



# Local Plans: Delivering inland waterway restoration projects in England and Wales



Canal &  
River Trust

In partnership with:



The Inland  
Waterways  
Association

*Keeping our waterways alive!*

“IWA pioneered the waterways restoration movement and has over 60 years experience in saving and reviving our canals and navigable rivers, so we’re pleased to team up with Canal & River Trust to add our knowledge to today’s restoration challenges.”

Les Etheridge, National Chairman  
The Inland Waterways Association



“The waterway network is part of the fabric of our nation but it’s easy to forget that not so very long ago some of our most popular canals were almost lost forever.

The fact that we can still enjoy them today is thanks largely to the vision, dedication and sheer hard work of volunteers in the 60’s and 70’s. These inspiring men and women just wouldn’t take no for an answer and worked on the basis that nothing was impossible. We need to recapture that same spirit today to ensure we bring more of these once proud waterways back to life.”

Sir Tony Robinson



# Local plans: Delivering inland waterway restoration projects in England and Wales.

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## Foreword

Canals have played a major part in shaping the country we live in today and it's startling to think that we once almost lost them forever.

Today, there are over 3,000 miles of canals and navigable rivers providing a wide range of public benefits thanks to the tireless efforts of volunteers up and down the country. Sadly there are still too many miles of precious waterways that have yet to be recovered, but the lesson from the canal restoration movement of the past 60 years shows just what can be achieved if enough people get behind an idea and actively support it. We want more people to appreciate the importance of these historic waterways and play their part in supporting and promoting the heroic efforts of local canal restoration groups.

In doing so, more lives will be enriched through engagement with our canals and rivers, more communities will feel the benefits that rejuvenated canals can bring in terms of regeneration and prosperity, creating jobs and leisure opportunities alike, supporting greater health and well-being as well as creating corridors for wildlife that benefit everyone.

The planning system can present challenges but can also provide opportunities for the restoration movement. The Trust, together with The Inland Waterways Association have pooled their resources and expertise to produce this document which aims to provide guidance to help you 'navigate' the planning system and safeguard and facilitate your local restoration project in your local plan.

We hope you find it useful, and that it proves instrumental in helping you to realise your ambitions.

**Richard Parry**  
Chief Executive, Canal & River Trust

# Introduction

The Canal & River Trust (the Trust), working with The Inland Waterways Association (IWA) is seeking to ensure that the value of our derelict waterways is not lost. One of our shared objectives is to expand the network of navigable waterways for everyone to enjoy. Building on the expertise and experience from IWA's long history of leading the restoration movement; and the Trust's commitment to bringing waterways back to life, we are putting together a series of detailed resources to support projects across England and Wales.

At the height of the industrial revolution, the nation boasted over 5,000 miles of waterways helping to transport goods and raw materials across the country. They were the envy of the world and helped to establish Britain as an industrial powerhouse. Sadly over time, with the growth of rail and road, sections of the network fell into decline and were almost lost completely but for the intervention of dedicated and visionary volunteers in the mid-1900s.

The Trust, along with IWA, has commissioned research which provides guidance to local restoration groups and Local Authorities on how best to support the restoration of inland waterways. This document demonstrates that the planning system has a key role to play in unlocking the potential and securing the future of our lost waterways.

## Restoration of inland waterways

Tremendous steps have been taken in reversing the decline in the nation's inland waterway network. Well over a hundred miles of canals have been restored since the turn of the millennium. However, with over 90 restoration schemes either planned or being campaigned for (see fig. 1), there is still a long way to go. Many of these waterways are not owned by the Trust and are potentially at risk of being lost through wider development. Bringing any restoration or new waterway to fruition may take many years to achieve and it is imperative that during that time, the historic and proposed lines of the waterway are protected and conserved. This is where the efforts of dedicated groups become vital to drive the case for restoration.

## The value of inland waterways

The importance of inland waterways is well established. There is a wide range of recent research which has looked at the public benefits generated by inland waterways from a number of perspectives from transport to culture (leisure and heritage) to nature conservation and economic growth.

Research produced for the Trust and IWA by the University of Northampton – '*Water Adds Value (2014)*' examines the economic, social and environmental benefits arising from seven restoration schemes from the past 20 years including:

- Job creation – both in the initial construction and through tourism and leisure once the project is completed;
- Acting as a catalyst for regeneration – the report shows that canal restoration can help to generate a 20% uplift in property values;
- Increased leisure and tourism visitor numbers, which in turn support the local businesses such as shops and pubs;
- Encouraging people to lead more active lifestyles through walking or cycling on well surfaced towpaths, improving health and bringing communities together. In Scotland, the research shows that every £1 spent on restoring canals provides savings to the local health service of £7;
- Improved biodiversity and other environmental benefits such as less road traffic, improved drainage and reduced CO2 emissions.

A copy of the report, and summary video, can be found at: <http://canalrivertrust.org.uk/restoration/the-benefits>

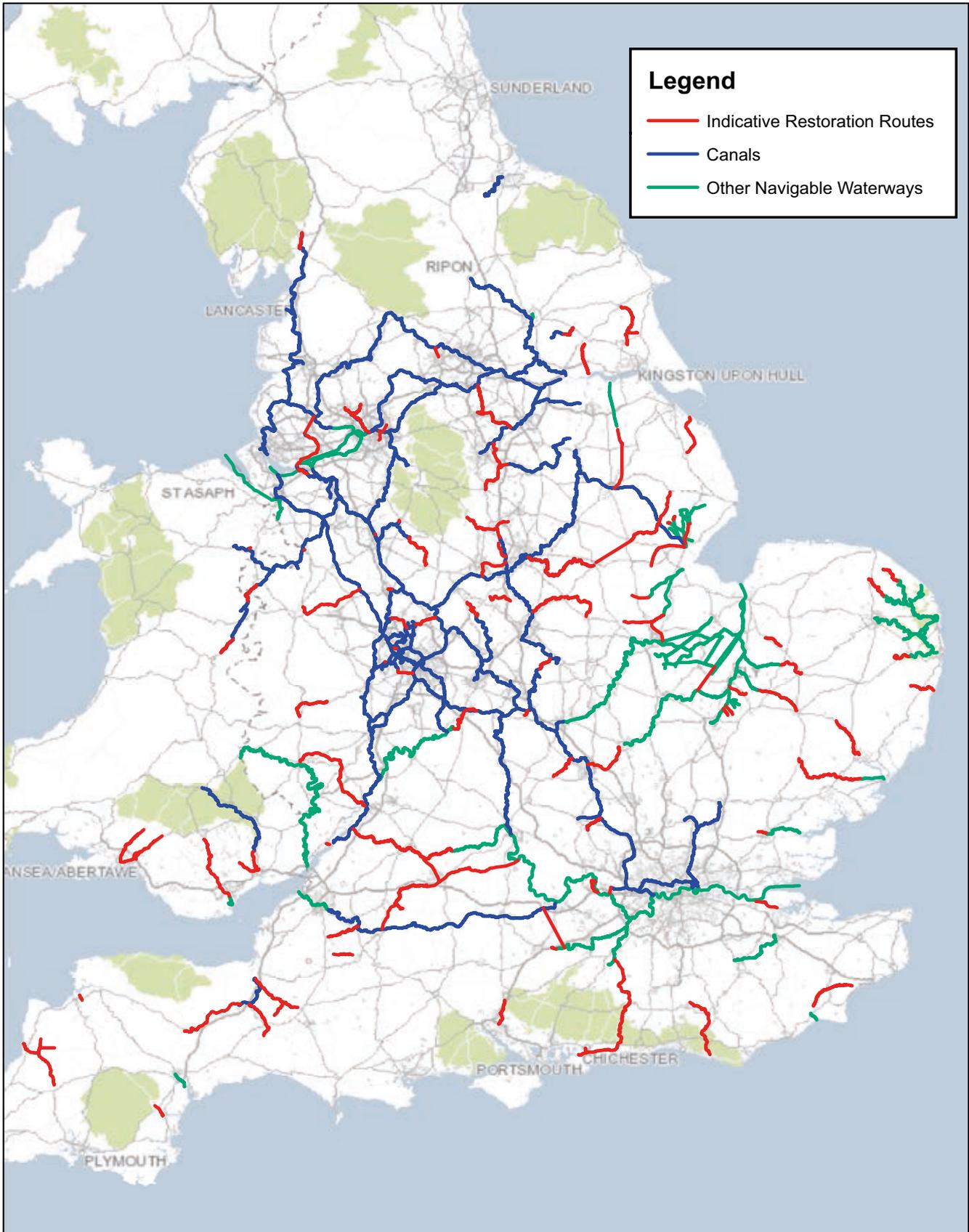
## The purpose of this document

The planning policy and decision making frameworks in England and Wales are key to safeguarding the future of waterway restoration schemes.

The overall purpose of this document is to:

1. Show how the planning system can help to deliver long-term restoration schemes;
2. Provide guidance for restoration groups, local authorities and other stakeholders on how to safeguard restoration schemes in local plans (highlighting best practice); and
3. Bring the issue of inland waterway restoration up the planning agenda.

Please note that the information contained in this document was accurate at the time of writing. However, the planning system is continuously evolving. Therefore, it is recommended that you check with your local planning authority to ensure that you have the most up-to-date information.



 <p>Canal &amp; River Trust</p>	 <p>The Inland Waterways Association Keeping our waterways alive!</p>	<h2>Waterways</h2>	<p>Produced By: zbriggs Date: 01/04/2015 Scale: 1:2,375,000 Page Size: A4</p> 
<small>© Crown copyright and database rights, 2015. Ordnance Survey 100022432. © Next Perspectives, 2015. Contains Royal Mail data, © Royal Mail copyright and database right, 2015. Contains National Statistics data, © Crown copyright and database right, 2015. © Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO</small>			

**Fig. 1:** Map showing indicative restoration routes and navigable waterways

# An introduction to local plans in England and Wales

This section introduces local plans, the primary mechanism in England and Wales through which local planning authorities can set out a vision and framework for the future development of their area. It is intended to give a brief overview only.

Further guidance can be found with the local planning authority and on the following sites.

In England: <http://bit.do/EnglishPlanning>

and in Wales: <http://bit.do/WelshPlanning>

## Local Plans – setting out the big decisions for the future

The statutory development plan for an area (currently referred to as the 'Local Plan' in England and 'Local Development Plan' in Wales – this document will use the term 'Local Plan' to embrace both) seeks to ensure that the right development happens in the right place at the right time, benefitting communities and the economy. The plan-led system plays a critical

role in identifying what development is needed and where and what areas need to be protected or enhanced. It forms the basis for determining planning applications as development should be in accordance with the adopted local plan unless material considerations indicate otherwise.

For example, a planning application for a restoration scheme will be assessed against the relevant policies in the adopted local plan. As such, if the local plan contains a safeguarding policy, a restoration scheme is more likely to secure planning permission. Conversely such a policy should help protect against any adverse impacts on the restoration.

