastal areas;• lack of maintenance of defence systems, watercourses, culverts (including the flood relief areas round about them) and road gullies;• canalisation, modification and diversion of rivers and watercourses which increases the rate of flow and decreases the time taken for water to travel within the catchment;• progressive development in catchments which increases the rate and volume of run off;• sub-standard agricultural practices e.g. badly designed and constructed modifications to river channels and drainage works;
Paragraph 24	<p>Background information</p> <p>The causes of flooding</p> <p>Much of the flooding that takes place, be it localised or on a major scale, results from the overtopping of relatively small watercourses or by water escaping from culverted watercourses. There are unlikely to be flow records for many of these minor watercourses but there are some indicators which should cause careful consideration to be given to an area's susceptibility to flood. These include:</p> <ul style="list-style-type: none">• areas on the lower bank of a watercourse especially where there is steeply rising ground on the opposite bank;• areas upstream from a restriction either natural or man-made in the watercourse e.g. a railway embankment, a culvert or where there is simply a lack of capacity in the channel;• place names e.g. Lochside, Waterside or Haugh;

Paragraph 25	<p>Background information</p> <p>The causes of flooding</p> <p>Road construction, including on-line improvements, can lead to changes in the run off characteristics of a watercourse's catchment area and hence the local drainage regime. Run off treatment and drainage design should be undertaken so that possible impacts on areas where there is a risk of flooding are reduced. The promoting body should be aware of the need to consult with the RPB, or in future SEPA, who may be able to provide information and advice. In the case of Trunk Roads, advice on assessment and design is given in the Government's Design Manual for Roads and Bridges. There are also a number of research reports available on techniques for controlling surface water run off⁹. The National Roads Directorate are also funding research on how to assess and design for surface water run off from trunk roads to ensure protection of controlled waters. Design solutions will consider the use of detention ponds and soakaway strips. The research is due to be published in 1996.</p>
Paragraph 38	<p>River Systems</p> <p>The basic cause of riverine flooding is that the run off from the catchment upstream of the area in question exceeds the capacity of the watercourse to transmit the flow downstream. Many factors are involved such as the geology and topography of the catchment, its permeability, the intensity and duration of rainfall, snow melt and gradient of the watercourse channel. At its simplest, steep watercourses draining small rocky catchments will quickly respond to rainfall and are most affected by intense rainfall of short duration. Larger rivers on the other hand, respond more slowly with flooding most likely to result from steady rainfall over a longer period of perhaps 1-2 days. In understanding catchments a useful concept is the "time of concentration" which is the time taken for water to flow from the remotest part of the catchment to the measuring point. If the duration of rainfall on the catchment equals or exceeds the time of concentration, every part of the catchment is then contributing to the flow and, for that intensity of rainfall, the flow is at its maximum. This has implications for flood warning as a short time of concentration means that only limited time is available to warn residents of areas at risk.</p>
Paragraph 39	<p>River Systems</p> <p>One characteristic common to most watercourses is that there is a succession of relatively steep sections followed by a much flatter reach. These flatter reaches are often associated with areas of level ground and, although most noticeable at junctions with other watercourses, can occur throughout the length of a stream or river. Such areas are attractive for exploitation, either for agriculture or development, but are the natural flood plain of the watercourse. A feature of these areas is that they frequently have a natural constriction at the downstream end. Where the areas have been exploited for agriculture, there are often flood bank systems, some dating from the nineteenth century. These flood banks have normally been intended to provide defence against only relatively common floods in the 5-15 year return period range and have little effect in major floods as they are quickly overtopped, thus allowing the watercourse to utilise the flood plain. However, in urban areas, the smaller watercourses have often been culverted and the limited capacity of these culverts can cause severe flooding of adjacent properties. Flooding can be exacerbated by debris such as trees, bushes and rubbish being washed down the stream in a burn and restricting the waterway or blocking culverts and bridges.</p>
Paragraph 47	<p>Policy Guidelines</p> <p>Managing the threat</p> <p>Where a policy of managing the threat is to be followed:</p> <p>Planning Authorities will need to have regard to the effects of the proposed development so that it will not create or intensify the flood risk elsewhere in the river catchment or coastal zone to an unmanageable degree.</p>
Paragraph 50.	<p>Environmental Assessment and other policies</p> <p>Some projects for which EA may be required include flood relief works, canalisation, coast protection works, water management for agriculture, forestry, reclamation of land from the sea (for agriculture) and dams or other installations designed to hold water or store it on a long term basis. Works below high water mark for ordinary spring tides require a licence from SOAEFD and may also need clearance from the Department of Transport and Crown Estates Commissioners. An amendment will shortly be made to the GPDO to remove permitted development rights for any development which requires EA thus bringing these projects under planning control.</p>

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Paragraph 55	<p>Action required</p> <p>Structure plans</p> <p><u>Stage 1</u> In reviewing their structure plans, planning authorities should determine whether flooding is a strategic issue. This should involve discussion with the Flood Appraisal Group and/or consultation with the responsible authorities including the relevant development industry and environmental interests. Issues to consider include:</p> <ul style="list-style-type: none"> • the record of flood events and any factors which may increase the risk of flooding; • the main river catchments where an attempt should be made to gain a fuller understanding of their hydrology and drainage; • identification of the land most likely to flood, including river and coastal flood plains, taking into account major events of low probability (such as storm surges) as well as the better known high frequency floods characterised by short return periods; <p>whether run off from major new developments, not directly subject to flood risk, could exacerbate flood risk downstream.</p>
Paragraph 58	<p>Local Plans</p> <p>Local plans express site specific policies and proposals for development. It is a requirement that they are reappraised or altered at no greater than five year intervals. Flooding is an issue which should be considered in every case. Where there is a severe problem, or the structure plan has identified the area as a location where flood risk needs special consideration, a survey should be carried out and, if necessary, a specific alteration should be promoted urgently. Local plans covering major flood plains, watercourses with a history of flooding and low lying coastal land will have to be given special consideration.</p>
Paragraph 64	<p>Action Required</p> <p>Development Control</p> <p>Planning applications where flooding issues will have to be considered include those for development:</p> <ul style="list-style-type: none"> • on land with a previous history of flooding, including riverine flood plains and low lying coastal land; • within, or adjacent to, a watercourse; • which involves, or is adjacent to, a flood bank, flood control structure or culvert under an embankment; • likely to involve the culverting or diversion of a watercourse; • which may involve land raising and other remedial measures in areas known to be susceptible to flooding; <p>including residential development in areas identified through the development plan consultation as being susceptible to flooding, particularly for people with impaired mobility.</p>
Paragraph 65	<p>Action required</p> <p>Development control</p> <p>In development control work planning authorities should as appropriate, through discussion with the Flood Appraisal Group and/or in consultation with the responsible authorities including relevant development industry and environmental interests.</p> <p>Where run off is an important factor</p> <p>refuse applications which would result in a significant increase in surface water run off relative to the capacity of the receiving watercourse in flood risk areas. For new developments which increase the area of hard surface, 100% run off should be assumed in the design of drainage unless permeable surfaces, soakaways and detention ponds are included as integral design features.</p>
Annex 1	<p>Annex 1:</p> <p>Responsibilities For Dealing With Flood Hazard In Scotland</p> <p>Railtrack/ British Waterways Board/ Roads Authorities/ Riparian Authorities</p> <p>May control river embankments/canals/land on flood plains. They may also have permitted development rights which can affect the level of run off</p>

