

## INFORMATION ITEM - PLANNING FOR CANALS AND TOWPATHS

<b>Committee name</b>	Residents, Education and Environmental Services Policy Overview Committee, Committee
<b>Officer reporting</b>	Mandip Malhotra & James Rodger; Planning Environment, Education and Community Services
<b>Papers with report</b>	Appendices (1-16)
<b>Ward</b>	All Wards with Canals and towpaths

### HEADLINES

The purpose of this report is to provide the committee with an overview of the planning policies governing Canals and Towpaths within the Borough and the bodies involved in the implementation of improvement works relating to the Canals and Towpaths.

### RECOMMENDATIONS:

**That the Residents, Education and Environmental Services Policy Overview Committee notes the information contained within the report.**

### SUPPORTING INFORMATION

At a recent meeting of the Residents, Education and Environmental Services Policy Overview Committee, Committee Members suggested new information items to be considered at future meetings. This included Canals and towpaths.

Set out below is a summary of the role of the Council and the Canal and Rivers Trust, followed by an overview of the planning policies relating to the protection and enhancement of the Borough Canal and Towpaths. This is concluded by a brief overview of the current proposals securing works to upgrade and enhance the local stretches of Canal.

#### (a) THE CANAL AND RIVERS TRUST

The Canal and Rivers Trust, founded in 2012, took over the guardianship of British Waterways' canals, rivers, reservoirs and docks in England and Wales. The Canal and Rivers Trust are a charity, who in 2012, were passed control of the waterways by the government. The role of the Trust is to safeguard the waterways now and in the future; whilst in the past they were used to transport goods and people, their function has since changed and the Trust endeavour to ensure their future in providing leisure and public spaces for everyone's enjoyment. The role of the Canal and Rivers Trust has influenced and shaped the planning policies surrounding the waterways and this can be seen in more detail in part (b) where details of national, regional and local policy support to enhance the use and protect the nature of the waterways is enshrined.

The Canal and River Trust is also a statutory consultee who provides advice to decision makers about protecting and enhancing the waterway infrastructure, facilities and environments when

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development is proposed. The Canal and River Trust also seeks to work with developers and local planning authorities to ensure that development interacts positively with the waterway network, to encourage better use of waterside spaces by new and existing communities for their enhanced wellbeing.

The Canal and River Trust are consulted on Major and Minor planning applications where development is likely to affect:

- (i) Any island waterway (whether natural or artificial) or reservoir owned or managed by the Canal and River Trust, or
- (ii) Any canal feeder channel, watercourse, let-off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal and River Trust

The type of developments likely to affect the waterway are:

- development which involves any digging of foundations
- the building of anything large which could impose a loading on the side of the waterway
- any development which could create a breach in the waterway for example by increasing surface water discharges
- any major change of land use, for example from fields to housing

The Canal and River Trust have defined areas next to their waterways where they should be notified on planning applications (notified areas). Planning applications are likely to affect waterways if the application site falls within 150m from the relevant waterway or waterway asset for Major applications, or 50m for Minor applications, unless there are assets such as reservoirs, tunnels, cuttings and embankments or because of the width or nature of the waterway, in which case the notified area is either 75m or 150m from the relevant waterway.

Local planning authorities consider if the proposal falls within the Canal and River Trust's notified area, and whether the development would be likely to affect their infrastructure; if yes, then the local planning authority have a statutory requirement to consult the Canal and River Trust. Local planning authorities are not required to consult the Canal and River Trust where development would not impact on the structure of the waterway or its integrity, such as domestic roof extensions, change to external appearance of buildings which do not involve foundations or additional loadings and the erection of sheds, fences etc where no significant foundation is required.

#### (b) PLANNING POLICIES

##### National Planning Policies and Guidance on Canals

The National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions. Whilst it does not specifically refer to canals, the NPPF includes canals within its definition of 'open space' as "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" (page 69).

Chapter 8 of the NPPF seeks to promote healthy and safe communities and considers access to a network of high-quality open spaces and opportunities for sport and physical activity to be important to the health and well-being of communities. Chapter 15 of the NPPF sets out the need to conserve and enhance the natural and local environment, by ensuring that developments

consider likely impacts on the natural environment, such as biodiversity, water quality, contamination, noise, light pollution and air quality. In addition, local authorities should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

### Regional Planning Policies and Guidance on Canals

Policies for the London Region are set out in the 2016 London Plan - Consolidated with Alterations and in the Emerging London Plan – Publication Version (2020). The London Plan defines the Blue-Ribbon Network as a strategic network of waterspaces for London which covers the River Thames, canals, tributary rivers, lakes, reservoirs and docks alongside smaller waterbodies. The key waterways for Hillingdon Borough are the Grand Union Canal, the River Colne and the River Pinn, (**Appendix 1**).

Policy 2.18 of the London Plan - Consolidated with Alterations (2016) (**Appendix 2**) seeks to protect, promote, expand and manage the extent and quality of, and access to London's network of green infrastructure (defined as the network of all green and open spaces together with the Blue-Ribbon Network). Development proposals should (a) incorporate appropriate elements of green infrastructure that are integrated into the wider network and (b) encourage the linkage of green infrastructure including the Blue-Ribbon Network, the wider public realm to improve accessibility for all and develop new links.