Local authorities also produce additional guidance which supports and provides more detail on the policy in the development plan – known as 'Supplementary Planning Documents' (England) and 'Supplementary Planning Guidance' (Wales). In England, you should also check whether there is a relevant Area Action Plan or Neighbourhood Plan.



## National context

Local plans (and neighbourhood plans) need to take account of or be 'consistent with' national planning policy and guidance, which are a 'material consideration' in determining planning applications

In England, the National Planning Policy Framework (NPPF, 2012) sets out the Government's planning policies for England and how these are expected to be applied. It is supported by the National Planning Practice Guidance (NPPG). These are the responsibilities of Department of Communities and Local Government (DCLG).

In Wales, national planning policy is set out in Planning Policy Wales (PPW) and Technical Advice Notes (TAN), published by the Welsh Assembly Government.

See Fig. 2 for Hierarchy of the planning systems in England and Wales.

Both of these and supporting guidance are available online on the Planning Portal  
**[www.planningportal.gov.uk](http://www.planningportal.gov.uk)**

In England and Wales, there is a 'presumption in favour of sustainable development' to ensure a positive approach to planning, making clear that

applications that will deliver sustainable development should normally be permitted. Sustainable development is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'<sup>1</sup>.

## Planning (Wales) Bill

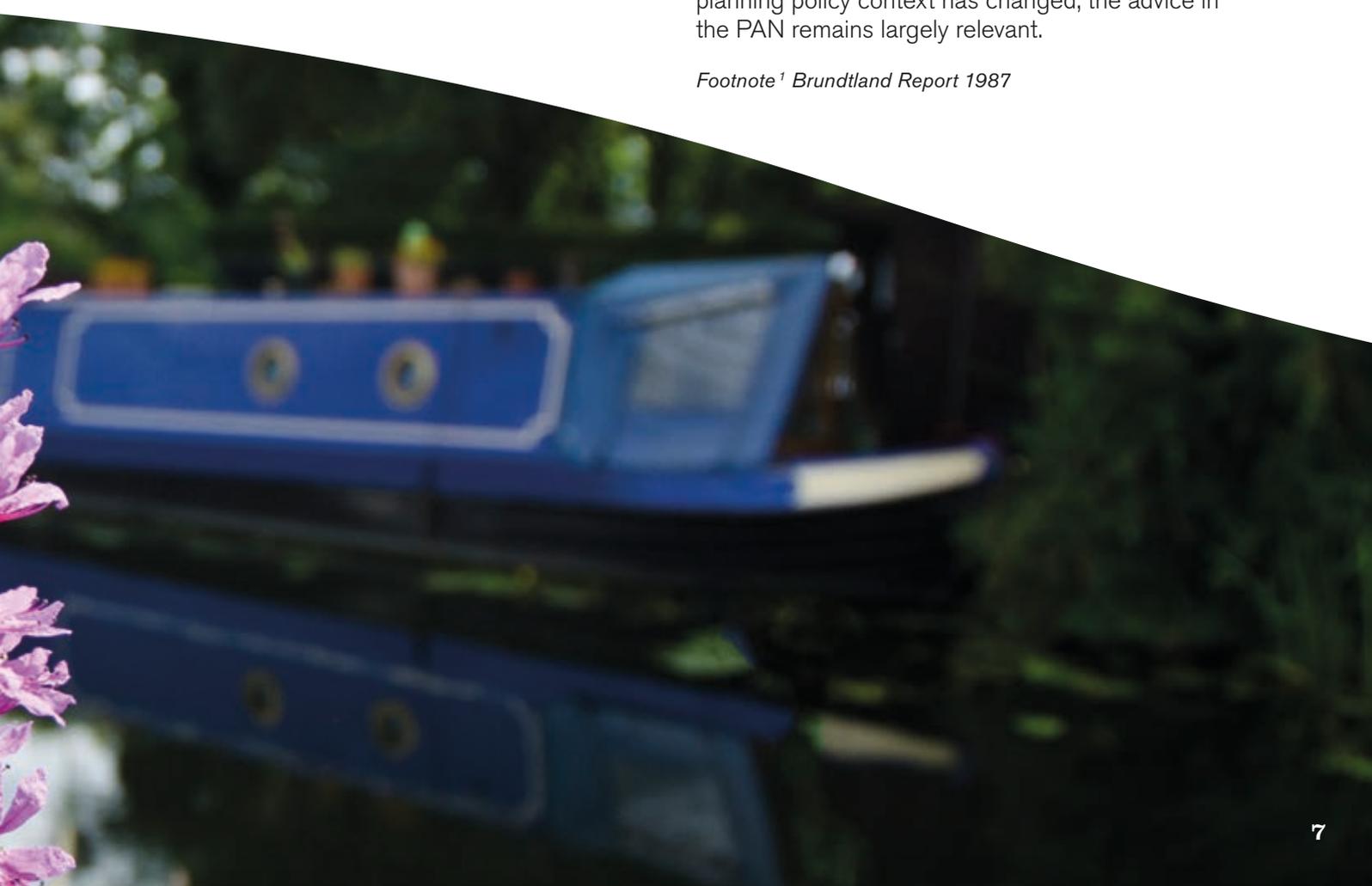
The Welsh Assembly is seeking to reform the planning system in Wales by introducing national, regional and local tiers for Wales with the aim of improving the existing system and creating a culture change to enable the positive delivery of appropriate development.

The Planning (Wales) Bill was introduced to the Welsh Assembly in October 2014 and is expected to have Royal Assent by summer 2015. The Bill contains a number of significant changes that may have implications for restoration projects.

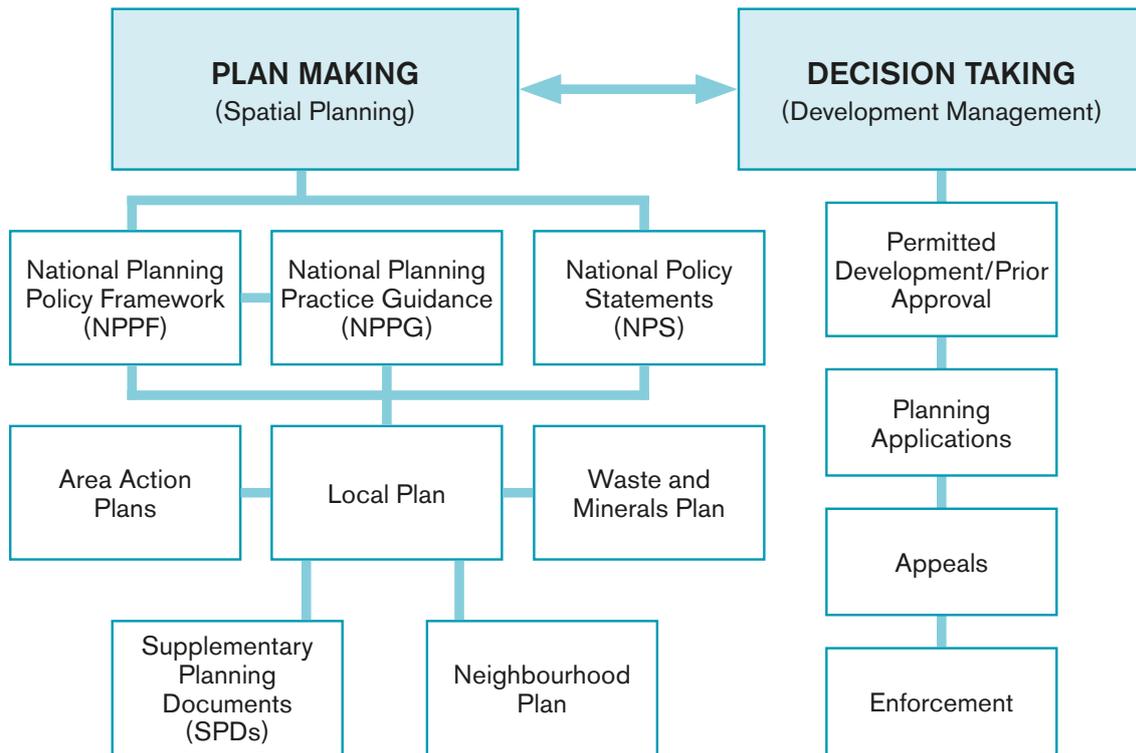
## Other guidance

In 2009, the Town and Country Planning Association (TCPA), with the support of the British Waterways (now the Trust), produced a Policy Advice Note (PAN) in relation to unlocking the potential and securing the future of inland waterways through the planning system. This document was issued to all riparian authorities adjoining the Trust's network. Whilst the planning policy context has changed, the advice in the PAN remains largely relevant.

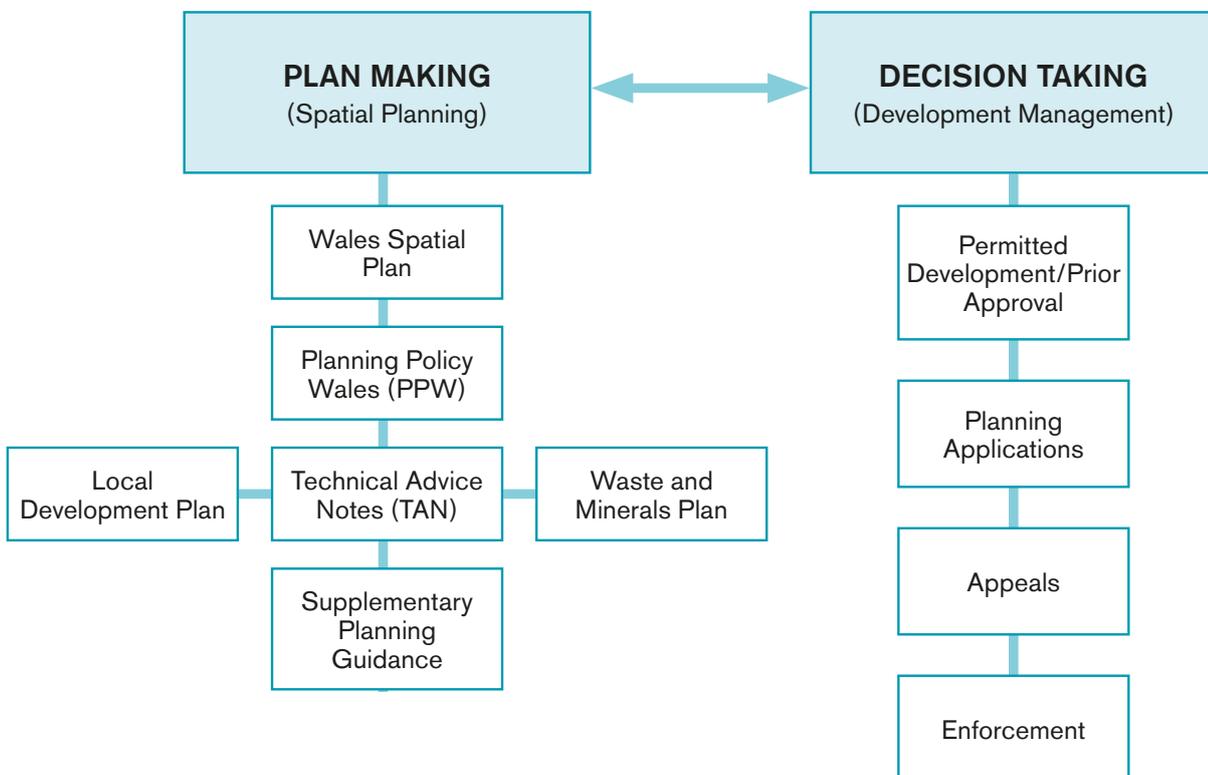
*Footnote<sup>1</sup> Brundtland Report 1987*



## Planning system in England:



## Planning system in Wales:



**Fig. 2:** Hierarchy of the planning systems in England and Wales

## Local plan preparation

Producing a local plan should be led by the local planning authority, but in collaboration with local communities, developers, landowners and other interested parties. It has to go through a number of 'statutory stages' before it can be adopted and there are a number of opportunities for getting involved in its preparation (see Section 6). Broadly, the key requirements are:

### 1 Developing an evidence base

The local plan must be supported by a robust, credible and proportionate evidence base to demonstrate a sound local plan;

### 2 Consultation and publication

Local authorities are required to produce a statement that should outline how the local planning authority will consult on the preparation of the local plan. The draft local plan is formally published for a minimum of 6 weeks so that representations can be made; and

### 3 Submission and independent examination

The local planning authority submits the draft local plan (the submission version) to the Planning Inspectorate. This is followed by a public examination of the plan by an independent inspector to consider whether the plan has been prepared in line with the relevant legal requirements (including the Duty to Co-operate) and whether it is 'sound' before it can be finally adopted for use.