NPPG 10: Planning and Waste Management	
Paragraph 28	<p>Policy Guidelines: General Principles</p> <p>Implementing the Planning Aspects of the Waste Management Licensing Regulations 1994</p> <p>Development plans can also assist in implementing paragraph 4(1) of Schedule 4 of the 1994 Regulations. This seeks to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without;</p> <ul style="list-style-type: none"> • risk to water, air, soil, plants or animals, • causing a nuisance through noise or odours, • adversely affecting the countryside or places of special interest. <p>These are not absolute tests since one of the Directive's objectives is to make provision for the safe disposal and recovery of waste. The 1994 Circular explains that authorities would have difficulty in permitting any operations if they had to be sure that there would be <u>no</u> risk to air, soil plants or animals.</p>
NPPG 11: Sport, Physical Recreation And Open Space	
Paragraph 15	<p>Policy Context</p> <p>The Scottish Sports Council</p> <p>In addition Councils are advised to consult the SSC at an early stage on preparation of development plans, and on planning application proposals, for:</p> <ul style="list-style-type: none"> • developments involving new provision, or loss, of major sports facilities; • residential developments of 300 dwellings or more likely to generate a need for new recreational provision; and • mineral development which may present opportunities for recreation. <p>Major sports facilities include indoor swimming pools, indoor sports centres, indoor bowling centres, indoor tennis centres, ice rinks, golf courses, indoor and outdoor shooting centres, velodromes, stadia, water, air and motor sports facilities, a water body of more than 2 hectares and any proposed sports facilities with a capital value over £250,000.</p>
Paragraph 19	<p>Scottish Natural Heritage</p> <p>In 1994 SNH published Enjoying the Outdoors - A Programme for Action a statement on access for informal recreation. Frequently access for countryside based activities involves use of private land or water, so it is important to relate to other land use management needs and issues. Enjoying the Outdoors sets out an agenda for improving access to the countryside and recognises that councils have the central role in the planning and promotion of open-air recreation. SNH advocates that councils' objectives should be expressed through countryside recreation and access strategies which link with or are part of their development plans. The purpose of these strategies would be to determine development priorities as well as to improve working relationships within councils, with landowners and the public, and provide the rationale for grant aid. The programme for action also promotes the Paths for All initiative, launched in 1995. This aims to achieve within 10 years a network of paths around towns and villages, often combining familiar routes in various ways to create 2-5 mile circular journeys for residents and others who want to walk, ride or cycle.</p>
Paragraph 28	<p>Policy Guidelines</p> <p>Planning Objectives</p> <p>The Government's objective through the planning system is to seek to protect and enhance the land and water resources required for the nation's sport and physical recreation. All sports and recreation make some call upon Scotland's land resource, and many require special buildings or facilities. They may also be in competition for land with other uses such as housing, industry or open space. It is part of councils' responsibilities to take full account in their preparation of development plans and development control decisions of the community's need for recreational space and sporting facilities including the need for specialist facilities, to have regard to current levels of provision and deficiencies, and to resist the loss of unique resources or facilities with a wider role (see also paragraphs 36 and 37). Following the implementation of Section 18A of the 1972 Act planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The provisions of the development plan will therefore form the basis of decisions made by councils and the Secretary of State.</p>

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Paragraph 35	<p>Policy Guidelines</p> <p>Open Space</p> <p>B Children's Use</p> <p>This guidance applies to all open space which benefits the public. While open space is defined in the Town and Country Planning (Scotland) Act 1972 as "land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground", there are other kinds of public and private open space, including woodland and linear open spaces such as canals and former railway lines. Open spaces serve different needs depending on their size, location, accessibility, landscape design and facilities. They range from small hard-landscaped spaces in city centres which serve the immediate population, to forest and Country Parks which attract people from a wide area. Often the larger open spaces contain sports pitches and also provide the local open space for people living near-by.</p>
Paragraph 36	<p>Policy Guidelines</p> <p>Open Space</p> <p>B Children's Use</p> <p>Planning for open space should begin with an analysis of the existing open spaces and the different needs they serve. The role of pedestrian routes and linear open spaces, such as riverside paths, in linking the larger spaces, and the function of open spaces in defining urban structure and providing a setting for buildings should also be covered. Issues of public safety and security, quality and, where appropriate, management options should also be addressed. Quality should take account of maintenance, with its continuing revenue costs. While not a statutory planning matter, the relationship of good design, low maintenance, and acceptable life cycle costs, carries implications for the strategic planning value of open spaces and should be taken into consideration in forward planning.</p>
Paragraph 49	<p>Intensive Sports Facilities</p> <p>Councils will need to consider intensive facilities carefully especially where there is a requirement to advertise them under Article 12 of the General Development Procedure Order (see also paragraph 96 on bad neighbour development). The factors to take into account include strategic considerations of location and distribution in relation to need, the local environment, the population density, residential amenity, proximity to public transport, access for disabled people, noise, traffic and parking, and if appropriate the relationship to existing open space and grass pitches. Former mineral workings may provide suitable sites for a wide mix of sports such as water sports and motorsports, and quarries may in addition provide ideal conditions for climbing or artificial ski slopes.</p>
Paragraph 59	<p>Key Planning Issues in Non-Urban Areas</p> <p>Green Belts</p> <p>The provision of outdoor sport and recreation facilities in the green belt may offer a means of improving wildlife habitats and the landscape. As in the urban fringe, opportunities should be taken to provide links into the urban areas, especially where linear features such as watercourses or former railway lines can be used to form green wedges or corridors. The work of the Edinburgh Green Belt Trust and the Strathclyde Green Belt Company are examples of collaborative work between local government, the private sector, land owners and other agencies. Accordingly, in green belts.</p>
Paragraph 60	<p>The Countryside: Sport and Recreation in Rural Areas</p> <p>The countryside provides a wide range of venues for sport and recreation for the general population, with over 80% visiting the countryside for recreational or sporting purposes at least once a year. The most popular activity is 'informal recreation', which includes hill walking and rambling. A smaller but growing number of people take part in organised sports such as cycling, horse trials or orienteering. Visitors are attracted to the countryside by its natural beauty and landscape diversity, its nature conservation and cultural heritage interest, or its natural resources for specific activities (such as white water canoeing, hill walking and rock climbing). Certain characteristics may be of particular value for users at local, national or international level, and the role of the planning system is to safeguard them for future generations.</p>
Paragraph 66	<p>The Countryside: Sport and Recreation in Rural Areas</p> <p>Through the strategic provision of managed facilities or alternative locations it may be possible to reduce visitor pressure on the most sensitive environments and on agricultural businesses. There are therefore benefits in providing and enhancing countryside facilities including Regional and Country Parks, Local Nature Reserves, interpretative centres, picnic areas, car-parks, canals, footpaths, cycleways and bridleways. Under the Set-Aside and Environmentally Sensitive Areas schemes land may potentially be available for suitable sports facilities and for public access, subject to appropriate planning controls. Councils will consider the potential impact of particular facilities on popularly visited locations as a normal part of their development control procedures</p>