Policy 7.24 of the London Plan - Consolidated with Alterations (2016) (**Appendix 3**) states that the Blue-Ribbon Network is a strategically important series of linked spaces and that it should contribute to the overall quality and sustainability of London by prioritising uses of the waterspace and land alongside it safely for water related purposes. Policies 7.25 and 7.26 of the London Plan - Consolidated with Alterations (2016) (**Appendix 4** and **Appendix 5**) seek to increase the use of the Blue-Ribbon Network for passenger and tourist river services and for freight transport.

Policy 7.27 of the London Plan - Consolidated with Alterations (2016) (**Appendix 6**) states that development proposals should enhance the use of the Blue-Ribbon Network for infrastructure and recreational purposes, particularly in regard to access points and waterway support infrastructure such as boatyards and moorings.

Policy 7.28 the London Plan - Consolidated with Alterations (2016) (**Appendix 7**) states that development proposals should restore and enhance the Blue-Ribbon Network through a number of ways, in particular by improving and protecting biodiversity and by protecting the open character of the Blue-Ribbon Network.

Policy 7.30 the London Plan - Consolidated with Alterations (2016) (**Appendix 8**) refers specifically to London's canal network and other rivers and waterspaces, such as reservoirs, lakes and ponds. Developments should respect the local character of the waterway and contribute to their accessibility and active water related uses where possible, whilst developments located within or alongside London's Docks should protect and promote the vitality, attractiveness and historical interest of remaining docklands. In addition, local planning authorities should identify local opportunities to increase the local distinctiveness and use of the Blue-Ribbon Network.

Within the emerging London Plan - Publication Version 2020, Policy SI 14 (**Appendix 9**) states that development plans and development proposals should address the strategic importance of London's network of linked waterways, including the River Thames, and should seek to maximise their multifunctional, social, economic, and environmental benefits. Additionally, Boroughs are encouraged to work together on policies or other appropriate area-based strategies that address

cross-boundary waterway issues, and the policy sets out what these joint waterway strategies should consider, for example the local character of the river/waterway, development sites and regeneration opportunities, sites, buildings, structures, landscapes and views of sensitivity or importance, inclusive public access and indicative flood risk and water quality.

Policy SI 15 of the emerging London Plan - Publication Version, 2020 (**Appendix 10**) seeks to support, protect and enhance the use of the waterways for passenger and freight transport. The use of the waterways for transport purposes will relieve road congestion and reduce lorry movements on the roads and is a more sustainable mode of transport for freight. Boroughs should protect existing boat yards and wharves and identify new locations for additional waterborne freight. Redevelopment of safeguarding wharves for other land uses would only be acceptable where the wharf is no longer viable or capable of being made viable for waterborne freight handling. New developments next to existing wharves should minimise potential conflicts of use and disturbance and should maintain appropriate highways access for commercial vehicles to the wharves.

Policy SI 16 of the emerging London Plan - Publication Version, 2020 (**Appendix 11**) seeks to protect, enhance and support waterway infrastructure including educational and community facilities, water sport provision, moorings and public access. New developments should utilise the Blue-Ribbon Network for active water-based leisure and informal waterside recreation or access. Additionally, there is a demand for residential moorings within the waterway network given a significant increase in the number of boats on London's canals.

Policy SI 17 of the emerging London Plan - Publication Version, 2020 (**Appendix 12**) requires development plans and development proposals to support river restoration and biodiversity improvements. Development proposals are also required to support and improve the protection of the distinct open character and heritage of waterways (including canals) and their settings along with their biodiversity and accessibility.

### Local Planning Policies and Guidance on Canals

The London Borough of Hillingdon's Local Plan consists of two parts, Part One which sets out strategic policies (November 2012) and Part Two which sets out development management policies (January 2020).

Chapter 8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)<sup>1</sup> sets out the Council's strategic policies for environmental improvement within the Borough, including open spaces, rivers and canal corridors; Strategic Objective SO3 seeks to "improve the quality of, and accessibility to, the heritage value of the borough's open spaces, including rivers and canals as areas for sports, recreation, visual interest, biodiversity, education, health and well-being. In addition, address open space needs by providing new spaces identified in Hillingdon's Open Space Strategy" whilst Strategic Objective SO9 seeks to "promote healthier and more active lifestyles through the provision of access to a range of sport, recreation, health and leisure facilities". Hillingdon Borough is characterised by an extensive network of open spaces, rivers, canal corridors (including the Grand Union Canal) and associated hinterlands, known as the Blue-Ribbon Network. The network links across borough boundaries and has a strategic function in West London.