## Duty to Co-operate

Many planning issues cross administrative boundaries and it is important that there is a mechanism that ensures this happens effectively. In England the 'Duty to Co-operate' seeks to ensure that neighbouring local planning authorities and other public bodies work together in relation to the planning of sustainable development that extends beyond their own administrative boundaries. Local planning authorities must demonstrate their compliance with the Duty to Co-operate when their local plan is examined. This can be relevant to restoration schemes that cross more than one local authority area.

## Test of soundness

The NPPF sets out four elements of soundness against which a local plan will be examined:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

In Wales, the requirements are more detailed and broadly fall into three categories of soundness:

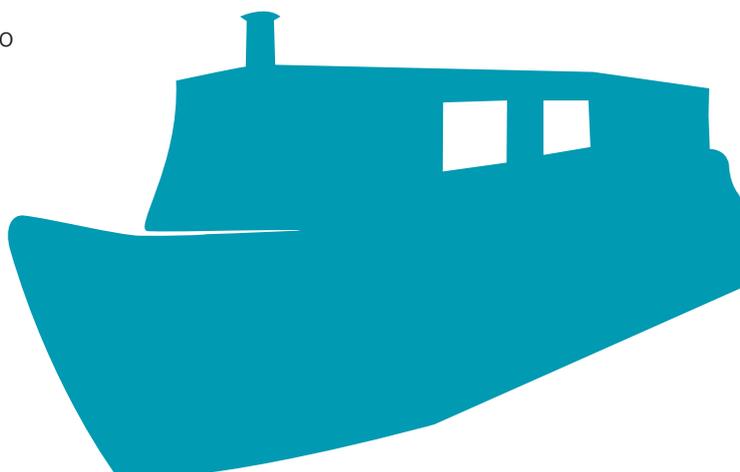
- Procedural
- Consistency
- Coherence and Effectiveness

For further information on the test of soundness see page 28.

## Other considerations

There are other documents that the Local Authorities should take into account when preparing local plans. For example, in England, National Policy Statements outline the Government's policy in relation to nationally significant infrastructure projects for matters such as energy, transport, water, waste water and waste.

In Wales, there is also the Spatial Plan (2008), which aims to integrate the work of the public, private and voluntary sectors in Wales to ensure that activity in an area support one another in a sustainable manner.



# National Planning Policy – context for inland waterways

## What do the NPPF and the PPW say about inland waterways?

In the NPPF, canals are defined as ‘open space’ and should also be regarded as green infrastructure. For example, the NPPF states *“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”* and *“local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”*. Restoration schemes can help deliver these national policy objectives.

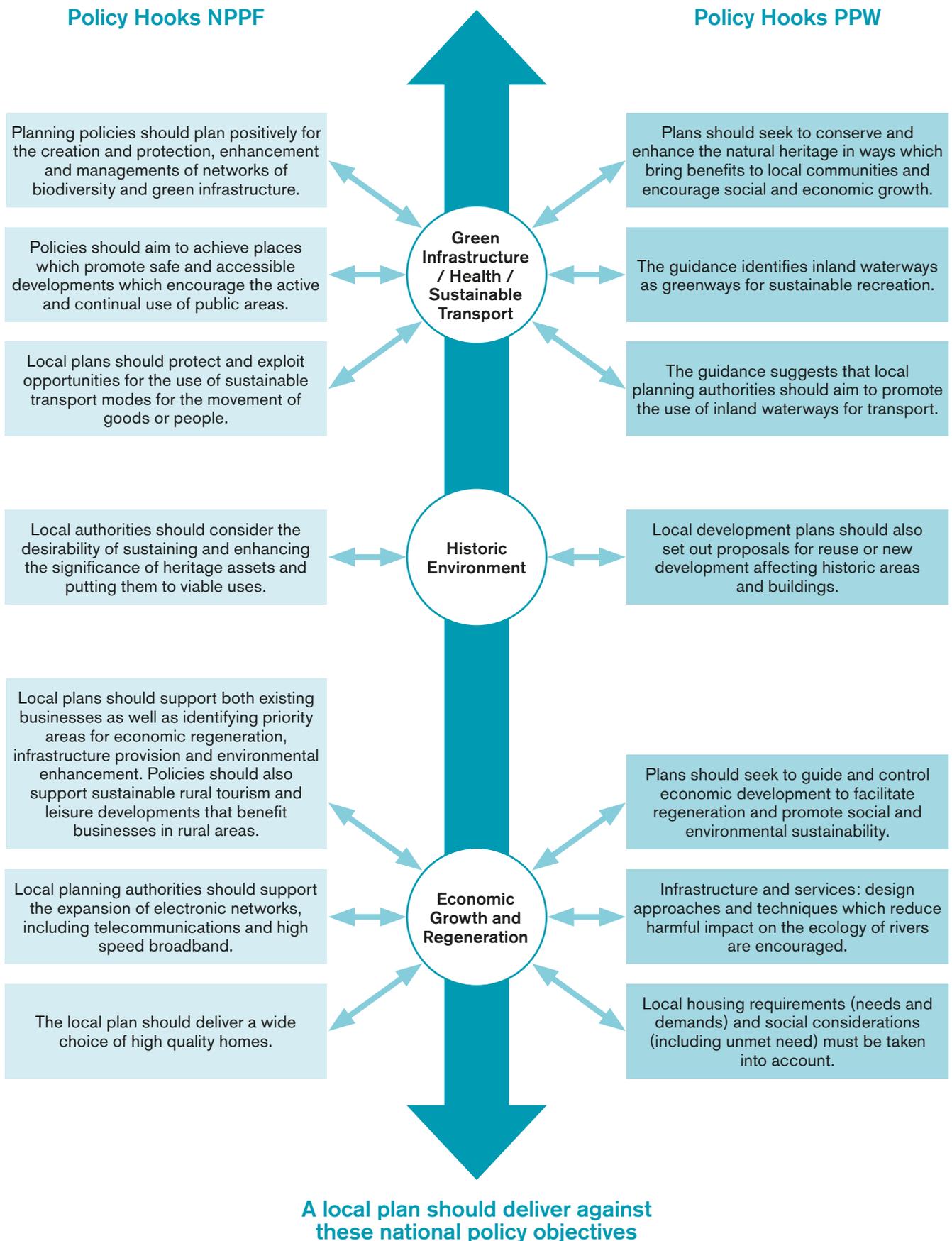
In the PPW, there are a number of direct references to inland waterways in the chapters covering Sustainability (climate change); Transport; Tourism, Sport and Recreation; Infrastructure and Services; and Environmental Risks and Pollution. Restoration schemes can also help to deliver these national policy objectives.

The planning frameworks in England and Wales offer a range of policy hooks which provide opportunities to support the safeguarding of a restoration scheme in a local plan (see Fig. 3).



Summit pound, Chesterfield Canal

**Will your restoration help support the delivery of some of the key policy ambitions of the NPPF?**



**Fig. 3:** Policy ambitions of the NPPF and PPW

# How Local Plans can help the delivery of inland waterway restoration projects

Below are some case studies, which mainly post date publication of the NPPF (March 2012) and which provide some contemporary examples and approaches to safeguarding restoration schemes. They demonstrate that there are a number of ways that inland waterways can be recognised within planning policy in a local plan – either as a criteria or proposal based policy.

The case studies focus on policies that safeguard the line through:

- **Protecting the line**
- **Green infrastructure**
- **Sustainable transport**
- **Being part of a regeneration or development project**
- **Tourism and recreation**
- **Historic environment**
- **Spatial policies**

The case studies have been colour coded, for easy reference.

**Pink** – examples from Wales

**Green** – examples from England post NPPF

**Blue** – examples from England adopted prior to the introduction of the NPPF

## Protecting the line

Protecting or 'safeguarding' either the historic, diverted or new line in some cases, is the traditional approach to promoting the restoration of a derelict canal. This can be achieved through a policy and a designation on the proposals map. This provides a degree of certainty and also reduces risk for future restoration schemes.

The following policies come from two adjacent authorities (Swindon Borough Council and Wiltshire Council) addressing the issue of safeguarding the same canals: the Wilts & Berks Canal and the North Wilts Canal. This is a good example of two authorities working together (their Duty to Co-operate) as part of the Wiltshire Swindon & Oxfordshire Canal Partnership to safeguard the restoration schemes.



*Double Bridge at Reybridge on the Wilts & Berks Canal*

### Swindon Borough Local Plan 2026 (Adopted March 2015)

[Wilts & Berks Canal and North Wilts Canal]  
Policy EN11 – Heritage Transport

*a. The alignments of the Wilts & Berks Canal and North Wilts Canal, as shown indicatively on the Policies Map, shall be safeguarded with a view to their long term re-establishment as navigable waterways, by:*

- *ensuring that development protects the integrity of the canal alignment and its associated structures; and*
- *ensuring that where the canal is affected by development, the alignment is protected or an alternative alignment is provided; and*
- *ensuring associated infrastructure of development does not prejudice the delivery of the canal.*

*b. Proposals will be permitted that are designed to develop the canal's recreational and nature conservation potential, in particular, the use of the old line of the canal for walking, cycling and interpretation.*

*c) Proposals shall only be permitted if it can be demonstrated that there is no unacceptable risk to ecology, flood risk, water resources and water quality.*

Swindon BC sets out its commitment to facilitate the restoration of the canal to obtain maximum environmental and economic benefit for the community.

The evidence base for the policy includes three reports on the feasibility of the restoration of the canal.