Paragraph 67	<p>The Countryside: Sport and Recreation in Rural Areas</p> <p>In rural areas the aim should be to reconcile environmental, economic and sporting objectives through careful planning and appropriate management measures. Sporting and recreational activities should avoid disturbance to the farming activities of agricultural businesses and be sustaining of the natural resource while maintaining the quality of the area. Noise and disturbance by large volumes of traffic or by the nature of the sport itself may be totally unacceptable in some locations. In development plans and through development control, councils should take account of the nature of the sporting or recreational activity and the ability of the land or the landscape to sustain that activity in the long term. Some locations may be suitable for simultaneous use by a number of complementary activities, while in others separation by appropriate management measures will be needed (for example through restrictions on time, space or season). Planning conditions and Section 50 or Access Agreements may be needed to achieve this. At locations where more activities are possible, councils may consider promoting 'enabling' infrastructure (e.g. for launching watercraft) that would lead to further provision being made. More detailed advice may be obtained from the regional offices of SNH. Accordingly planning policies should:</p>
Paragraph 83	<p>Noise and Sport</p> <p>The impact of noise is an important issue for sports such as shooting, war games, motorsports, powered water sports and air sports, and also for some spectator sports. Steps can sometimes be taken to reduce it at source, but most noisy sports ought to be located where their impact can be minimised by landform or woodland. Former mineral workings may provide opportunities. Strategic planning of use of different areas of land or water, or parts of them for different sports may be the best solution, though securing by-laws is known to be difficult. General guidance on planning and noise is given in SDD Circular 23/1973 and the attached Memorandum. The Control of Pollution Act 1974 and the Environmental Protection Act 1990 enable the Secretary of State to approve codes of practice giving guidance on appropriate methods of minimising noise. A code on noise from model aircraft was issued in 1982. Further draft guidance on Planning and Noise will be issued during 1996. Accordingly:</p> <ul style="list-style-type: none"> • noisy sports should be located where their environmental impact can be contained and minimised.
Paragraph 84	<p>Water Sports</p> <p>Water sports are a diverse group of activities but taken as a whole they are the fastest growing recreational activity. Scotland's lochs, inshore waters, rivers and canals are under increasing pressure to provide venues suited to all types of water sport as well as angling/fishing. The British Waterways Board controls the use of canals and elsewhere it is the councils who are responsible for licensing boats and preparing bylaws to control the use of inland water. The Scottish Sports Council has published codes of practice designed to minimise the competition for water between different water sports and improve safety. The Scottish Office has published a code of practice for water and sewerage authorities, and river purification authorities, entitled Conservation, Access and Recreation, and is to publish a Guide to Measures Available to Control the Recreational Use of Water in 1996.</p> <ul style="list-style-type: none"> • proposals for new moorings must demonstrate that they do not damage the wider aquatic environment; • landward facilities for watersports should take account of traffic congestion, environmental features and the long term impact on the visual quality of the shore; and • the wider environmental impacts, e.g. noise, shoreline erosion and loss of amenity for other users, should be considered.
Paragraph 85	<p>Water Sports</p> <p>Councils are encouraged to adopt a strategic approach to planning for water sports, to increase the access to or availability of water resources to meet sustainable demand and to prevent overcrowding and conflict in the most popular areas. This is most appropriate at Structure Plan level. Depending on pressures, development plans may encourage strategic grouping of facilities, or even a distinction between encouraging environmentally benign unpowered water sports over other types. The SSC is preparing a guide to the formulation of management plans for sport and physical recreation on inland water.</p>
Paragraph 86	<p>Water Sports</p> <p>The need for access across land to inland or coastal water should be recognised when considering land uses adjacent to these waters. Ancillary space requirements for launching, mooring and car parking can vary from modest dimensions to large compounds. Where there is a shortage of mooring facilities additional sites may be sought through the planning process to ensure they are placed in the best location. The Royal Yachting Association can provide helpful advice, particularly on safety considerations. Development opportunities may be identified in former mineral workings, disused commercial docks and redundant agricultural land in proximity to inland or tidal water. Such use can provide extensive new moorings but must do so in a way which fully recognises the sensitive nature of the aquatic environment and the landward impact of the facility. In planning for water sports:</p> <ul style="list-style-type: none"> • a strategic approach should be adopted to identifying and protecting water resources, taking account of the need to avoid overcrowding and for access across land; • sites or general locations for additional mooring facilities should be identified systematically through Local Plans;

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Paragraph 87	<p>Water Sports</p> <p>In considering development plan policies and proposals for new development affecting inland waters, councils should bear in mind the need to obtain advice from and consult with SEPA who have a statutory responsibility to safeguard water quality. For water sports development proposals generally or when considering and preparing bye-laws or regulations to license boats, the SSC and the appropriate governing body should be consulted.</p>
Paragraph 94	<p>Action Required</p> <p>Local Plans</p> <p>Policies should be prepared after close co-operation between the planning department, the department responsible for sport and recreation and other council departments with an interest, particularly education. The Scottish Sports Council should be consulted. Accordingly, local plans should:</p> <p>identify and protect water sports areas and identify water resources with potential for development to meet current and future demand;</p>
Paragraph 98	<p>Environmental Assessment</p> <p>The Environmental Assessment Regulations list the projects which might give rise to significant environmental effects. They include: a ski-lift or cable car, a racing track for cars or motorcycles, a holiday village, and a yacht marina. Where a sports or recreational facility is part of an urban development project it might also be a candidate. For other projects the normal means of planning control should enable the council to gather sufficient environmental information for their determination to be fully informed. The consultations required by the GDPO will assist in this. More detailed guidance is set out in SDD Circular 13/1988.</p>
NPPG 14: Natural Heritage	
Paragraph 11	<p>Landscape Protection and Enhancement</p> <p>Scotland is fortunate in having a rich diversity of landscapes. Many areas, for example in the Highlands and Islands, possess mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character. Other landscapes, such as the rolling Border hills, the open plains of Moray, Buchan and Berwickshire, the rich farmlands of Angus, Kincardineshire and East Lothian, and the exposed moorlands of Caithness, contribute powerfully to regional identity and quality of life. Upland ranges such as the Kilpatricks, Pentlands and Sidlaws provide the landscape settings for our towns and cities and, at a more local level, the interplay of features such as hills, watercourses, lochs, woodlands and shorelines makes an important contribution to environmental quality and a sense of place.</p>
Paragraph 28	<p>Sites of Special Scientific Interest</p> <p>Sites of Special Scientific Interest (SSSIs) are defined in the Wildlife and Countryside Act 1981 as areas of land or water which, in the opinion of SNH, are of special interest by reason of their flora, fauna or geological or physiographical features. SNH has a statutory duty to notify and seek appropriate protection for such sites which are identified in accordance with guidelines developed and applied on a Great Britain basis. SSSIs provide the foundation for a range of additional natural heritage designations, including Natura 2000 areas and National Nature Reserves. They are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.</p>
Paragraph 48	<p>The Wider Natural Heritage</p> <p>Article 10 of the Habitats Directive requires Member States to encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna with a view to complementing and improving the ecological coherence of the Natura 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as "stepping stones" or "wildlife corridors", are essential for migration, dispersal or genetic exchange. Beyond the specific requirements of Article 10, the development of networks of statutory and non-statutory sites and the landscape features which provide links from one habitat to another can make an important contribution to the conservation and enhancement of biodiversity and the quality of the local environment. LBAPs are valuable tools for actively involving local communities in the development and management of habitat networks.</p>
Paragraph 49	<p>The Wider Natural Heritage</p> <p>Features which may be of value in the development of habitat networks include areas of woodland, rivers and burns, lochs, ponds and wetlands, traditional field boundaries such as dykes or hedgerows, unimproved grasslands and herb-rich meadows, heaths and peatlands and coastal habitats. The following paragraphs provide further guidance in relation to trees and woodlands and lochs, ponds, watercourses and wetlands, where there is particular scope for the planning system to play a role in conservation and enhancement</p>

