

POLICY BE 3 NPTCBC LDP

Policy BE3 of the NPT LDP states that developments affecting areas of canal that have been infilled, drained or cut off from the remainder of the network, but **where there is the possibility of reinstatement**, will be expected to take into account the historic line of the canal and to **avoid where possible** the introduction of buildings or structures that would prevent reinstatement. The supporting paragraph 5.5.24 also refers to this applying where there are “realistic prospects of restoration”.

I can't see any direct references in the plan that the meaning of “realistic prospects” only means restoration within the timescale of the LDP. Presumably this issue has arisen at the LDP Examination in Public? This would only be properly tested if and when there is a planning application affecting such land.

The plan does set out that all proposals for development must be realistic and likely to be implemented within the Plan period. There is a separate implementation plan that shows how and when this is to be achieved, but this doesn't apply to policies to protect land from development.

The Welsh Government's national planning policy [Planning Policy Wales](#) states that the Local Development Plan should:

[...] protect disused transport infrastructure, including railways, rail sidings, ports, harbours and **inland waterways** from development that would compromise their future transport use, where re-use is a possibility

In general terms the Welsh Government's guidance document [Local Development Plans Wales, 2005](#) states:

In key areas of protection, plans should set out the positive policies and proposals for action to protect or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development.

The local planning authority is required to produce an Annual Monitoring Report and this should identify the need to review or replace parts of a plan. So the above policy would be likely to roll-forward beyond the current plan period unless there are good evidence-based reasons as to why it should be changed. Any proposed change would be subject to further independent scrutiny.

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