Importantly, the adopted Policies Map also includes a designation for the indicative canal route.

The draft local plan has been examined by an Inspector. The Inspector's report was published on 5 February 2015. In his report, the Inspector highlighted the restoration of the canals as an important potential contributor to tourism. The effectiveness of Policy EN11 was questioned due to the high cost of securing the canal through the town centre (estimated at £50m) with no clearly identifiable funding source(s) (para 102). The Council drew the Inspector's attention to the Statement of Common Ground with the Wilts & Berks Canal Trust, which supported Policy EN11 (para 103) based on the Wilts & Berks Canal Restoration Feasibility Study (Core Document 8.24). This demonstrates the value of a sound evidence base.

The Inspector also noted the value of the restoration schemes in protecting heritage transport (para 146) and providing green corridors (para 187), including in new communities, proposed in the Borough. He advised that he is satisfied that the Council's suggested revised Inset Diagrams for the new communities identify the indicative canal route (para 201).

The Inspector concluded that Policy EN11 represented *"a realistic way forward at the appropriate time"* (para 103) and that the draft local plan's provisions for the economy, the provision of employment land, the town centre, retail and office development, the visitor economy and other economic sectors affecting the restoration schemes were *"positively prepared, justified, deliverable and in accordance with national policy"* (para 104).

## Wiltshire Council – Wiltshire Core Strategy (Adopted January 2015)

### [Wilts & Berks Canal and North Wilts Canal]

#### Core Policy 16

#### Melksham link project

***The proposed route for the Melksham link canal, as identified on the proposals map, will be safeguarded from inappropriate development. Development should not prejudice the future use of the route as part of the Wilts & Berks canal restoration project. Proposals for the use of the route as part of***



Tockenham (Severn) Locks on the Wilts & Berks Canal Photo credit: Vaughan Welch

***the canal will need to demonstrate that the cultural, historic and natural environment will be protected and enhanced, with no overall adverse effect, and that adequate consideration has been given to potential impacts on ecology, landscape, flood risk, water resources (abstraction) and water quality. Proposals will also need to demonstrate that sufficient consideration has been given to the potential environmental impacts of both the Melksham scheme and the Wilts and Berks restoration project as a whole.***

This policy is supported by paragraph 5.82 of the adopted Core Strategy which sets out that the projects *"provides a significant opportunity to improve the green infrastructure in the Community Area and provide a welcome boost to tourism, regeneration and the local economy... and an opportunity to promote sustainable transport through the provision of walking and cycling routes... and assist with the regeneration of Melksham town centre"*.

#### Core Policy 53: Wiltshire's canals

***The restoration and reconstruction of the Wilts and Berks and Thames and Severn canals as navigable waterways is supported in principle. The historic alignments of the Wilts and Berks, including the North Wilts Branch, and Thames and Severn canals, as identified on the policies map, will be safeguarded with a view to their long-term re-establishment as navigable waterways.***

***These alignments will be safeguarded by:***

- i. not permitting development likely to destroy the canal alignment or its associated structures, or likely to make restoration more difficult, and***
- ii. ensuring that where the canal is affected by development, the alignment is protected or an alternative alignment is provided.***

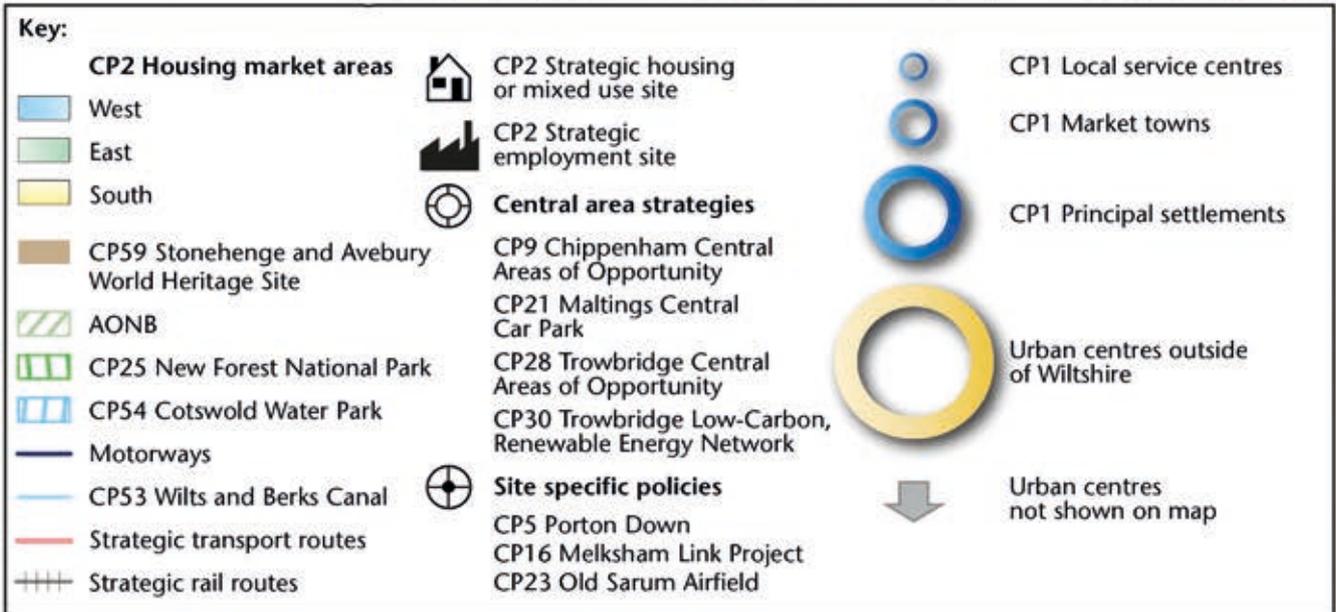
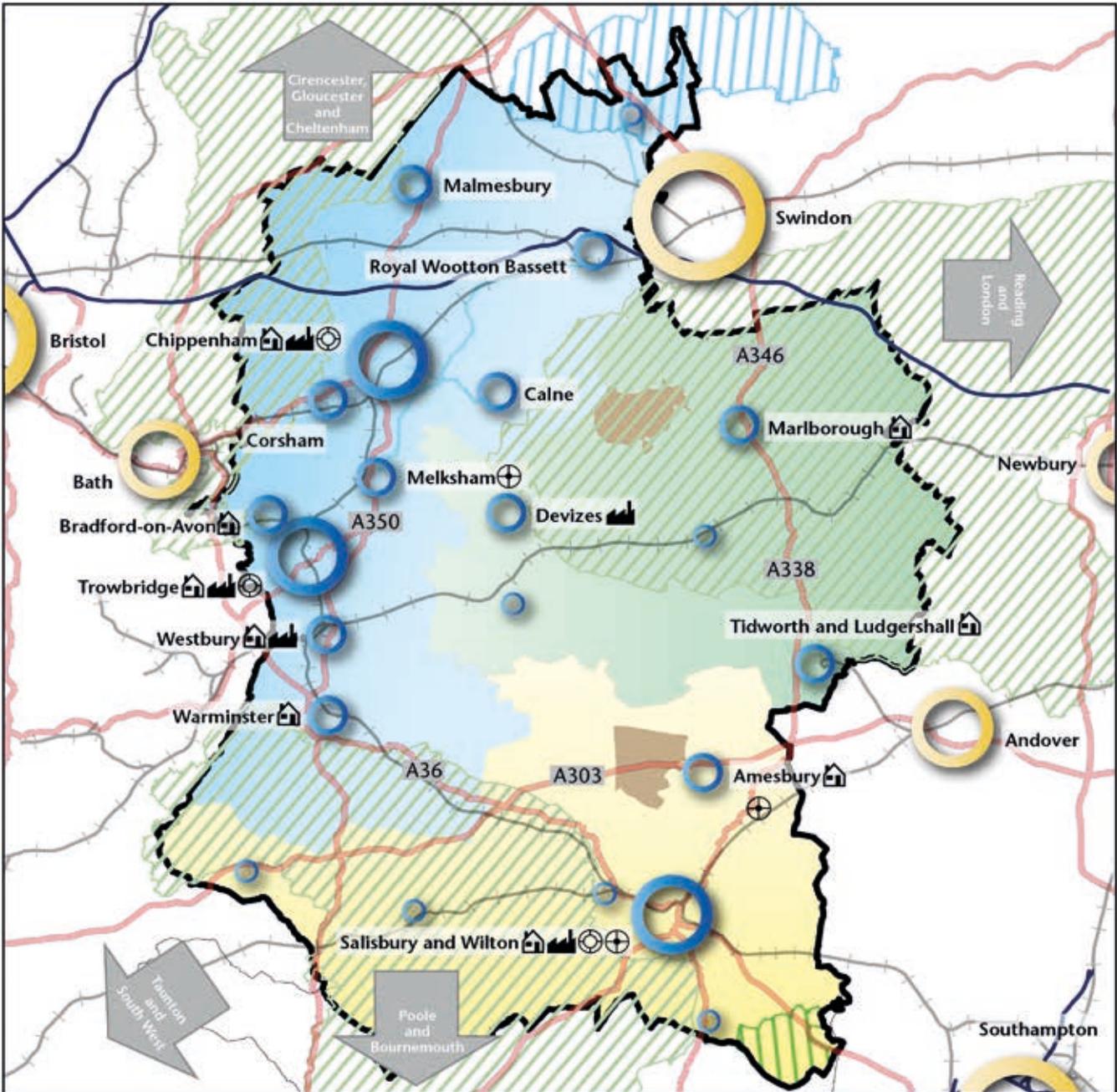


Fig. 4: Wiltshire Core Strategy key diagram

***Proposals will be permitted that are designed to develop the canal's recreational and nature conservation potential, in particular, the use of the old line of the canal for walking, cycling and interpretation.***

***Proposals for the reinstatement of canal along these historic alignments will need to demonstrate that the cultural, historic and natural environment will be protected and enhanced, with no overall adverse effect, and that potential impacts on ecology, landscape, flood risk, water resources (abstraction) and water quality have been fully assessed and taken into account. Proposals for the reinstatement of discrete sections of the canal will also need to demonstrate that the potential environmental impacts of the restoration project as a whole have been assessed and taken into account.***

This policy is supported by paragraphs 6.92-6.100 of the adopted Core Strategy and the new Melksham Canal Link and the safeguarded Historic Line of Canal are shown on the Wiltshire Core Strategy key diagram, see figure 4.

The Inspector's report published on 1 December 2014 notes that "Core Policy 53 provides a positive framework for the restoration and improvement of relevant canals whilst acknowledging adequately their cultural and historic functions as part of the broader landscape and the local environment".

The following policy comes from four adjacent authorities acting together and provides an excellent example of the planning authorities thinking strategically about restoration schemes.