Hillingdon's green and blue network of open spaces, rivers and canals play an important role in tackling climate change, are integral to the delivery of sustainable development, promote a

healthy way of life, encourage social cohesion and provide an attractive alternative environment to an urban setting. The Borough contains seven main rivers and about 20km of the Grand Union Canal, including the Main Line, Paddington and Slough Arms, along with associated tributaries and smaller streams. The Hillingdon Local Plan: Part One - Strategic Policies (November 2012) aims to promote the river and canal corridors as a key part of Hillingdon's strategic green infrastructure network. The Grand Union Canal Corridor crosses several local authority boundaries, includes many multi-functional sites and is of regional importance. Given the multi-functional nature of strategic river and canal corridors, many local planning polices seek to prioritise these corridors in planning decisions, provide opportunities to enhance water quality and the environmental performance of the river and canal corridors, and to ensure that developers make a positive contribution to the river or canal.

Policy EM3 of the Local Plan: Part One - Strategic Policies (November 2012) (**Appendix 13**) sets out the Council's aim to promote and contribute to the positive enhancements of strategic river and canal corridors, to enhance the local character, visual amenity, ecology, transportation, leisure opportunities and sustainable access to rivers and canals, and to ensure that the river and canal corridors complement and link with cross boundary corridors. The implementation of the policy is achieved through working with relevant agencies and partners to develop strategies of the Grand Union Canal and other blue networks where needed, achieve environmental and habitat improvements in the Colne Valley Regional Park, improve facilities and enhance nature along the Grand Union Canal, conserve and enhance biodiversity and improving access to and the quality of Hillingdon's river and canal corridors.

Chapter 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)<sup>2</sup> sets out local policies to protect and enhance the environment; green infrastructure is a fundamental aspect of the character of the Borough and provides many valuable assets such as woodland, river and canal corridors and a network of open green spaces, playing an important role in helping to mitigate the effects of climate change and prevent flooding.

Policy DMEI 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) (**Appendix 14**) requires development proposals in green edge locations, including the Blue-Ribbon Network, to assimilate development into the surrounding area using extensive peripheral landscaping to site boundaries. Additionally, the Borough's rivers and canals support a diverse range of wildlife, although there has been pressure from historic development. Therefore Policy DMEI 7 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) (**Appendix 15**) seeks to ensure that biodiversity is protected and enhanced or that any significant loss of biodiversity is replaced with features of equivalent biodiversity value on site; developments alongside or that benefit from a frontage on a main river or the Grand Union Canal are expected to demonstrate that they are contributing towards a net gain in biodiversity value, through the provision of green infrastructure where appropriate.

Policy DMEI 8 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) (**Appendix 16**) requires waterside developments to enhance the waterside environment and biodiversity through high quality designs that respect the historical significance and character of the waterway and provide access and improved amenity to the waterfront. Developments located alongside or fronting the Grand Union Canal will be expected to contribute to the improvement of the Canal. The policy supports the renewal of small scale canalside facilities for servicing vessels that use the canal and improvements to facilities to improve living conditions for marina users.

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### (c) DEVELOPMENT PROPOSALS AND CANAL CONTRIBUTIONS

The Canal and Rivers Trust have works programmed which relate to the enhancement and usability of Canal and the towpaths throughout the Borough. Numerous schemes either abut the Canal or are located near the Canal and therefore the Canal and Rivers Trust are consulted on such applications. Where it can be justified in planning policy terms, the Council work with the Trust to secure monies to deliver the existing programme of works, or secure works on towpath land to be implemented with developers.

There are numerous sites across the Borough where canal improvements have been negotiated over the years. Set out below are a list of sites which have recently been granted consent with an obligation to secure monies or works (via S106 agreements) for the Trust for the period 2019-current day.

<b>Site Address/Location</b>	<b>Comments</b>
Former Nestle Factory Site, Nestles Avenue, Hayes	Construction underway, site involves a long stretch of canal frontage which will be significantly enhanced.
233-236 Nestles Avenue, Hayes	Planning consent granted; no construction works yet.
Chailey Industrial Estate, Pump Lane, Hayes	Construction underway, off site enhancements agreed.
Bulls Bridge site, North Hyde Gardens, Hayes	Decision Notice not yet released but scheme approved at committee.
1 Vinyl Square, Blyth Road, Hayes	Not yet commenced, off site enhancements contribution
Crown Trading Centre, Clayton Road, Hayes	Decision Notice not yet released but scheme approved at committee. On site canal enhancements.
Fairview Business Centre, Clayton Road, Hayes	Decision Notice not yet released but scheme approved at committee. On site canal enhancements.
Weir House, 50 Riverside Way, Uxbridge	Decision Notice not yet released but scheme approved at committee. On site canal enhancements.
GSK, Stockley Park, Iron Bridge Road	Decision Notice not yet released but scheme approved at committee. On site canal enhancements.

It should be noted that recently completed developments at Waterloo Wharf in Uxbridge and Stockley Park Phase 3 have delivered significant canal-side improvements.

#### **Implications on related Council policies**

N/A

#### **How this report benefits Hillingdon residents**

Provides an understanding of the works being secured to enhance the Canals and waterways.

#### **Financial Implications**

There are no direct financial implications associated with the recommendation to this report.

#### **Legal Implications**

The Borough Solicitor confirms that the legal implications are included in the body of the report.

#### **BACKGROUND PAPERS**

Appendix 1- Appendix 16

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