APPENDIX 4

Paragraph 55.	<p>Lochs, Ponds, Watercourses and Wetlands</p>
	<p>Lochs, ponds, watercourses and wetlands are often both valuable landscape features and important wildlife habitats, and planning authorities should seek to safeguard their natural heritage value within the context of a wider framework of water catchment management. The Government is currently giving consideration to the legislation and institutional arrangements necessary to implement the EC Water Framework Directive which will require member states to establish formal water catchment management regimes.</p>
Paragraph 56	<p>Lochs, Ponds, Watercourses and Wetlands</p>
	<p>Developers should be encouraged to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes, and to identify suitable opportunities for creating new water or wetland features. They should generally be encouraged to seek alternatives to extensive culverting or canalisation, as these greatly reduce the ecological and amenity value of watercourses and culverting can also increase the risk of flooding. Opportunities should be taken to restore culverted or canalised watercourses in redevelopment and land rehabilitation schemes.</p>
Paragraph 57.	<p>Lochs, Ponds, Watercourses and Wetlands</p>
	<p>SNH can provide expert advice on the conservation and enhancement of riparian habitats and the ecological aspects of water catchment management. Advice on the hydrological aspects of catchment management can be obtained from the Scottish Environment Protection Agency (SEPA). Further guidance on planning and catchment management is contained in the National Planning Policy Guideline on <i>Planning and Flooding</i> (NPPG 7).</p>
NPPG 15: Rural Development	
Paragraph 51	<p>Sport and Recreation</p>
	<p>The countryside provides a wide range of venues for sport and recreation both for the resident and visitor population. The most popular activity is 'informal' recreation, which includes hill walking, rambling, mountaineering, water sports and skiing. Visitors are attracted to the countryside by its natural beauty and landscape diversity, its nature, wildlife and cultural heritage interest. The Government remains committed to maintaining a statutory right of access to the countryside and has recently set out clear responsibilities for users, land managers and public agencies. A new Scottish Countryside Access Code will be drawn up by SNH. Residents in rural areas have similar needs for sport and recreation as those in towns and cities, but the provision of facilities has to be tailored to the smaller and more widely scattered population. Existing schools, village halls and the re-use of farm buildings can help provide facilities for community use. The provision of sport and recreation facilities in rural areas also contributes to the economy of rural areas and enhances the quality of life for residents. NPPG11: Sport, Physical Recreation and Open Space provides further guidance on providing for the needs of residents and visitors while respecting the rural environment. Footpaths, rights of way, bridle ways, byways, tow paths and cycle routes increase opportunities to enjoy the countryside, whilst other outdoor pursuits e.g. mountain biking require to be carefully managed.</p>
NPPG 16: Opencast Coal And Related Minerals	
Paragraph 48.	<p>Minimising Traffic Impacts</p>
	<p>NPPG 17 : <i>Transport and Planning</i> (April 1999) indicates that, "Planning authorities should encourage the carriage of freight by rail or water rather than by road wherever it can provide a feasible alternative for all or part of the journey" (paragraph 37). Much coal is moved by rail for the greater part of the journey but in many cases road transport is necessary over shorter distances to rail trans-shipment facilities, or for the whole trip where rail is not available. Regular and frequent lorry movements can cause considerable damage and maintenance problems on local roads as well as major disturbance and pollution to communities. The Government wishes to seek a better balance between lorry and rail transport, with an increased tonnage of coal being moved by rail from as near as practicable to the extraction site.</p>
NPPG 17: Transport And Planning	
Paragraph 8	<p>Transport and the Environment</p>
	<p>The protection of the environment lies at the heart of the Government's policy-making and has a key influence on transport policy. Statutory environmental protection regimes, separate but complementary to the town and country planning system, ensure that air, land and water systems are safeguarded from pollution <i>See PAN 51 Planning and Environmental Protection</i></p>
Paragraph 10	<p>Transport and the Environment</p>
	<p>Other regimes include noise and water quality. The noise impact of new transport infrastructure on existing land uses, and any noise constraints that existing transport infrastructure may impose on new development should be taken into account in development control decisions supported by general policies in development plans. <i>See PAN 56 Planning and Noise Paragraphs 19-33, 50-54</i></p>

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Paragraph 11	<p>Transport and the Environment</p> <p>SEPA have lead responsibility for sustainable urban drainage techniques. These should be used for handling run-off from built development including transport infrastructure in such a way as to protect the quality of watercourses and the aquatic environment. Land use aspects should be reflected in development plans.</p>
Paragraph 37	<p>Freight</p> <p>The strategic importance to the economy of freight access to industry and commerce should be recognised, and appropriate arrangements made. Planning authorities should encourage the carriage of freight by rail or water rather than by road wherever it can provide a feasible alternative for all or part of the journey. In this context planning authorities should, in consultation with transport providers, identify sites adjacent to existing operational or disused infrastructure which may be capable of being developed for uses requiring rail or water borne freight access.</p> <p><i>See PAN 57 Paragraph 49</i></p>
Paragraph 38	<p>Freight</p> <p>Where rail or water borne freight are not feasible, development which attracts significant movements of road freight (such as large scale warehousing distribution depots and some forms of manufacturing) should be located away from congested inner areas and from residential areas. They should have direct access to the local distributor road network and good links to the trunk and principal road network</p>
Paragraph 39.	<p>Freight</p> <p>Development plan policies should allocate sites for distribution and warehousing, which are readily accessible not only to the trunk road network, but also to suitable rail facilities, or suitable wharves and harbours. Sites convenient to rail sidings, wharves and harbours should be safeguarded for manufacturing, processing or distribution and warehousing developments with potential to use rail or water freight. More localised arrangements for freight access to service properties will have to weigh the requirements of business with policy priorities for walking, cycling and public transport.</p>
Paragraph 40	<p>Rural and Remote Communities</p> <p>In areas of forestry extraction, pressure for strengthening of roads and bridges in relation to current extraction puts a strain on local resources and may threaten the conservation and enjoyment of the natural and cultural heritage. Indicative Forestry Strategies for future planting should include consideration of the lifecycle impacts on the transport system, including constraints on local extraction by road and opportunities for longer distance haulage by rail or water, and should adopt policies accordingly.</p>
Paragraph 42.	<p>Rural and Remote Communities</p> <p>However, where alternatives exist, both in terms of reserves and in terms of transport opportunities, new mineral workings should be guided to locations which reduce journey frequency and length, and potentially allow rail or water transport, thereby contributing to a reduction in energy consumption and pollution. In some instances minerals planning issues overlap planning authority boundaries and joint working will be necessary in order to identify the transport impacts of reaching markets. For opencast coal extraction, policy is contained in NPPG16 <i>Opencast Coal and Related Minerals</i>. <i>See NPPG16</i></p>
Paragraph 47	<p>Providing for non-motorised travel</p> <p>People on foot</p> <p>Pedestrian studies, incorporating access audits, should be undertaken to identify congestion, spare capacity and conflicts with vehicular traffic. These should feed in to local plans. In areas such as town centres where pedestrian flows are strong, or policy is to encourage access on foot, the pedestrian should be given priority over other modes. This should be reinforced through detailed design which seeks to reduce traffic speed, restrict the movement of vehicles and give pedestrians priority over vehicles. In some areas, it may also be possible to develop pedestrian routes along river banks, canal towpaths or disused railways. But pedestrians should not generally be segregated from the roadway or other activity; isolated routes may not always be attractive and can encourage crime. <i>See PAN46</i></p>
Paragraph 50	<p>Provision for Cyclists</p> <p>In rural areas cycle networks should serve and link neighbouring villages. As well as local needs these can in some areas provide a potentially important tourist facility. The local plan proposals map should include any specific new cycling provisions and measures to make cycling safer and more attractive. Networks may include use of redundant railway lines or space alongside canals and rivers. Where appropriate, routes shared with pedestrians or horseriders should be considered where space allows, but with designations clearly marked or defined to reduce the risk of accidents. Cycling should be integrated into the design of new developments by using some form of cycle audit. Development layouts should include (or provide an opportunity for the creation of) a comprehensive cycle network, concentrating in particular on providing convenient routes to employment centres, schools and other local facilities. Cycle networks should be continuous, with severance by main or distributor roads avoided; where appropriate, signalled crossings should be provided. <i>See DoT Traffic Advisory Leaflet 9/96 and SDD Cycling Advice Notes 1/89,1/90</i></p>

