

Neath Port Talbot Local Development Plan



Glandŵr
Cymru

The Canal & River Trust in Wales

Matter 10, Hearing session 16, Q2
Representor Number 0005

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Introduction

1. The Canal & River Trust is the successor body retaining the statutory responsibilities and functions of the British Waterways Board in England and Wales under the provisions of the *British Waterways Board (Transfer of Functions) Order 2012* and to the property, assets and liabilities of BW in England and Wales under the terms of the *British Waterways Board Transfer Scheme 2012*.
2. The Canal and River Trust (Glandwr Cymru in Wales) exists to protect, manage and improve the inland waterways for the public benefit in perpetuity. Its vision is for living waterways to transform places and enrich lives.
3. The Canal & River Trust supports the restoration of all abandoned canals and is actively involved in the delivery of several restoration projects throughout the country. Notably the Droitwich Barge Canal and Droitwich Junction Canal re-opened in 2011, after years of hard work by the Droitwich Canal Trust, local volunteers and British Waterways and our attention has now turned to the Montgomery Canal.
4. The Canal & River Trust is not leading on the restoration of the Swansea Canal but we fully recognise and support the hard work and dedication of the volunteers of the Swansea Canal Society, Neath and Tennant Canal Society and the Inland Waterways Association in both campaigning and working on the ground, along with the Waterways Recovery Group, to delivery improvements to the canal network.

Question 2

The Inspector asks whether the approach to canal restoration in accordance with National Guidance.

1. At present there is little guidance relating to the Inland Waterways in Wales but we believe that that is changing. The Welsh Government is working closely with Glandwr Cymru to promote the benefits of canal restoration and we have entered into a Memorandum of Understanding (MoU) with them. Annex 2 of the MoU sets out the joint aims to work together on (amongst other things) policy, European funding, regeneration advice, (including the Neath, Tennant and Swansea Canal), heritage, tourism, education and training, community health and well-being and natural resource management.
2. Two task and finish groups have been established – one looking at waterways overall (chaired by Gerwyn Evans) and the other at the Monmouthshire & Brecon Canal as a strategic project (chaired by John Abraham) in its own right. In addition Welsh Government is supporting two studies, one as part of the Vibrant and Viable Places programme in Torfaen looking at the case for investment in the Monmouthshire & Brecon canal (led by Torfaen Council) and the other looking at Crindau and the entrance to the Usk in Newport. We therefore believe that the Welsh Government are supportive of the inland Waterways in Wales and recognise not only their existing benefits but the added benefits that restoration can bring.
3. The Canal & River Task has also been invited by Welsh Government to contribute to discussions around the Tennant canal in Swansea and the role it may play within Communities First Area and economic regeneration.
4. Canals are increasingly being recognised as multi-functional resources and in 2009 the Town & Country Planning Association (in conjunction with British Waterways) published a Policy Advice Note: Inland Waterways Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System which looked in detail at the contribution that inland waterways make to economic, social and environmental agendas. It demonstrates how inland waterways contribute to the Government's key policy objectives and made suggestions in Appendix 1 to help ensure Local Development Plans are 'waterway proofed'.
<http://www.tcpa.org.uk/data/files/InlandWaterways.pdf>
5. In Planning Policy Wales (Edition 7, July 2014) (PPW7) waterways are relevant to the chapters on sustainability, climate changes, transport tourism, sport and recreation, infrastructure and services and environmental risk and pollution.
6. PPW7 paragraph 11.1.13. states local authorities should seek to protect and enhance the rights of way network as a recreational and environmental resource. They are also encouraged to promote the national cycle network, long distance footpaths, bridleways, canals, and the use of inland waters and disused railways as greenways for sustainable recreation'
7. Policy BE3 fails to give full and unequivocal protection to the canal as a linear feature throughout its length and does not provide for a greenway for recreation. Instead it creates a series of fragmented sections of isolated waters.

8. In Technical Advice Note 18 (Transport) local authorities are urged to “identify and protect ...proposed routes suitable for use by cyclists and walkers. These may include recreational ...routes along canal towpaths...
9. Previously the Local Planning Authority protected the lines of Neath Tennant and Swansea canals, specifically in policy RO6 of the Neath Port Talbot Unitary Development Plan (UDP). That approach was entirely consistent with the protection afforded by almost every other Planning Authority in Wales & England who have active or derelict canals passing through their areas.
10. The UDP included the requirement to protect the whole canals (including the missing links) and it is not clear why the council have decided to change this approach, other than their perceived concerns regarding the need for deliverability within the plan period.
11. The maps show the canal line as continuous and the Plan repeatedly refers to the canal “network” which implies a continuous and interconnecting route. Council Officers have verbally given their support for the full network and do not believe that changes are necessary to the policy to make it sound
12. The matter is discussed in the Environment Topic paper;
6.1.7 The LDP will need to include a policy which seeks to protect the canals where appropriate and in particular, in areas where development could compromise their use and future restoration. Policy BE3 as is not consistent with this section.
13. If it is assumed that the ‘areas where development could compromise their use and future restoration’ are the more urban areas where permission might be granted for development, then surely the excluded areas are under most threat and therefore the coherence of the policy must also be in question.
14. No explanation or evidence is provided to explain or justify why the protection policy excludes all the lengths which are currently un-watered. At a meeting between Council officers, CRT and members of the IWA the council also indicated that the policy only covers the waterway itself not its towpath too, an integral part of its infrastructure, this is an unusual approach and not made clear in the plan. 96% of the use of a typical waterway is on the towpath, not the water
15. The Canal & River Trust has recently undertaken a study of restoration projects in England and Wales and the report titled, ‘Delivering Inland Waterway restoration projects in England and Wales will be published shortly. The report considers various ways in which adopted policies protect canal lines.
16. Protecting or ‘safeguarding’ either the historic, diverted or even new line in some cases, is the traditional approach to dealing with the restoration of inland waterways. This can be achieved through a policy and/or a designation on the proposals map. This provides a degree of certainty and also reduces risk for future restoration schemes.
17. If the council is concerned regarding delivery of the project within the plan period it might be more appropriate to safeguard the canal and its towpath scheme through a different category of policy e.g. green infrastructure, transport route, historic asset or

leisure facility, so that any work on the project beyond the plan period would not be an issue.

