

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3517	Name	Claire	McLean	Canal River Trust
Method	Letter				
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Letter or Email Response:

Thank you for your consultation. The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process. Within Epping Forest District Council area, the Trust own and manage the River Stort and the River Lee Navigation. We are not aware of having been involved in the Community Choices consultation, so are keen to be involved in this current consultation and the draft of the Local Plan. The Trust has reviewed the consultation document, and has the following comments to make.

Housing Page 35 We note that housing authorities now have a requirement to "consider the needs of people residing in or resorting to their district with respect to the provision of places on inland waterways where houseboats can be moored", under section 124 of the Housing and Planning Act 2016. CLG's draft guidance suggests that once this has been undertaken the local authority's planning team should be engaged in developing solutions to meet need. The Trust would be keen to discuss this assessment with the council if it has plans to undertake one. We note from the Community Choices consultation and stakeholder engagement the reference to residential moorings demand, considering the needs of residential boaters and associated moorings, and that there is a growing and recognised demand for such use on the River Lee Navigation and River Stort.

Page 53 Draft Policy SP 6 The Natural Environment, Landscape Character and Green Infrastructure We consider that the river towing paths (towpaths) are important green/blue infrastructure, and should be highlighted for improvement within the borough. We would be keen to work with the borough in seeking improvements to this sustainable transport and leisure link.

Page 60 Draft Policy H 3 Rural Exceptions This policy would appear to be applicable for small scale proposals for residential moorings within the borough, and we would welcome the Council's view on this. Provision of, and access to, facilities and services (such as water, waste and refuse) would be key to support long term moorings.

Page 70 Draft Policy E 4 - The Visitor Economy We note at paragraph 4.62 that the responses received from the Community Choices consultation and stakeholder engagement included reference to demand for residential moorings on the River Lee and River Stort. The Trust agrees with this but also considers that the provision of, and access to, appropriate facilities and services (such as water, waste and refuse) would be key to support both long term moorings but also visiting ('continuous cruisers' and leisure) boaters. These facilities would encourage more leisure activity on the waterspace. Given the special opportunity for water based leisure opportunities in the district that the rivers create, the Trust considers that an additional point should be included to refer to facilities for water based uses. We would suggest the following wording: "A. Opportunities for the sustainable development of the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local economic benefits, through the following measures: viii) support the provision and improvement of facilities for water based leisure uses."

Page 72 Draft Policy T 1:

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Sustainable Transport Choices This policy should include the improvement of walking and cycling routes, including to river towing paths. Page 78 Draft Policy DM 1 **Habitat protection and improving biodiversity** We support the aims of this policy, which would support the biodiversity quality of the rivers, whilst not hindering their role for leisure and navigation. **Lighting** We would also like to add here that the waterways are generally retained as a dark corridor, supporting bats who use it as a feeding corridor. Any new bridges (subject to consent from the Trust) should include lighting over the towpath for pedestrians and cyclists using the towpath at dusk and dawn, but we would otherwise request that no lighting from new developments should spill over the waterspace. Page 87 Draft Policy DM 6 **Designated and undesignated open spaces** "A. Where appropriate development proposals will be expected to provide open space, or links to open space in accordance with the standards (currently being developed)." With regard to section A of this draft policy, we would just advise that any new accesses onto the Trust's towpath would require an access agreement with the Trust's estates team. This is important for our records and to ensure that new accesses are well designed, maintained, and meet the needs of the local community and our customers. Page 105 Draft Policy DM 15 **Managing and Reducing** "(vi) contribute to naturalising watercourses where opportunities arise, in line with Policy DM 17 (Watercourses and Flood Defences)." With regard to this section of the draft policy, we would request that this be amended to "contribute to naturalising watercourses, where appropriate, in line with Policy DM 17 (Watercourses and Flood Defences)." This is because it would not be appropriate to naturalise the edge of the rivers owned and managed by the Trust where they have been canalised for navigation. Page 108 Draft Policy DM 17 **Protecting and enhancing watercourses and flood defences** The Trust has some serious concerns about the proposed wording of this draft policy. "A. New development must be set back at a distance of at least 8 metres from a main river* and an ordinary watercourse**, or at an appropriate width as agreed by the Council and/or the Environment Agency, in order to provide an adequate undeveloped buffer zone." The Canal & River Trust own and manage the River Lee Navigation and the River Stort, so must also be consulted on these proposals, which we should also have the opportunity to agree. We don't tent to support a blanket policy for an 8m set back, as it is important development is designed in a way that is appropriate to its particular site and setting. We have experience of these type of requirements creating 'dead' spaces, that fail to appropriately address the waterspace, and can exacerbate anti-social behaviour. "B. All major development will be required to and minor development will be expected to: i) investigate and secure the implementation of environmental enhancements to open*** sections of the river or watercourse if appropriate." The Canal & River Trust own and manage the River Lee Navigation and the River Stort, and would not support works to sections of the river that would affect our operation of these watercourses, or hinder their role for navigation and other leisure uses. It is not clear what 'open sections of the river' would mean, but we assume that this refers to changing the profile of the waterway wall, which would not be appropriate. "C. The Council will resist proposals that would adversely affect the natural functioning of main rivers and ordinary watercourses, including through culverting." It is not clear what the 'natural functioning' of a river or watercourse is, when this policy is viewed in isolation. We assume that this refers to impeding water flows that may affect flooding, but for example, it might also be interpreted as any activity on the waterway that is not a 'natural function', which would appear to be in conflict with historic navigation of the waterways and their other leisure uses. We would therefore request that the policy be clarified. "D. Where appropriate the Council will require proposals to include a condition survey of existing watercourse infrastructure to demonstrate that it will adequately function for the lifetime of the development, if necessary, the proposal must make provision for repairs or improvements." The Trust supports this draft policy, which would correspond with the suggested condition we often recommend be attached to waterside developments, for a waterway wall survey and subsequent repairs, so that this infrastructure can support the proposed development. "E. Development on or adjacent to a watercourse must not result in the deterioration of the quality of that watercourse and must not impact on the stability of the banks of a watercourse or river." We also support the wording of this draft policy. Page 112 Draft Policy DM 20 **Low Carbon and Renewable Energy Heating and Cooling** River water can be used for heating and cooling of waterside buildings, and we have been involved in many successful projects on our network, where developments have found the system to be more efficient than air source pumps. We would therefore request that the Local Plan include reference for this for developers who may wish to explore this technology. We also note the image of cyclists using the towing path (towpath) of the river, and we would like the Draft Local Plan to encourage improvements to the towpaths and their accesses. **Pre-application Advice** We would request that there be a section in the Local Plan encouraging developers to seek pre- application advice from the Canal & River Trust. We would also request that the Council refer to the Town and Country Planning Association's Policy Advice note: Inland Waterways (2009). Although it refers to British Waterways (we transferred to the Trust from BW in 2012), it is still relevant to

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waterside development and the Trust's aims. In particular, see Appendix 1 - 'Water proofing of planning policy': <https://www.thenbs.com/PublicationIndex/documents/details?Pub=TCPA&DocID=294166> Should you have any further queries please feel free to contact me. Proximity to rest of Bell Common is a concern.