Paragraph 66	<p>Provision of transport infrastructure</p> <p>Blight and safeguarding of transport routes</p> <p>Planning authorities should ensure through their development plans that disused transport routes, such as old roads, canals and railways, with a reasonable prospect of re-use, are not unnecessarily severed by new buildings or bridges, non-transport land uses or by road proposals. In particular, disused railways should only be severed in exceptional circumstances, and former and potential sites for stations should be protected wherever possible. As well as their original uses, such routes may be used for future rapid transit systems or serve as walking paths, cycle routes, bridleways or as a focus for leisure and recreation development. Planning authorities have a general duty under Section 46 of the Countryside (Scotland) Act 1968 to protect, keep open and free from obstruction or encroachment any public right of way. They should safeguard and promote routes which will form part of "green networks" for wildlife, biodiversity and tranquil access within and around urban areas. Where disused routes forming part of walking and cycling networks are to be re-used for road or rail based transport, appropriate measures should be taken to safeguard the integrity of the walking and cycling network, and any acquired wildlife corridor role.</p>
Paragraph 70	<p>Inland Waterways</p> <p>Inland waterways in Scotland are increasingly used for recreation and land alongside can provide car-free routes for walking and cycling. They are important for their heritage and environmental value as well as for water supply and flood defence. In some locations they may have potential to retain or return to a transport role. This potential should be assessed in liaison with British Waterways and any requirements incorporated into development plans. Where inland waterways would be affected by development plan policies, or by the construction or improvement of local roads, the planning authority should consult British Waterways, or other relevant navigation authority e.g. a port authority. Care should be taken to avoid severing or adversely affecting inland waterways. Care should also be taken to locate new marinas and moorings with respect to public transport services to and from these facilities</p>
Paragraph 72	<p>Inland Waterways</p> <p>Action Required</p> <p>Development plans and Local Transport Strategies should complement and reinforce each other. Development plans provide the means for examining the relationships between transport and land use planning, for promoting their integration and co-ordination, and for ensuring that they contribute to strategies to reduce the need to travel. In reviewing their development plans, planning authorities should:</p> <ul style="list-style-type: none"> • work in partnership with other relevant departments of the local authority, neighbouring planning authorities, the trunk road authority, rail and bus operators, road hauliers and transport users, British Waterways, port and airport authorities, local business, walking and cycling groups, and local communities; <p>allow the inland waterway network to realise its full potential as an agent of economic regeneration, an environmentally sustainable resource for leisure and tourism, and a national heritage asset accessible to all;</p>
Paragraph 76.	<p>Action required</p> <p>Local plans</p> <p>Local plans should express the detailed relationship between development proposals and transport in accordance with the strategy of the appropriate structure plan. They should set out:</p> <ul style="list-style-type: none"> • Retention and safeguarding of linear routes such as canals and former railway lines, and other existing networks for public access on foot and by cycle, including protection and enhancement of green networks and footpaths within and around towns and cities to provide informal recreational opportunities;
<p>NPPG 18: Planning For The Historic Environment- General Policy Guidelines</p>	
Paragraph 27	<p>Conservation and Sustainable Development</p> <p>Collaborative, conservation-led approaches have been adopted as the basis of a number of successful regeneration initiatives. Careful and sensitive management of the heritage resource to achieve social, economic and environmental benefits can result in high quality, sustainable and popular solutions to the regeneration of our urban and rural areas. The rehabilitation of vacant or underused housing above shops can, for example, play an important part in revitalising a declining town centre or historic urban quarter. The environmental impact of larger scale conservation initiatives and the rehabilitation of landmark buildings can help to raise confidence in an area, attract investment, and thus contribute to its economic regeneration. A renewed interest in and appreciation of the heritage of a declining town or village can also help rekindle a sense of place, civic pride and local distinctiveness. This can then be used as a catalyst for its more widespread regeneration and the resurgence of local communities. Within declining town or city centres, waterfront areas and other economically declining historic places, the contribution of conservation as an element in the wider process of physical, economic and community regeneration should be identified and promoted</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

Pan 33 Development Of Contaminated Land

Paragraph 1

Introduction

Land can be contaminated by a variety of substances that pose immediate or long-term risks to human health and the environment. Such contaminants may escape from the site to cause air, land, surface water or groundwater pollution, and in some cases may even damage buildings and underground services, or contaminate the food chain.

Paragraph 8

Introduction

A problem arises when the concentration and environmental availability of a contaminant on site is not compatible with its existing or proposed use, or when it escapes into water, air or onto another site. The scale of the problem will vary according to the contaminant and the use of affected land. In order to have a deleterious effect, there needs to be a pathway enabling the contaminant to reach a receptor at a concentration capable of causing harm (see box below).

Sources, Pathways and Receptors

- Source - a contaminant or potential pollutant (on site or capable of migrating onto site.)
- Pathway - the environmental route (direct or indirect) by which contaminants reach receptors i.e. the link between the source and the receptor.

Receptor - target which could be damaged if contamination is present at a level sufficient to cause harm.

Paragraph 9

Introduction

Contaminated land can represent a potential risk to human health or the environment through :

- the direct uptake of contaminants into the food chain or ecosystems;
- direct ingestion or inhalation of, or contact with, contaminants;
- contamination of **water resources**;
- fire and explosion of combustible contaminants; and

attack on building materials and services by corrosive contaminants

Paragraph 20

Scottish Executive approach to contaminated land

The "Suitable For Use" Approach

Within this 'suitable for use' framework, it is important to recognise both that the use of any particular area of land may cover several different activities, and that some potential risks arising from contamination (particularly impacts on **water** and the wider environment) may arise independently of the use of the land. For example the current use of a site may be irrelevant if harm is being caused off-site e.g. the pollution of a nearby **watercourse**. In practical terms, the current use of any land should be taken to be any use which :

- (a) is currently being made of the land, or is likely to be made of it; and
- (b) is consistent with any existing planning permission, or is otherwise lawful under town and country planning legislation.

Paragraph 51

Scottish Executive approach to contaminated land

The "Suitable For Use" Approach

The definition of "contaminated land" in Part IIA is as follows :

" 'Contaminated Land' is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that -

- (b) pollution of **controlled waters** is being, or is likely to be caused;"

Paragraph 55

Scottish Executive approach to contaminated land

The "Suitable For Use" Approach

Part IIA incorporates the site specific risk assessment approach. This means that there are no generic UK statutory standards for acceptable concentrations of contaminants in soil. For a site to be designated as contaminated land under Part IIA, there must be at least one source, pathway and receptor which will result in significant harm to human health or the environment (see paragraph 51) or pollution of **controlled waters**, or there must be potential for such harm to occur. The risks from each site must be assessed on their own merits to determine if harm or pollution are occurring. There are a variety of technical methodologies to assist the determination.