**Black Country Core Strategy Dudley Metropolitan Borough Council; Sandwell Metropolitan Borough Council; Walsall Council; & Wolverhampton City Council (Adopted February 2011)**

#### **Policy ENV4 Canals**

***Where proposed development overlays part of the extensive network of disused canal features, the potential to record, preserve and restore such features must be fully explored. Development will not be permitted which would sever the route of a disused canal or prevent the restoration of a canal link where there is a realistic possibility of restoration, wholly or in part.***



## **Green Infrastructure**

The following is an example of a recently adopted policy that has protected the line of a restoration scheme as 'green infrastructure'.

### **Chesterfield Borough Council – Local Plan: Core Strategy (2011 – 2031) (Adopted July 2013)**

#### ***[Chesterfield Canal]***

**PS5 (extract)**

#### **Staveley and Rother Valley Corridor**

***The borough council will publish an Area Action Plan for the Staveley and Rother Valley Corridor demonstrating how the area will be comprehensively redeveloped to create a sustainable urban extension in a landscape setting through a masterplanned approach. The objectives of the masterplan will be to:***

- e) Enhance the quality of and access to the landscape and green infrastructure, particularly the Chesterfield Canal and River Rother waterways.***

The restoration of the Chesterfield Canal to a navigable state along all its length within the borough is one of 12 strategic objectives in the Local Plan. It also features in the Council's Infrastructure Delivery Plan and the Council's Monitoring and Review Framework for the Local Plan.



## Sustainable transport

Waterways and towpaths play an important role in widening travel choices for cycling, walking, freight and public transport. The towpath network provides a healthy, motor-vehicle-free environment in which to travel to work, school or home, and delivers significant carbon reductions.

The following example shows a restoration scheme being safeguarded as a transport route.

### South Lakeland District Council – Core Strategy (Adopted 2010)

#### [Lancaster Canal]

#### Policy CS10.1 – Accessing Services

***The Council will work with partners to improve accessibility within and beyond the plan area.***

***This will centre on:***

- ***Protecting the route of the Northern Reaches of the Lancaster Canal and any associated infrastructure to enable its restoration for navigation.***

### Torfaen Local Development Plan (Adopted Dec 2013)

#### [Monmouthshire and Brecon Canal]

***Paragraphs 1.11.34, 4.2.5, 4.2.13 and 4.2.15(g) sets out the shared commitment between Torfaen County Borough Council and Newport City Council to contributing to the reopening of the Monmouthshire &***

***Brecon Canal to navigation and protecting the line of the Canal as it runs through Cwmbran (as well as improving its recreation, leisure, transport and heritage functions).***

**Policy T2 – Safeguarding Former Transport Routes (extract) states:**

***The Monmouthshire & Brecon Canal is safeguarded from development that is likely to prejudice its reopening to navigation or its regeneration. This includes: current navigable sections, maintaining height clearances, locks that need reopening / providing and land required for any canal realignments or ancillary features such as basins, water ponds & culverts, boat transfer points, etc.***

***New developments adjacent to these safeguarded routes or that will benefit from the transport improvement will be expected to either undertake them or make an appropriate financial contribution towards their implementation and, if appropriate, their future maintenance.***

This policy is supported by paragraph 8.28.3 which reaffirms the Council's long-term aspiration to restore navigation from Brecon to Newport. It also highlights the work undertaken by the Monmouthshire and Brecon Canal Regeneration Partnership to restore sections of the Canal and studies produced to show how it could be restored.

This demonstrates the value of partnership working and a robust evidence base for restoration schemes.

It should also be noted that in his report (para 4.10), the Inspector focusses on the restoration of the Monmouthshire and Brecon Canal which "will provide opportunities for high quality townscape and the Council rightly expects developers to contribute towards regeneration costs".

## Being part of a regeneration or development project

An alternative approach to safeguarding a restoration scheme is through the inclusion of the waterways as part of a wider project that covers regeneration, infrastructure or other type of mixed development.

The following are good examples of where a canal provides the focus for a wider project but the line of the canal is protected as green (or environmental) infrastructure.

**Chesterfield Borough Council – Local Plan:  
Core Strategy (2011 – 2031)  
(Adopted July 2013)**

**[Chesterfield Canal]**

**PS3 (extract) Chesterfield Waterside and  
the Potteries**

*Within Chesterfield Waterside and the A61  
Corridor area as defined in diagram 10,  
planning permission will only be granted for  
development that contributes towards:*

- *Restoring Chesterfield Canal and the River  
Rother to navigation and creating a new  
canal terminus*

This policy follows the adoption of a planning brief for the regeneration of the Chesterfield Waterside area in 2005 centred on the canal and river.

**Birmingham City Council – Birmingham  
Development Plan – Pre-Submission  
Document (2013)**

**[Lapal Canal]**

**Policy GA9 deals with the regeneration of  
the Selly Oak and South Edgbaston areas of  
Birmingham and advises that:**

***Future development across the area will need  
to be supported by and where necessary  
contribute toward infrastructure including:***

- ***Improvements to the natural environment,  
completion of key missing links in the City’s  
Linear Open Space walkway network,  
and improvements to the canal network  
including assistance for the restoration  
of the Lapal Canal.***

The pre-submission document has been examined and the inspector has requested further evidence relating to housing and green belt.

Alternatively, a separate ‘plan’ document can deal specifically with inland waterways.

**‘Publication Draft’ of the Warwick District  
Council under Local Plan (Submission  
Version – January 2015).**

**DS17 Supporting Canalside Regeneration  
and Enhancement.**

***The Council will prepare and adopt a Canalside  
Development Plan Document (DPD) to:***

***a) assess the canals in the District and their  
environment and setting;***

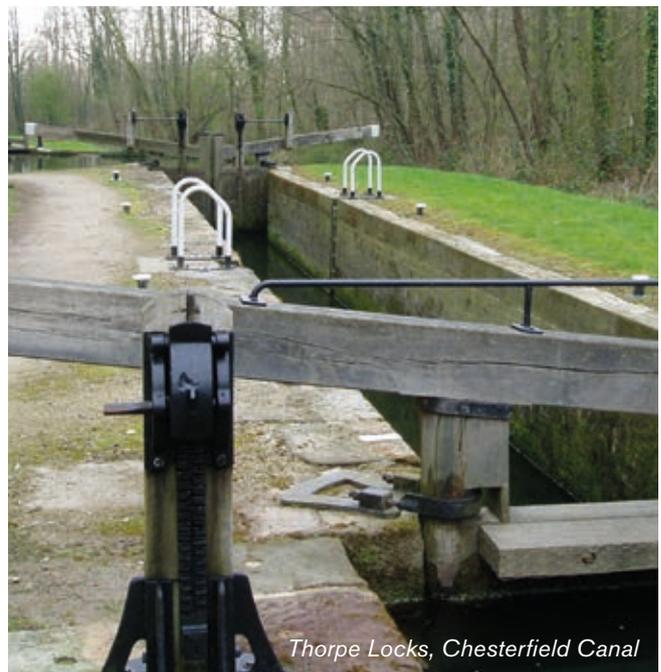
***b) identify areas for regeneration along urban  
sections, particularly for employment,  
housing, tourism and cultural uses; and***

***c) identify areas for protection, where these  
are appropriate, throughout the canal  
network within the District.***

***This document will designate particular areas  
and uses and will set out policies for use in  
assessing planning applications.***

This policy is supported by paragraph 2.74 which states:

“The Council wishes to see the canals reach their full potential and provide not only for leisure pursuits but also the possibility of opening up and regenerating areas which have fallen into disuse and been degraded over the years, particularly where this boosts the local economy by providing new jobs. A holistic approach is needed however to avoid piecemeal development which may result in the sterilisation of other sections of the canalside. By carrying out a study into what activity is currently taking place along the canal and within its environs, the Council can plan for a sustainable and productive future. By producing a Development Plan Document the Council will be able to allocate sites specifically for appropriate uses whilst building on and reinforcing existing successful canal side developments, resulting in a vibrant set of proposals to guide future development and contribute to the prosperity of the District”.



*Thorpe Locks, Chesterfield Canal*



## Tourism and recreation

The following example shows the value of restoration schemes to tourism:

### **Chesterfield Borough Council – Local Plan: Core Strategy (2011 – 2031) (Adopted July 2013)**

#### **[Chesterfield Canal]**

#### **CS14 Tourism and the Visitor Economy (extract)**

***In particular, proposals for tourism development will be encouraged where they are related to:***

- ii. the restoration and enhancement of Chesterfield Canal***

## Historic environment

Below is an example of protecting inland waterways as a heritage asset.

### **Black Country (Dudley Metropolitan Borough Council; Sandwell Metropolitan Borough Council; Walsall Council; & Wolverhampton City Council) Core Strategy (Adopted February 2011)**

### **ENV2 Historic Character and Local Distinctiveness (extract)**

***All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.***

***All proposals should aim to sustain and reinforce special character and conserve the historic aspects of the following locally distinctive elements of the Black Country:***

- g) The canal network and its associated infrastructure, surviving canal-side pre-1939 buildings and structures together with archaeological evidence of the development of canal-side industries and former canal routes (see also Policy ENV4);***

## Other spatial policies

Spatial policies seek to bring together and integrate policies which influence the nature of places and how they function. This has involved covering issues such as climate change and health and well-being. This provides further opportunities to demonstrate the important role that fully restored inland waterways can play in delivering the national policy agenda.

The following are examples of policies dealing with climate change, health and renewable energy:

### **Birmingham City Council – Birmingham Development Plan – Pre-Submission Document (2013)**

#### **Policy TP2 Adapting to climate change (extract)**

***In order to minimise the impact of overheating, new commercial and residential developments should also:***

- Where applicable, maintain and enhance the canal network to reflect the canals' role in urban cooling.***







### Policy TP36 Health (extract)

***The City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by:***

***Helping to tackle obesity and improve fitness through the provision of open space and playing fields (Policy TP9) and sports facilities (Policy TP11) accessible to all, creating and enhancing environments conducive to cycling and walking (Policy TP38 and TP39) such as the canal network, and supporting the network of local centres (Policy TP20).***

### **Chesterfield Borough Council – Local Plan: Core Strategy (2011 – 2031) (Adopted July 2013)**

#### ***[Chesterfield Canal]***

### **CS5 Renewable Energy (extract)**

***Developments along the river and canal corridors (watercourses) will be expected to investigate the feasibility of using small scale hydro power.***

## Neighbourhood Plans (in England)

Neighbourhood planning is an emerging part of the planning system. Neighbourhood Plans are produced by a Parish Council or Neighbourhood Forum and form part of the statutory development plan.

Neighbourhood plans should support the strategic development needs set out in the local plan and plan positively to support local development. If there is no specific policy on a waterway in the local plan – it still may be possible to support a restoration scheme in a neighbourhood plan. The inclusion of a section of the waterway within a neighbourhood plan will help make the case for inclusion of the whole of the waterway in a local plan(s) when it is due for review.

## Other planning tools and mechanisms

There are other ways in which the planning system can provide policy support for restoration schemes.

### **Supplementary Planning Documents / Guidance (SPD/G)**

This is a 'non-statutory' document that adds further detail to the adopted policies or proposal in a 'development plan'. They can take the form of guidance on a particular subject, design guide or development brief and have the status of a 'material consideration'. However, they have to be consistent with the adopted policy and subject to public consultation.