18. Paragraph 8.5.2 of PPW7 states that if local planning authorities wish to safeguard land for transport infrastructure, they should do so through a proposal in the development plan, where possible showing the precise route of the proposed new or improved infrastructure. When the precise route is not known, a safeguarding policy may be applied to the area of land necessary for the scheme. This could be a way forward. Alternative examples of wording in adopted and emerging canal protection policies, both in Wales and in England, which we feel could be substituted to provide a sound alternative for policy BE3, are provided in appendix 1.

Policy in Wales

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

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.

Comment

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

Monmouthshire Local Development Plan adopted February 2014

Policy MV6 – Canals and Redundant Rail Routes

Canals, redundant rail routes and associated facilities will be protected from development that would prejudice future sustainable transport use

Comment

The text of this policy recognises the canal and towpath together as a multi-functional asset and states that, in line with national guidance, this policy seeks to safeguard from development canals. This should ensure that such facilities remain available for sustainable future transport use through the provision of new walking, horse riding and cycle routes,.. and can be considered an important part of Monmouthshire green space provision, often containing considerable biodiversity interests.

The Monmouthshire and Brecon Canal is one such asset that it is essential to safeguard from development. The canal is a valuable multi-functional asset that contributes to the area in a number of ways, including as a significant leisure/tourism resource and as an important part of the green infrastructure network.

This policy is important as it considers walking, cycling and riding routes as transport routes to be protected as well as the navigation.

Powys Deposit Draft, July 2014

Policy TD3 – Montgomery Canal and Associated Development @ 16.88

Proposals that support the restoration of the Montgomery Canal and preserve and enhance the role of the canal as a multifunctional resource, including off-line nature reserves and other appropriate canal-related development, will be supported.

Proposals for development that would adversely affect the role of the canal or prejudice its restoration will be opposed.

Comment

In particular para.4.8.11 states ‘the canal represents a multifunctional resource as a multi-user route and a community heritage asset that provides many opportunities for tourism, leisure and nature conservation. However, major restoration work is required in order to return the canal to a navigable condition over its entire length. The Council therefore wishes to see the restoration of the canal to form a navigable waterway throughout its length and would oppose any proposals that would obstruct its sensitive restoration’. The LDP Proposals Map identifies the line of the canal.

Adopted Policy in England

The following policies come from two adjacent authorities (Swindon Borough Council and Wiltshire Council) addressing the issue of safeguarding the same canals: The Wilts and Berks Canal and the North Wilts Canal.

This is a good example of two authorities working together as part of the Wiltshire Swindon & Oxfordshire Canal Partnership to safeguard the restoration schemes.

Swindon Borough Local Plan 2026 – Pre-Submission Document (Dec 2012)

[Wilts & Berks Canal and North Wilts Canal]

Policy EN11 – Canals

a. The alignments of the Wilts & Berks Canal and North Wilts Canal, as shown on the Proposals 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.

This policy is supported by paragraphs 4.398-4.401 which explain that IWAAC re-classified the status of the Wilts & Berks Canal to a nationally important scheme and identified it is a priority project. Swindon BC sets out its commitment to facilitate the restoration of the canal to obtain maximum environmental and economic benefit for the community.

Comment

The evidence base for the policy includes 3 no. reports on the feasibility of the restoration of the canal.

Importantly, the Pre-Submission Proposals 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) (paragraph. 102). The Council drew the Inspector's attention to their Statement of Common Ground with the Wilts and Berks Canal Trust, which supported Policy EN11 (paragraph. 103).

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

The Inspector concluded that Policy EN11 represented "*a realistic way forward at the appropriate time*" (paragraph. 103) and that the draft local plan's provisions for the themes affecting the restoration schemes were "*positively prepared, justified, deliverable and in accordance with national policy*" (paragraph. 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 and Berks canal restoration project. Proposals for the use of the route as part of 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.

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.

Comment

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 is shown on the Proposals Map.

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 is an example of a recently adopted policy that has protected the line of a proposed canal arm as 'green infrastructure'

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted Dec 2014)

Policy D1 – the Regeneration of Daventry Town sets out the vision, which includes:

- i) The development of a green infrastructure network for the town including the canal corridor.

This is supported by paragraph 10.9 and figure 6 which identifies the proposed Daventry Arm as a sub-regional green infrastructure corridor.

D3 - Daventry North East Sustainable Urban Extension (extract)

The boundary of the Daventry north east sustainable urban extension is shown on the policies map (figure 5). The development will make provision for:

- F) structural green space and wildlife corridors (including a corridor for the Daventry canal arm) as indicatively shown on the policies map (figure 5);

This is supported by paragraph 13.25 which states that "Indicative structural green space along the western edge of the allocation will allow for a green buffer strip and the retention of planting along the eastern margins of the Daventry reservoir, designated Conservation Area and Local Nature Reserve. This area includes the corridor for the proposed Daventry Canal Arm, which would link the town centre with the Grand Union Canal adding significant visitor and tourism interest in the town and supporting the town centre regeneration objectives".