APPENDIX 4

Paragraph 57	<p>Scottish Executive approach to contaminated land The "Suitable For Use" Approach</p> <p>The definition of 'remediation' given in section 78A(7) of Part IIA extends more widely than the common usage of the term (Environmental Protection Act 1990 as amended). It includes not only the actions to restore the "contaminated land", but also the assessment of :</p> <ul style="list-style-type: none"> • the land in question; • any controlled waters affected by that land; or • any land adjoining or adjacent to the land in question.
Paragraph 58	<p>Scottish Executive approach to contaminated land The "Suitable For Use" Approach</p> <p>It also includes subsequent inspections to keep the condition of the land or waters under review. For the purposes of this section, 'remediation' should be understood in these terms, unless the context dictates otherwise.</p>
Paragraph 63	<p>Scottish Executive approach to contaminated land The "Suitable For Use" Approach Standards</p> <p>There are no UK statutory standards for acceptable concentrations of contaminants in soil, as decisions are made on a site by site basis. If it is decided to reduce the concentrations of contaminants, it should be noted that SNIFFER (Scotland and Northern Ireland Forum for Environmental Research), SEPA, the Environment Agency and Department of Environment Transport and the Regions (DETR) have developed methods for establishing the degree of soil clean-up required to protect water resources, ecosystems and human health.</p>
<p>PAN 45 Renewable Energy Technologies</p>	
Appendix A	<p>The Environmental Assessment (Scotland) Regulations 1988 : Schedule 3. Environmental Statements. (c) a description of the likely significant effects, direct and indirect, on the environment of the proposed development, explained by reference to its possible impact on - E water</p>
Appendix A Paragraph 3.	<p>The Environmental Assessment (Scotland) Regulations 1988 : Schedule 3. Environmental Statements. An environmental statement may include, by way of explanation or amplification of any specified information, further information on any of the following matters :- (c) the estimated type and quantity of expected residues and emissions (including pollutants of water, air or soil, noise, vibration, light, heat and radiation) resulting from the proposed development when in operation;</p>
ANNEX B B.4.	<p>ANNEX B : HYDRO POWER The Technology The Basic Process</p> <p>The process of harnessing water power is well established. Water flowing from a higher to a lower level is used to drive a wheel or turbine, producing mechanical energy. This energy may be used for a variety of purposes, including the generation of electricity.</p>
ANNEX B B.5.	<p>ANNEX B : HYDRO POWER The Technology The Basic Process</p> <p>In simple terms, power output is related to the volume of water available, and the vertical distance through which it falls. Similar power can be obtained from a large quantity of water falling a small vertical distance, or from much less water falling a great distance. In the first case a large turbine is required; in the second case, the plant will be smaller.</p>
ANNEX B B.6.	<p>ANNEX B : HYDRO POWER The Technology The Basic Process</p> <p>To provide sufficient depth to draw off the water, a natural pool is required or a headpond must be created with a weir. A conduit then conveys the water from the intake in the pool or headpond to the turbine. The conduit may be an enclosed pipe (or penstock) or an open channel, often called a headrace.</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

ANNEX B B.7.	<p>Characteristics</p> <p>The essential elements in a typical hydro-electric scheme are as follows :</p> <ul style="list-style-type: none"> • A source of water sufficient to provide a reasonably constant supply for the hydro plant. This might take the form of a natural pool, or a headpond created by a weir. • A headrace, in the form of a pipe or channel, to carry the water from the source to the generation turbine. • A turbine house containing the power generation machinery and valve equipment for the regulation of the water supply. • A tailrace, returning the water to its natural course. • A link to the local electricity distribution network.
ANNEX B B.8.	<p>The Headworks</p> <p>A reliable supply of water is clearly a pre-requisite for a viable hydro scheme. Rivers with large variations in flow will be unsuitable unless a holding reservoir is constructed to store water at times of excess. The water must also be sufficiently deep at source to enable the supply to be drawn off via an intake.</p>
ANNEX B B.9	<p>The Headworks</p> <p>The intake normally comprises a trash screen of vertical or sloping bars to trap floating debris, and a sluice gate to regulate the flow of water to the turbine. The trash screen needs to be cleared of debris on a regular basis, either manually or by mechanical means. A fine mesh screen may be installed over the intake at certain times of the year to prevent fish being drawn into the supply pipe.</p>
ANNEX B B.10.	<p>The Headworks</p> <p>The intake structure is normally contained in a modest concrete housing set into the bank of the river. Where the water level needs to be raised in order to ensure a regular supply, the headworks will also include an artificial weir, usually of concrete or stone construction. As well as providing a water supply of suitable depth, the headpond behind the weir can help to sustain supplies to the turbine when the river is temporarily low.</p>
ANNEX B B.11	<p>The Headrace</p> <p>Water is carried from the headrace to the turbine house by an enclosed pipe (some times referred to as a penstock), an open channel (called a mill race, leat or lade), or by a combination of these. Depending on local circumstances, the distance between the headrace and the turbine house can vary from a few metres to one kilometre or more. New schemes using a high head of water will tend to use an enclosed or buried pipe. Some refurbishment schemes may use existing open channels.</p>
ANNEX B B.12	<p>The Headrace</p> <p>A headrace pipe might be metal, plastic, concrete or made of a composite material, and will have a typical diameter of 50 centimetres. A valve is incorporated close to the turbine house to enable the water supply to be regulated when required. The pipeline will be anchored securely to the ground, particularly at bends and junctions, and can be buried at places where it would otherwise limit access to land or cross areas of landscape sensitivity.</p>
ANNEX B B.13	<p>The Headrace</p> <p>Open channels may be unlined, or lined with clay, concrete or plastic. They will usually incorporate a second sluice gate close to the turbine house, enabling water to be diverted or channelled back to the main stream when the turbine needs to be stopped</p>
ANNEX B B.14	<p>The Turbine House</p> <p>This contains the turbine, the generator and associated electrical equipment. For a typical small-scale hydro scheme, the turbine house will be similar in size to a domestic garage. The turbine will be sited to optimise the trade-off between the length of the headrace and the drop in water level, but there is a degree of locational flexibility. Where feasible, a turbine house may be partially buried. In order to minimise the length of the tailrace, a turbine house will normally be situated close to the water course.</p>
ANNEX B B.15	<p>The Turbine House</p> <p>In visual terms, the turbine house will often be the most prominent built element in a small scale hydro scheme. Its design and location are thus significant planning considerations and are considered further below.</p>
ANNEX B B.16	<p>The Tailrace</p> <p>After driving the turbine, water is returned to its natural course via the tailrace. Where the turbine house is close to the water course, the tailrace will take the form of a short open channel. In other cases it will be of similar construction to the headrace. Because slow-moving water can impair the efficiency of the turbine, the tailrace should have a gradient sufficient to encourage a swift discharge of water.</p>