An example of one type of SPD is the Droitwich Canals SPD (Sept 2004) <http://bit.do/DroitwichSPD> produced by Wychavon District Council. The guide sets out the parameters and design guidance that the Council (WDC) would expect developers of individual sites to adhere to in the presentation of any planning applications for developments adjacent to the now restored canal.

Produced before the restoration of the canals to full navigation, the SPD recognises that the restoration will attract many more visitors to the locality, bringing not only economic benefits but making the waterfronts more attractive places to be. The SPD sets the framework for the restoration of the canals.

### **Masterplans**

Masterplans describe and map an overall development concept for an area – ranging from strategic planning on a regional scale to small scale groups of buildings. They are intended to provide a structured approach to creating a clear and consistent framework for development. Inclusion of a restoration scheme within a masterplan will help give protection to a section of the line, may secure additional funding for that section through planning obligations and will also help make the case for inclusion of the whole waterway within a local plan.

For example, the historic Bow Back Rivers in London's East End have undergone a remarkable restoration – from neglected and polluted backwaters to the centrepiece of the Queen Elizabeth Olympic Park with more than £50m of investment based on the Olympic Waterspace Masterplan.

[http://bit.do/OPW\\_Masterplan](http://bit.do/OPW_Masterplan)

### **Other Supporting Strategies and Documents**

There are a range of strategies produced by the local authority such as the Sustainable Community Strategy that could support restoration projects. There may also be specific local strategies that

support local restoration projects, e.g. Birmingham City Council's "*Green Living Spaces Plan*" (Sept 2013) and Derbyshire County Council's "*Derbyshire Waterways Strategy*" (May 2014).

There will also be relevant documents produced by other local bodies, such as the 'Joint Strategic Needs Assessments' and 'Joint Health and Wellbeing Strategies' both produced by local health bodies (Health and Wellbeing Boards). These documents will set out the health and social care needs of the local community and how they will be met. There are also Strategic Economic Plans produced by Local Enterprise Partnerships (in England).

In addition, county or unitary authorities produce Minerals and Waste local plans and Local Transport Plans that can also be influenced to include policy or projects which support inland waterway restoration.

### **Planning Obligations (Section 106) and Community Infrastructure Levy**

As well as protecting the route, local plan processes can help the delivery of restoration schemes through the use of planning obligations, e.g. financial contributions from developers via a section 106 agreement.

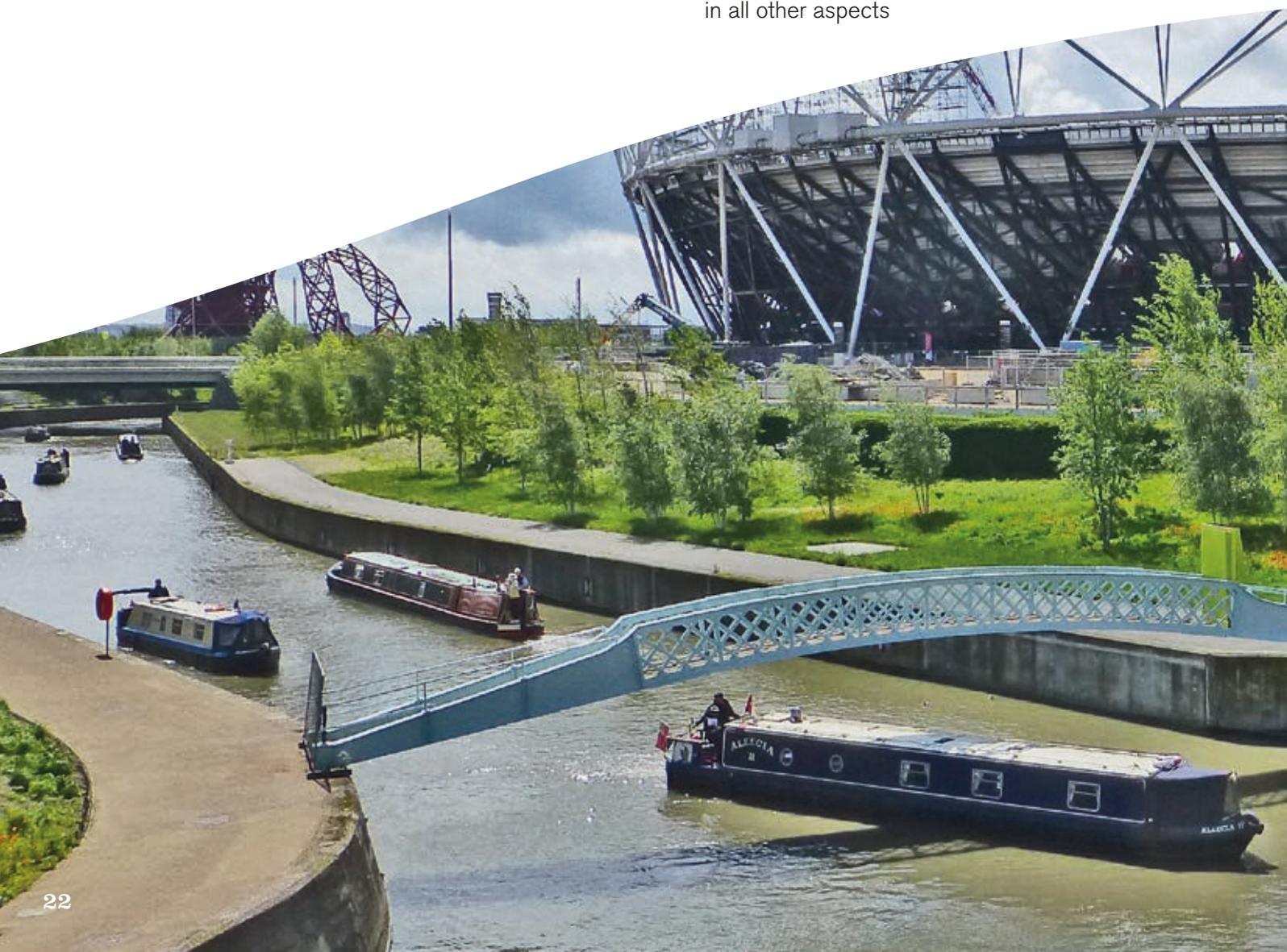
Most development has an impact on or benefits from infrastructure such as roads, schools and open spaces. It is therefore expected that development should contribute towards the mitigation of its impact on such infrastructure.

In England and Wales, section 106 agreements are used by local planning authorities as a mechanism to make a development acceptable i.e. to 'mitigate' the impact that would otherwise be unacceptable. In England any planning obligation must meet three tests:

- 1 Be necessary to make the development acceptable in planning terms;
- 2 Be directly related to the development; and
- 3 Be fairly and reasonably related in scale and kind.

In Wales a planning obligation should be sought only where they are:

- Necessary
- Relevant to planning
- Directly related to the development
- Fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other aspects



It is therefore likely that S106 contributions could only be secured from development proposed adjacent to the line of the restoration scheme and if it meets the tests above. For example, Policy S8 on Planning Obligations in the Torfaen Local Development Plan (Dec 2013) identifies that the “...*planning obligations will be specifically targeted to achieve the key priorities of: k) Improvements to the Monmouthshire & Brecon Canal;*”

Some authorities have chosen to opt to charge a Community Infrastructure Levy (CIL). It is a charge that new developments pay based on the size and type of development, subject to exemptions, as set out in a ‘charging schedule’. The levy can be spent on a wide range of infrastructure, including the provision of transport, green spaces, cultural and sports facilities. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

In England parishes with a neighbourhood plan will receive a minimum of 25% of any community infrastructure levy arising from developments in

their area, compared to parishes without a neighbourhood plan who will receive a minimum of 15%. Therefore inclusion of a section of a waterway within a neighbourhood plan may be one way to secure funding towards the restoration.

A restoration scheme could therefore secure funding from planning obligations or the community infrastructure levy. The likelihood of securing funding would be improved if:

- the local plan has a supportive policy (such as Torfaen example);
- the parish council has an adopted neighbourhood plan which supports a restoration scheme;
- a restoration scheme is identified in the Local Planning Authority’s (LPA) Infrastructure Delivery Plan; and
- it is identified on the LPAs CIL Regulation 123 list.



# Other mechanisms, outside of the planning system, to safeguard routes

There are other approaches that can be taken, outside of the planning system, which can help safeguard the route of a restoration scheme and support its delivery.

## Private Acts of Parliament

Private Acts of Parliament (also known as enabling Acts) were used to allow or 'permit' inland waterways as they gave powers to specific individuals or bodies to do something rather than the general public.

The first concerning inland waterways were given 'Royal Assent' in the 18th century, but as there was no standard approach, they have varying powers or 'rights' under each Act. It is important to check the precise wording of each Act to establish the exact extent of rights and duties in relation to a specific inland waterway.

The powers to construct and operate inland waterways as statutory navigations were granted to the original undertakers (often referred to as the Company of Proprietors) in legislation passed by Parliament at the time the inland waterway was constructed or made navigable.

Although many of the provisions of the "enabling Acts" have been amended and repealed over the years other provisions within the Acts may still be very relevant today. For example, they may still contain powers to take and discharge water for the purposes of the navigation (subject to suitable consents from the Environment Agency) and clarify the extent of many continuing duties in relation to the inland waterway, such as duties to provide and maintain bridges and to ensure that adjoining land is kept drained by culverts through any canal embankments.

It will be necessary to trace through the statutory navigation functions under the enabling Acts to determine where these functions are now vested. For example, many of the functions were transferred through a number of successor railway companies or district councils. The body in whom the functions are currently vested may also be a 'statutory undertaker' for a number of important statutory purposes, including for the purposes of permitted development rights under planning law.

It will also be important to establish whether the enabling acts are still extant (full or in part) and have any relevance to restoration. It will be necessary to determine whether the statutory functions have been 'abandoned' (in a legal sense as opposed to a physical sense) by subsequent Acts of Parliament and to what degree the functions were abandoned. Again, this requires checking the precise wording of the abandonment legislation.

It is advisable for any restoration group to obtain legal advice at an early stage on all these aspects, which can involve very arcane statutory provisions and legal principles.

## Orders under the Transport and Works Act 1992

Where it cannot be established that sufficient statutory functions are still in existence, it may be worth considering whether an Order under the Transport and Works Act 1992 is necessary or desirable.

The 1992 Act initiated a Ministerial 'Order-making' system in both England and Wales, which has the power to authorise the building of guided transport infrastructure and some other forms of infrastructure, including inland waterways and works affecting the rights of navigation. This effectively replaced the role that the private Acts of Parliament had and created procedures that are more in line with those for highway projects and other large infrastructure developments, such as airports and power stations.

An Order made under this Act can also include powers to compulsorily purchase land; to construct and maintain a waterway; and make by-laws and can be used to overcome defects in existing enabling legislation and create new rights of navigation

Planning permission, can also be gained in parallel with an Order under section 90(2A) of the Town and Country Planning Act 1990, where a request or 'direction' is applied for 'deemed' planning permission for the project that is authorised by the Order. This can be applied for alongside the Order, so the two applications can be processed together.