APPENDIX 4

ANNEX B B.20	<p>Planning Implications</p> <p>The development of hydro-electric power generation schemes should be achieved in a manner which is compatible with the many other uses to which a river is put. Early liaison between the developer, planning authorities, Scottish Natural Heritage and the River Purification Authorities is essential to ensure that the proposals do not detract from the existing value and interest of the water course and its surroundings.</p>
ANNEX B B.24.	<p>Design Considerations</p> <p>Although the hydro developments anticipated will generally be small in scale, their waterside location will in many cases place them in areas valued for their visual and natural amenity. Such schemes can operate for many decades, and their principal built elements will often become permanent additions to the landscape. In some circumstances, weirs, fish ladders and headrace channels can become features of interest in their own right, attracting visitors.</p>
ANNEX B B.27	<p>Fishing Interests</p> <p>Concerns have been expressed that fish, in some instances, have been killed or injured by hydro-power schemes. This risk can be minimised by careful design and adjustment of the seasonal operating schedule of the plant. Some types of turbine (such as low to medium head crossflow designs) can oxygenate the river water and may thereby benefit the fish population. Where necessary, dams and weirs should include structures which allow the free passage of migratory fish, and afford fish and other freshwater animals protection from the turbines</p>
ANNEX B B.28	<p>Construction Disturbance</p> <p>In general, the construction impact of a hydro-power scheme will be no different to that of other developments of similar size. However, construction in or beside a river or loch will often cause the water to become clouded with silt or mud. Before granting planning permission for a hydro project, the planning authority may, in consultation with the RPAs and Scottish Natural Heritage, request that the developer specifies the site management measures that will be adopted to minimise this problem.</p>
ANNEX D D.29.	<p>ANNEX D : Waste Combustion</p> <p>Water Protection</p> <p>Water may be affected by certain liquid effluents created by particular processes. The main sources of liquid effluent from gas cleaning systems will be cooling water and surface run off. The River Purification Authorities have responsibility for the control of water quality. Consultations should take place between planning authorities and the RPAs if it is proposed that river water is used for cooling.</p>
<p>Pan 57 Providing For Non-Motorised Modes Of Travel</p>	
Paragraph 19	<p>People on Foot</p> <p>British Waterways promote the widest use of their towing paths, the 'pavements of the waterways', within the constraints of safety and sustainability. Especially in urban areas, towing paths have the potential to provide a pedestrian and cycle route connected into the existing footpath and cycle networks and to public transport access. However, British Waterways has fundamental concerns regarding the promotion of canal towing paths as commuter cycle routes, but actively promotes the use of towing paths for informal recreation. British Waterways believes that much of the network could be adapted for safe economic and sustainable recreational cycling. In those few places where walking or cycling cannot take place safely, economically or sustainably, then alternative nearby provision should be made and clearly signposted. British Waterways are keen to make a coherent contribution to local integrated transport strategies through partnership with local communities and their representatives.</p>
Paragraph 43	<p>Road Planning</p> <p>Planning authorities may find advantage in preparing a hierarchy within their local road network based on clear objectives and principles incorporated in structure and local plans and taken into account in considering development proposals. Advice on this for rural areas (though the principles are universal) may be found in The Scottish Office/CoSLA publication <i>Rural Road Hierarchy and Lorry Routing</i> released in December 1997. The local plan will elaborate the strategic proposals of the structure plan for building or improving significant local roads; and indicate other proposed new roads and improvements of a non-strategic nature arising from the development patterns proposed in the plan, including proposals for improvements which do not require planning permission. Where the principle has already been examined in the structure plan, consideration in the local plan would normally be limited to detailed alignment, with any objections to the alignment proposed heard at a public local inquiry. In the case of local roads not in the structure plan both the need and the line the road is to take should be examined through the local plan procedures. Examination in local plans should address the potential problems associated with severance of existing footpaths, trails, disused railways and canals.</p>
paragraph 47	<p>Housing Layouts and Transport</p> <p>Waterside development, for example along canals and on former dockland, is an increasingly popular form of development. It should be designed to ensure that towpaths and quaysides are integral in order to provide a coherent network for walking and cycling; siting and orientation of buildings should positively address the water to provide natural policing and surveillance.</p>

Schedule of Explicit Reference to Waterways in PPGs, Planning Guidance Wales, TANs, NPPGs and PANs

PAN 60 Planning for Natural Heritage

Paragraph 7

The framework

Policies and Initiatives For Positive Action

The Scottish Executive's commitment to protecting, enhancing and promoting enjoyment of Scotland's natural heritage is reflected in a wide range of policies and initiatives. National Parks are being established to safeguard areas of outstanding natural heritage and legislation will be introduced to give the public a statutory right of responsible access to all land and **inland water** for recreation and passage. The Executive is keen to encourage more recreational use of the countryside and provide the opportunity for better understanding and greater awareness of rural activities and natural heritage. Local authorities will be required to co-ordinate the development of a core path network. Improved public access will also be taken forward by the Paths for All Partnership, which promotes greater use of existing paths and the provision of new ones.

Paragraph 9

The framework

Policies and Initiatives For Positive Action

The Executive also wishes to ensure that architecture and the built environment are properly integrated into national strategies for sustainable development and the planning system is a key mechanism for achieving this. At the strategic level, planning has an important role to play in maintaining landscape character and the ecological integrity of natural systems such as **river catchments**. At the level of individual developments, it can help to secure well-designed, sustainable buildings which respect and complement the natural environment and promote design solutions which work with the grain of natural processes.

Paragraph 10

The framework

Policies and Initiatives For Positive Action

Land is a finite resource and restoring degraded land and the recycling of brownfield sites are essential elements of sustainable approach to development. The re-use of derelict and previously developed land offers substantial opportunities for improving the environment and enhancing natural heritage. In collaboration with local authorities, Scottish Natural Heritage (SNH) and the Forestry Commission, the Central Scotland Countryside Trust is promoting the Central Scotland Forest which will, over time, substantially improve the landscape between Edinburgh and Glasgow. In another Central Scotland initiative, the Millennium Link project has secured Millennium and other funding to restore the **Forth and Clyde and Union Canals to navigable condition**, creating new opportunities for economic development, recreational activity and environmental improvement. The planning system has an important role to play in ensuring that such initiatives complement and reinforce each other to improve the quality of the environment of people living in the Central Belt.

Case Study

Bishop Loch Local Nature Reserve

Bishop Loch is a shallow body of **water** lying to the North of Easterhouse. Together with the surrounding land, it provides a transition from open water to marsh, grassland and woodland habitats within a relatively small area, and therefore supports a wide variety of wildlife. In 1986, an area of almost 77 ha. centred on the loch was designated as an SSSI.

In the late 1980s, the area around the loch was the subject of planning applications for opencast coal and peat extraction. While the proposals were refused by Glasgow City Council as contrary to development plan policy, and subsequent appeals were rejected, local people pressed for the area to be given greater protection. In response, the Council designated part of the SSSI and some adjacent land as a Local Nature Reserve in order to protect, manage and improve the site for wildlife and provide for environmental education and the informal enjoyment of nature.

The Council's then Planning Department took the lead in promoting the designation of the LNR and has played a major role in the funding and management of the project. The Scottish Wildlife Trust has prepared a management plan for the LNR and a programme of improvements has been implemented by the Council and the Kelvin Valley Countryside Project. Improvements include the planting of 10 ha. of native trees, woodland and shrub management, wildflower planting and the provision of a footpath network and 3 bridges. Habitat improvements have attracted 10 pairs of whitethroats and 3 pairs of bullfinches (a priority species) where previously there were none.

The aim is to provide an improved landscape setting for economic and residential investment in Easterhouse and a recreational amenity for its residents. The Greater Easterhouse Local Plan recognises Bishop Loch LNR as an important component of a wider "leisure belt" linking Hogganfield Loch in the West with Drumpellier Country Park in the East. The LNR was awarded Nature's Prize in the Scottish Environmental Awards of 1996.

APPENDIX 4

Paragraph 45	<p>Greenspace</p> <p>"Greenspace" is an important component of open space. It can be defined as any vegetated land or water in or around the urban environment which has existing or potential natural heritage, amenity or recreational value. It can therefore encompass a wide range of different types of public and private open space including woodlands, parks, designed landscapes, wildlife sites, ponds and watercourses, areas of soft landscaping, open-air recreational facilities, play areas, and footpaths and cycleways. Research has demonstrated that diverse habitats in larger, consolidated, connected blocks offer the greatest benefits to wildlife, but all greenspace can enhance the quality of urban life.</p>
Paragraph 64	<p>Restoration Of Mineral Workings</p> <p>Suitable restoration and aftercare can create or enhance a wide range of habitat types and landscape features, including woodland, wet grassland, reed beds, open water and watercourses. It is important to ensure that restoration contour levels tie in with the surrounding landform and a good soil structure is critical in securing successful re-vegetation. Careful storage of overburden and the use of loose tipping techniques in its reinstatement are therefore essential.</p>
Paragraph 65	<p>Restoration Of Mineral Workings</p> <p>Rivers and burns are often affected by opencast operations and on many sites they have to be diverted to allow extraction. The ecological value of these watercourses can often be enhanced through restoration and site management, particularly where the watercourse has become degraded as a result of past mining or industrial activity. Under the guidance of SEPA and other environmental experts, bank vegetation can be improved or larger works carried out to restore floodplains or reverse the affects of agricultural drainage.</p>

APPENDIX 5

Policy Documents Relevant to Development Plan Policy Formulation

Other Relevant Reports	Policy Topic Areas
DETR "Waterways for Tomorrow" (June 2000)	<ul style="list-style-type: none"> • Rural Diversification, Regeneration and Development • Urban Regeneration, Renaissance and Development • Housing and Waterways • Tourism • Use and Improvement of Towing Path • Waterborne Transport and Sustainable Distribution • Canal Restoration and New Links • Telecommunications • Hydro-Electric Power – Renewable Energy Schemes • Safeguarding Boat Yards and Wharves
IWAAC "Planning a Future for the Inland Waterways – A Good Practice Guide" (December 2001)	<ul style="list-style-type: none"> • Rural Diversification, Regeneration and Development • Urban Regeneration, Renaissance and Development • Housing and Waterways • Tourism • Canal Restoration and New Links
Cabinet Office "Rural Economies: A Performance and Innovation Unit Report" (December 1999)	<ul style="list-style-type: none"> • Rural Diversification, Regeneration and Development • Tourism
British Waterways Rural Regeneration Strategy (November 2000)	<ul style="list-style-type: none"> • Rural Diversification, Regeneration and Development • Tourism
DETR Rural White Paper "Our Countryside: The Future. A Fair Deal for Rural England" (November 2000)	<ul style="list-style-type: none"> • Rural Diversification, Regeneration and Development • Tourism
DETR Urban White Paper "Our Towns and Cities: The Future. Delivering an Urban Renaissance" (November 2000)	<ul style="list-style-type: none"> • Urban Regeneration, Renaissance and Development • Water-based Development including Marinas
Willis and Garrod "The Value of Waterside Properties", University of Newcastle upon Tyne, 1994	<ul style="list-style-type: none"> • Urban Regeneration, Renaissance and Development • Housing and Waterways
Under Lock & Quay Reducing Criminal Opportunity by Design A Guide to Waterside Development and Improvement in London (2002)	<ul style="list-style-type: none"> • Urban Regeneration, Renaissance and Development • Housing and Waterways
"Viewpoints on the East Midlands Environment", May 1999 (national pilot for Regional Environmental Guidance)	<ul style="list-style-type: none"> • Tourism
DCMS Publication "Tomorrow's Tourism –A Growth Industry for the New Millennium" (1999)	<ul style="list-style-type: none"> • Tourism
"Analysis of Tourism in Yorkshire and Humberside and its Prospects" (1993)	<ul style="list-style-type: none"> • Tourism
English Tourist Board "Planning for Success" Tourism Strategy 1992/95	<ul style="list-style-type: none"> • Tourism
"Commitment to Quality – Regional Tourism Strategy for Yorkshire 1998-2003" (April 1998)	<ul style="list-style-type: none"> • Tourism
DETR White Paper "A New Deal for Transport: Better for Everyone", (July 1998)	<ul style="list-style-type: none"> • Minerals and Aggregates • Waterborne Transport and Sustainable Distribution • Safeguarding Boat Yards and Wharves

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Other Relevant Reports	Policy Topic Areas
DETR "Sustainable Distribution: A Strategy", (March 1999)	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Safeguarding Boat Yards and Wharves
DETR Guidance on Provisional Local Transport Plans (April 1999)	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Use and Improvement of Towing Path • Safeguarding Boat Yards and Wharves
DETR Guidance on Full Local Transport Plans (March 2000)	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Use and Improvement of Towing Path • Safeguarding Boat Yards and Wharves
Association of Inland Navigation Authorities "A Strategy for Freight on Britain's Inland Waterways" (June 2001)	<ul style="list-style-type: none"> • Waterborne Transport and Sustainable Distribution • Canal Restoration and New Links • Safeguarding Boat Yards and Wharves
DETR "Unlocking the potential a new future for British Waterways" (February 1999)	
"Viewpoints on the East Midlands Environment", (national pilot for Regional Environmental Guidance) (May 1999)	<ul style="list-style-type: none"> • Tourism • Built Conservation • Urban Regeneration, Renaissance and Development
English Heritage "Sustaining the Historic Environment: New Perspectives on the Future"(March 1997)	<ul style="list-style-type: none"> • Built Conservation
English Heritage "Guidance Note on Conservation Area Character Appraisals" (March 1997)	
Sport England "Planning Policies for Sport: A Land Use Planning Policy Statement on Behalf of Sport". (November 1999)	<ul style="list-style-type: none"> • Sport and Recreation • Minerals and Aggregates
Sport England "Planning for Water Sports" (February 2001)	<ul style="list-style-type: none"> • Sport and Recreation
AINA "Steering a Fresh Course", (1999)	<ul style="list-style-type: none"> • Canal Restoration and New Links
Association of Inland Navigation Authorities "A Vision for the Strategic Enhancement of Britain's Inland Navigation Network" November 2001.	<ul style="list-style-type: none"> • Canal Restoration and New Links • Tourism • Waterborne Transport and Sustainable Distribution
English Partnerships "Space for Growth" (April 1999)	<ul style="list-style-type: none"> • Landscape Character, Nature Conservation and Biodiversity
English Nature "Wildlife and Fresh Water: An Agenda for Sustainable Management" (March 1997)	<ul style="list-style-type: none"> • Landscape Character, Nature Conservation and Biodiversity
Highway Agency Designing Bridges"	<ul style="list-style-type: none"> • New Bridge Crossings
Matthew Wells "30 Bridges" (2002)	<ul style="list-style-type: none"> • New Bridge Crossings
The consultation draft of Advantage West Midlands RDA (July 1999)	<ul style="list-style-type: none"> • Water-based Development including Marinas • Urban Regeneration, Renaissance and Development
English Partnerships and the Urban Village Forum: "A guide to Good in Undertaking Mixed Development Schemes" (February 1997)	<ul style="list-style-type: none"> • Urban Regeneration, Renaissance and Development
Inland Waterways Amenity Advisory Council "Review of Waterway Restoration and Development Priorities" (December 2001)	<ul style="list-style-type: none"> • Canal Restoration and New Links
British Waterways "British Waterways & Biodiversity: A Framework for Waterway Wildlife Strategies (2000)	<ul style="list-style-type: none"> • Landscape Character, Nature Conservation and Biodiversity
Government Office for London "Regional Planning Guidance 3B: Strategic Planning Guidance for the River Thames" (February 1997)	<ul style="list-style-type: none"> • All Policy Topics and Areas • Area Based Policies • Design Policies
Mayor of London "The Draft London Plan: Draft Spatial Development Strategy for Greater London" (June 2002)	<ul style="list-style-type: none"> • All Policy Topics and Areas • Area Based Policies • Design Policies

APPENDIX 6

British Waterways' Contacts

Heather Clarke
Planning Development Manager
British Waterways
Waterway Conservation & Regeneration Group
The Locks
Hillmorton
Rugby
Warwickshire
CV21 4PP

01788 566000

Heather.clarke@britishwaterways.co.uk

British Waterways
Commercial Department
London Region
The Toll House
Delamere Terrace
Little Venice
London
W2 6ND

020 7286 6101

British Waterways
Commercial Department
Southern Region
Willow Grange
Brindley Suite
Church Road
Watford
WD17 4QA

01 923 226422

British Waterways
Commercial Department
Midlands Region
Peels Wharf
Lichfield Street
Fazeley
Tamworth
Staffordshire
B78 3QZ

01827 252 000

British Waterways
Commercial Department
North East Region
Fearn's Wharf
Neptune Street
Leeds
LS9 8PB

0113 281 6800

British Waterways
Commercial Department
North West Region
Navigation Road
Northwich
Cheshire
CW8 1BH

01606 723 800

British Waterways
Commercial Department
Scotland Region
Canal House
Applecross Street
Glasgow
G4 9SP

0141 354 7500



WATERWAYS & DEVELOPMENT PLANS



Waterway Conservation & Regeneration group

The Locks • Hillmorton • RUGBY • Warwickshire • CV21 4PP

Tel: 01788 566000 • Fax: 01788 541076

www.britishwaterways.co.uk