Applications for both of them are made to the appropriate Secretary of State in England or to

the Welsh Government in Wales. Other necessary consents can be applied for in the same way (e.g. for a listed building consent). Alternatively, planning permission can be applied for in the normal way, to the local planning authority, before the application for the 'Order' is made.

*The Ashby Canal restoration scheme came about as a result of pit closures in the area and a subsequent Civic Trust survey in 1990 which asked residents what they wanted for Measham – a restored Ashby Canal came high up the list.*

*The Canal is the only one in the Country to have made use of the TWA Order process. Despite taking six years of work, the Leicestershire County Council (Ashby de la Zouch Extension) Order was confirmed in October 2005.*

*It was led by Leicestershire County Council (LCC), in partnership with Ashby Canal Association; Ashby Canal Trust; British Waterways (now CRT); Heart of the National Forest Foundation; Hinckley & Bosworth Borough Council; Inland Waterway Association; National Forest Company; & North West Leicestershire District Council.*

*Although only 'outline' planning permission was sort and granted with the Order (rather than 'full' permission), this meant that the 'reserved matters' were dealt with by the local authority, North West Leicestershire District Council. This enabled LCC to work with the local authority on the project at a local level on the remaining 'reserved matters' or details of the planning application, and less work was required on the details of the project when preparing the Order beforehand. (Ashby Canal Trust)*

Further basic guidance on this can be found on the following site: <http://bit.do/TransportWorksAct>

## Accommodation of Navigable Waters at Highway Crossings

The Highways Act 1980 does contain some provisions for the safeguarding of the route of a waterway in the context of a new highway scheme.

Section 107 of the 1980 Act requires any proposals for a bridge over 'navigable waters' (defined as any waters or a watercourse over which a public right of navigation exists) to take into consideration the reasonable requirements of navigation over the waters affected by the order.

Therefore, if it can be demonstrated that public rights of navigation still exist (e.g. under the enabling acts) then the scheme must take this into consideration to hopefully provide a bridge (or tunnel) with sufficient clearance to preserve the potential for navigation.

It can also be argued that highway authorities, when constructing new roads or replacing existing roads should use their powers under sections 110 and 282 of the 1980 Act to carry out works in a navigable watercourse to mitigate any adverse effects that the highway will have on navigation.

For further information please see <http://bit.do/TechnicalRestoration>



Snarestone end of the Ashby Canal

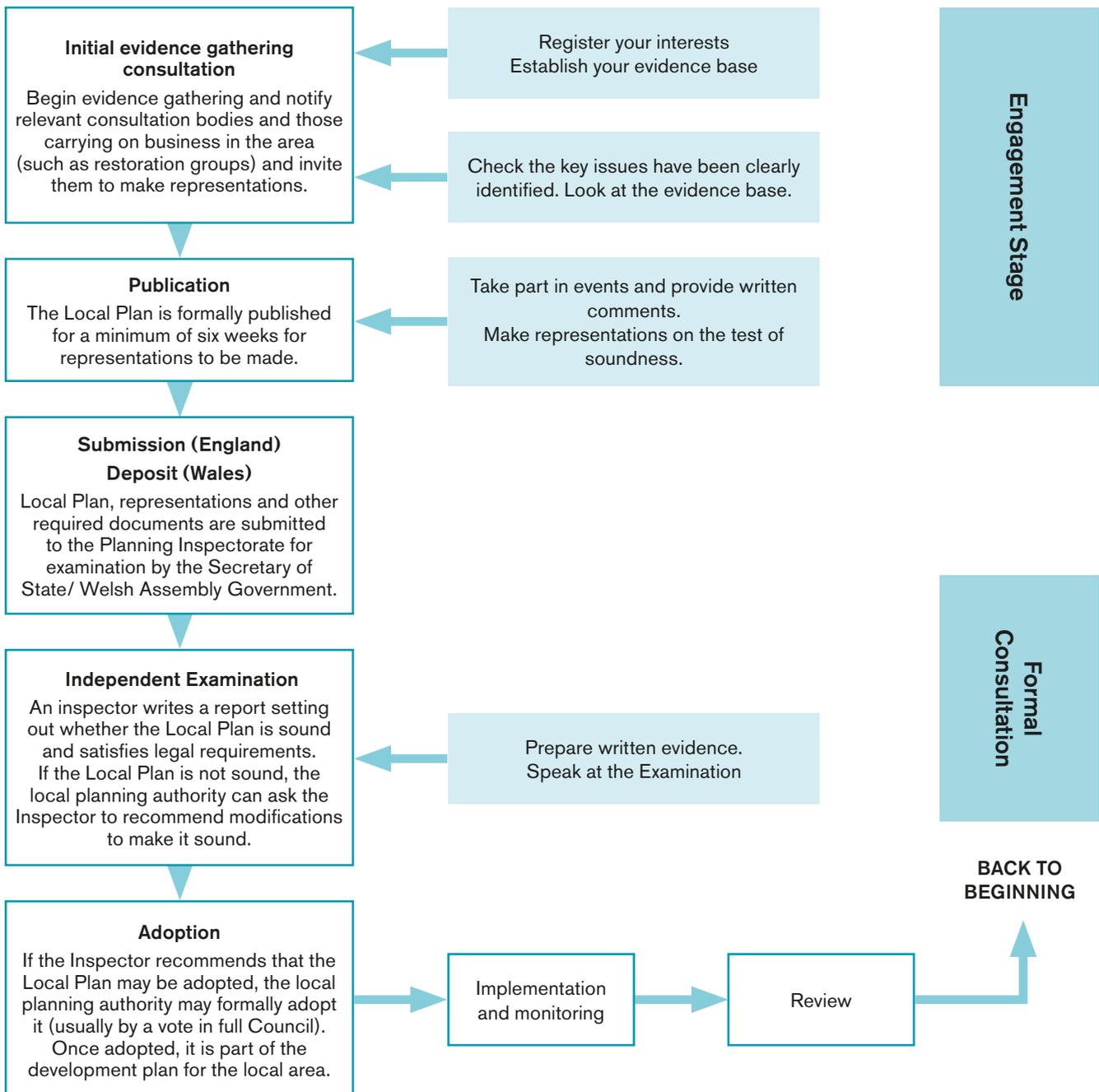
# Getting Involved: Safeguarding restoration schemes in a local plan

Waterway restoration groups can promote the inclusion of their project in a local plan by making comments or 'representations' on the local plans and on the 'evidence base' used to justify the policy.

Although the local plan preparation stages are slightly different in England and Wales, the key stages are similar and the diagram below sets out how to get involved:

## Local Plan Preparation stages

## When and how to get involved



**Fig. 5:** The local plan development process and how to get involved

## Getting support from your local authority

As a community group from the voluntary sector, it will be important to develop a strong and collaborative relationship with the local planning authority (LPA) to help guide you through the process.

## Getting involved in the plan

A local waterway restoration group should make sure that they are on the LPA's consultation list. They should come under the category of 'General Consultation Bodies', as a voluntary body that operates in the local authority's area and be consulted accordingly. However, it is still possible to make comments even if the group has not been directly consulted.

The best way to check if the group is on the consultation list is to contact the LPA by phone or email.

If the group's name is not on the consultation list, you can ask for it to be included and request that you are consulted when the plan is reviewed.

## When to get involved

The simple answer is the earlier the better! Early engagement helps you to influence the 'vision' of the plan and secure supportive planning policies thereby improving the likelihood of a restoration scheme securing planning consent. Equally, such policies

make it more likely that adjoining development that may adversely affect the delivery of a restoration would be resisted.

This is best done by working with the LPA to provide the evidence base it needs to use to write the plans policies.

## Evidence gathering

There is a body of evidence that has been produced by the Trust and IWA to highlight the positive benefits of restoration schemes, e.g. the University of Northampton Report 'Water Adds Value' (2014)

A local restoration group should review the evidence that a local authority is using to prepare a plan, in terms of the research, strategies and other documents. A group should consider whether it has any evidence to make available to the LPA and in turn establish if there are any information gaps in the local authority's evidence.

Importantly, a local restoration group needs to produce evidence which can help make the case for safeguarding a restoration scheme. There is no model for producing robust and credible evidence. However, the best practice examples highlighted in this document are all supported by evidence that can guide you.

## Establishing the evidence base

There is no fixed content but the sorts of evidence may include:

**Context:** Description of the waterway, its heritage built and natural environment and significance; where is sensitive management needed, the wider landscape of a waterway – both as a backdrop and as a setting for future proposals. Who is the local community? What does it need, want from their local waterway?

**National and local policy fit:** how the role of the waterway dovetails into the plans and strategies of public and private organisations.

**Evidence of benefits:** Show how the waterway can play an important role in supporting national and local ambitions, what the restoration need is:

- Land and property; Long term opportunities where restoration will add value, unlock development land,

- Economic growth & regeneration
- Leisure and Tourism; supported by market research, cycling, canoeing, boat visits, day visits, heritage / environmental attractions
- Health and wellbeing; improved access and facilities for community
- Employment, learning, training and skills
- Environment and biodiversity green infrastructure, habitats
- Flood alleviation / Hydrology
- Transport; cycle routes
- Culture and heritage; archaeology, heritage and significance, conservation

**Outline evidence of feasibility of restoring the route.** You need to be able to demonstrate that, given resources, it will be physically feasible to restore / build the route.

## Making effective comments on local plans

If you want to comment on a local plan, it is important to make comments at the earliest opportunity (and at every subsequent stage) in a way that can be easily taken on board by the LPA. This means keeping to the relevant key planning issues.

Only comments made on the 'published plan' should be taken into account, and the Inspector will assume that the document is 'sound' unless evidence presented at the examination proves otherwise. Therefore if you disagree with the 'published plan' your comments should focus on the four 'tests of soundness' to make them as effective as possible. In England, the tests of soundness are:

- Is the plan **positively prepared** – this includes being based on an objective assessment of development and infrastructure requirements.
- Is the plan **justified** – this includes looking at the levels of consultation and participation, and the evidence that the plan is based on.
- Is the plan **effective** – this includes whether the plan is realistic in what it is proposing, can it be achieved.
- Is the plan **consistent** with national policy and legal requirements.

In Wales, the test of soundness falls into three categories:

- **Procedural** – has the plan been prepared in line with a Delivery Agreement and is supported by a Sustainability Appraisal?
- **Consistency** – are the plans consistent with other documents and plans in the area including the Community Strategy and National Park Management Plan, and other national policy including the Wales Spatial Plan?
- **Coherence and Effectiveness** – is the plan based on reliable evidence and achievable?

## Format of comments

It is easier for the local planning authority to process the information, if you submit your comments in the preferred format.

There are three elements that make up a comment:

- A clear reference to the part of the plan being commented on e.g. policy or site allocation with page and paragraph number;
- Why you are making the comment e.g. what you like or dislike about the policies and proposals, what evidence you have to justify your comment, e.g. statements or analysis from the

Sustainability Appraisal or other documents such as national policy, guidance or local technical studies which support your view;

- How you want the plan to be changed e.g. positive amendments to existing policy or the inclusion of a positive policy where one is thought to be missing

In terms of the actual comments to be made, there are four basic questions to consider:

- 1 What policy is being proposed to safeguard the line? Do you consider this to be the best fit?
- 2 Does the scheme need any policy to help support its inclusion in the local plan?
- 3 Does reference to the restoration scheme need to be included in any general land use or strategic policies?
- 4 If the LPA is making use of CIL, does the plan need to refer to a restoration scheme as a beneficiary of this?

It will depend on local circumstances which type of policies are in the draft local plan. Therefore, the best approach to take for a local area will vary from plan to plan. Once these comments are made, the restoration group may need to be involved at the examination stage, depending on how the local planning authority dealt with and responds to the comments received. The inspector may raise questions relating to proposed waterway policies and there will be an opportunity for you to comment further to justify its inclusion.

## Independent third party help

Planning Aid in both England and Wales provides help on a range of planning matters to individuals and communities, which includes online information, telephone advice or further support where a group qualifies for help.

Further information is available on the following websites:

[www.rtpi.org.uk/planning-aid](http://www.rtpi.org.uk/planning-aid)

[www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)

More specific assistance on inland waterways can come from the Canal & River Trust or The Inland Waterways Association Honorary Planning Officers.

### Canal & River Trust:

<https://canalrivertrust.org.uk/restoration> and [http://bit.do/CRT\\_PlanDesign](http://bit.do/CRT_PlanDesign)

**IWA:** [http://bit.do/IWA\\_PlanningGuidance](http://bit.do/IWA_PlanningGuidance)

## Key Points

- It is important to get involved early in the plan making process.
- Monitor your LPA website, particularly the local development scheme
- Make sure there is a robust evidence base to support the case for inclusion. You need to be able to demonstrate what the restoration of the waterway will bring to the local community. Be clear on the wider benefits – economic, social, environmental and what opportunities the waterway will bring.
- Having local authority support for your project will make inclusion of the project in the plan easier.
- Be ready to comment on draft planning obligation strategies and CIL draft charging schedules and be able to make the case for third party funding for your restoration scheme.
- Make sure you know the timescales for the development of the plan and when it will be reviewed and are prepared to make comments.
- Where the local plan is already adopted and the waterway is not included, start to build your case. Make sure that you are prepared for the review. Prepare your evidence and lobby the politicians.
- Monitor the LPA or DCLG websites. Make sure you are aware of other opportunities such as Neighbourhood Plans or Masterplans as they arise and are prepared to be engaged with the process.
- Be prepared to follow it right through to examination and give evidence. It can be daunting but it may secure your project.
- A safeguarding policy within the local plan offers a high level of protection to the waterway route. However you will need to ensure that you are made aware of any new proposed developments along the route and respond accordingly.



# 07 Quick Reference guide to planning terms

## Some a-z of terms used in planning

- 1 **Area action plans:** A type of development plan document produced by the local authority focused on a specific location (e.g. town centre or an area for regeneration). (England)
- 2 **Community Infrastructure Levy:** A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area
- 3 **The Department for Communities and Local Government:** the purpose of this department is to create great places to live and work, and to give more power to local people to shape what happens in their area.
- 4 **Designated Heritage Asset:** A World Heritage Site, Scheduled Monument, Listed Building, protected wreck, registered park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation
- 5 **Development:** “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land” (Sec 55 of 1990 Act); this covers virtually all construction activities and changes of use.
- 6 **Duty to Co-operate:** Local planning authorities, county councils and public bodies have a legal duty to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.
- 7 **Environmental Impact Assessment:** A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.
- 8 **Examination:** Public hearing to carry out a review of the draft local plan by an independent Inspector appointed by the Planning Inspectorate to consider legal compliance, soundness and the Duty to Co-operate.
- 9 **Green infrastructure:** A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.
- 10 **Heritage asset:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
- 11 **Historic environment:** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
- 12 **Infrastructure:** Services and developments necessary for other development to take place e.g. roads, trains, electricity, sewerage, water, education and health facilities.
- 13 **Infrastructure Delivery Plan:** Analyses and assesses existing infrastructure provision, current shortfalls and identifies existing and future needs and demands for an area to support new development as part of evidence base for Local Plan and setting CIL charging schedule in consultation with infrastructure and service providers.
- 14 **Inland waterways:** Includes canals, tidal and non-tidal navigable rivers, and other inland waters used for navigation. It also includes related bodies of water such as non-operational docks, inland marinas, mooring basins and reservoirs as well as derelict waterways where there is an ambition to restore or build new waterways.
- 15 **Local Enterprise Partnership:** A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area. (England)
- 16 **Local Development Plan (Wales):** The plan for the future development of the local area,

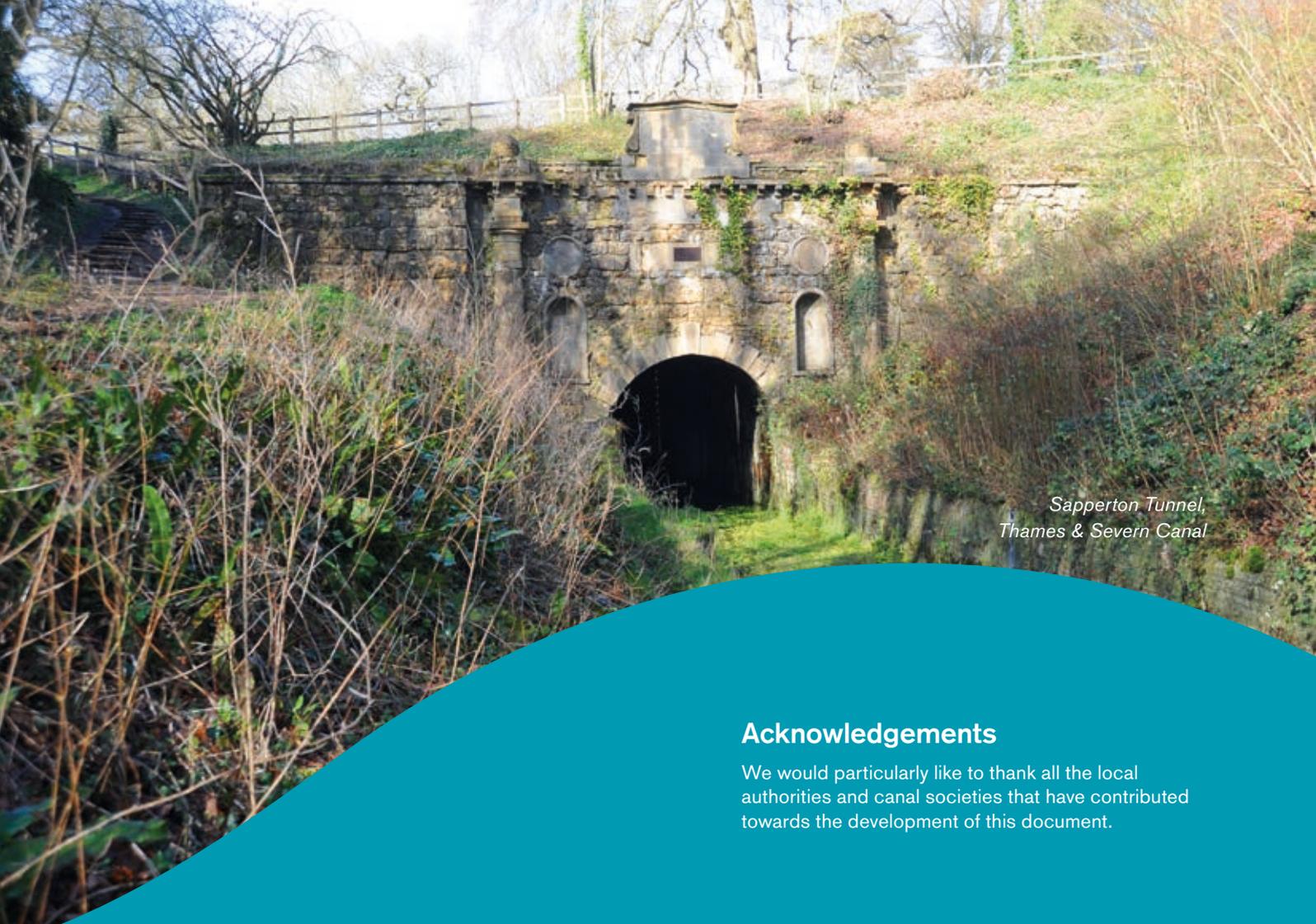
drawn up by the local planning authority in consultation with the community, which sets out their proposals and policies for future development and use of land in an area.

- 17 **Local planning authority:** The public authority whose duty it is to carry out specific planning functions for a particular area.
- 18 **Local Plan (England):** Sets out proposals and policies for the future development of the local area, drawn up by the local planning authority in consultation with the community. It is a development plan document.
- 19 **Material Planning Considerations:** things that will be taken into account in an appeal against a planning decision, including developments not being in line with the local plan or the impact on the area/neighbours.
- 20 **National Planning Policy Framework:** Consolidates all policy statements (except National Policy Statements referring to Nationally Strategic Infrastructure Projects) and provides a national policy overview that is implemented in Development Plans.(England)
- 21 **Neighbourhood plans:** Produced by Parish Councils or Neighbourhood Forums, they are linked to the local plan. They can provide more on what kind of development should be encouraged in a particular neighbourhood area and can be a powerful planning tool in expressing what local communities want to happen. (England)
- 22 **Open space:** 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 act as a visual amenity.
- 23 **Planning obligation:** A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.
- 24 **Planning Policy Wales:** Sets out the national policy framework for land use planning in Wales, and includes many different areas of planning. Prepared by the Assembly Government to give local planning authorities and others a clear understanding of how the system should work. (Wales)
- 25 **Restoration:** Restoration is the process of preserving and bringing derelict waterways or arms back into use as sustainable,

multi-functional community assets whilst conserving and respecting their historic form, features, and character. Restoration also includes the development of new waterways which link into the historic network.

- 26 **Supplementary Planning Documents (SPD) (England) or Supplementary Planning Guidance (SPG) Wales:** Documents which add further detail to the policies in the local plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 27 **Sustainable Community Strategy:** Each Local Authority has a duty to prepare a Sustainable Community Strategy (SCS), to be developed with and delivered by partners from public, private and community sector organisations. It is an overarching strategy which draws on and influences future plans from all key local organisations and encompasses community aspirations to identify what issues are priorities. It sets out how services can be improved and delivered in ways that increase the environmental, social and economic well-being of the area.
- 28 **Sustainable development:** Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.
- 29 **Sustainable transport modes:** Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Thanks to the National Planning Policy Framework, National Planning Practice Guidance and the RTPI's Planning Aid for the definitions.



*Sapperton Tunnel,  
Thames & Severn Canal*

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*Keeping our waterways alive!*