

Herefordshire and Gloucestershire Canal

1. Note by FoDDC in respect of representations made in respect of Herefordshire and Gloucestershire Canal.

Scope

1.1 This note considers the FoDDC response to representations received in connection with the Herefordshire and Gloucestershire Canal. These relate both to the general principle of the AP proposed policy to safeguard the historic route and to the specific land safeguarded. Also relevant is the policy AP72 for development including the canal at Newent and the proposals map itself.

Background

1.2 The H & G canal was formerly a link between Gloucester and Hereford but was effectively replaced by rail and then road transport. A substantial amount of the former canal remains and the route is in many areas intact. It is however obscured in other areas by the former railway and also by roads and other modern development. With the intention of full restoration, substantial work has already been completed by the Canal; Trust and the various LPAs along the route of the canal all support this. Within the FoD there are restored stretches and others awaiting attention with substantial areas where the former route can still be traced.

1.3 The FoDDC has protected a line, representing the former route of the canal on past district wide plans (1996 and 2005). It now proposes to retain this protections and update the policy that confers it as part of the AP.

1.4 During the consultation process for the AP, a revised policy and safeguarding route for the canal was used which represented a complete restored route for the canal. This was largely based on the historic route but included diversions and some provision for ancillary uses. This routewas published in the July 2014 draft AP. Representations were received expressing concern and the policy and route were modified for the Publication of the AP so that the current proposal is to protect the former route of the canal from development that would prevent its restoration where possible and to be able to protect agreed diversions (and by implication show them on subsequent proposals maps).

1.5 The proposals map and the policy protect the historic route of the canal and express the support for its re instatement. This does not show a continuous route that is able to be re-established, nor is it certain that the canal as it reinstated will follow precisely the historic route. The policy, AP9, protects the original route and allows agreed diversions and provisions for ancillary structures. It draws attention to the need for planning permission in some instances, and to the need for a full evaluation of any proposals for (canal) development.

1.6 In allowing for agreed diversions to be protected the intention of the policy is to establish additional parts of the route for the restoration, and to protect it from other development. During the consultation in respect of the draft plan, other options were considered based on the then mapped route which represented one way in which the canal may be restored. Additional information was received from the Canal Trust and discussions also took place with persons (principally local landowners and businesses) who had concerns. The additional information was not sufficient to allow the protected line to be modified in a manner that would be acceptable, either to the council or to the landowners concerned.

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1.7 As a result of the representations it was considered that the policy and the proposals map needed to be revised and the current (submitted) versions are the result of that revision. Although the policy protects agreed diversions and they could be shown on the proposals map there are at present none and the protected line is simply a representation of the historic route taken from the OS map of the time (C1879). Were there to be agreed diversions then these could be protected by the existing policy.

1.8 One area where there is a new route provided for but is not shown on the map is at Dymock where a planning permission for housing has been implemented which also provides for the establishment of a short section of canal and associated features.

Representations

Status

1.9 The Canal Trust has made representations (APPV439) about the current Plan, firstly seeking acknowledgement in the plan that the canal is a non-designated heritage asset:-

“The fundamental flaw in draft Policy AP9 is that it fails to recognise that the Herefordshire and Gloucestershire Canal is a non-designated heritage asset.

Draft policy AP9 seeks to safeguard the Canal, it makes no reference to the Canals ‘historic’ importance and therefore fails to recognise that it is a non-designated heritage asset. Policy AP9 seeks to support the reinstatement of the Canal through the safeguarding of land on the Canal’s original course, and where necessary diverted from its original course, as a consequence of failing to recognise that the Canal is a non-designated heritage asset, the draft policy also fails to accord with national policy in terms of what should be required from applicant.”

1.10 At present the draft AP does not refer to features associated with the Canal as being a heritage asset, but the text of the AP is recommended to be amended to make clear that they are considered so. The features of the canal are not Listed with the exception of the sluices and cottage at Oxenhall and would therefore be non designated assets. Individual features are assets in their own right but need to be considered in the context of the canal as a whole. As features of the Canal are acknowledged as heritage assets, the same must apply to the former railway which has also left a range of features that in many cases obscure the canal. The canal and the railway share much of the same route both through Dymock and to the north and through Newent and to the south. Formations and features associated with the railway are in some areas more apparent than those connected with the canal. This too should be acknowledged and although there is no suggestion that the railway would be protected from development, any designated or non-designated heritage assets related to it would need to be considered in any proposals for change.

1.11 The AP is proposed to be amended to add after the second sentence of 4.6, the wording: “The canal like the former railway that shares much of its route is in its own right a heritage asset. It is for the most part non designated although the lock and cottage at Oxenhall are designated assets by virtue of their listing”.

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Protection of a continuous line

1.12 The second representation from the canal Trust seeks the identification of a complete (continuous route) for the canal on the proposals map (APPV441). The current policy identifies on the map only the historic line of the canal where it is not masked by later development which is considered to mean that the canal could not be reinstated. This historic route of the canal is protected from other development by the policy it is not allocated for the establishment of the canal. The line as it is has a number of breaks where the canal is obscured by roads or buildings and their curtilages. To identify a continuous route for protection would clearly provide a greater degree of certainty for the restoration than the current policy. It is agreed that this would offer greater certainty for the restoration of the canal but it is not achievable at the present time. This is because there is a need to obtain the agreement of the relevant land owners, and to define a route for the canal. The gaps in the route are inevitably the sections where establishing a revised route may bring the greatest problems, although it is understood that some progress has been made between the Trust and the relevant land owners. The policy as drafted can accommodate revisions to the area to be protected from development such as would occur if the proposals map were to be changed to reflect areas where agreed diversions had been established. No change is recommended at present to the policy in respect of this representation.

Green Infrastructure

1.13 A third representation from Trust makes refers to the role of the canal as green infrastructure under AP8 (APPV440). This is agreed and acknowledged in AP9 and AP8 which considers biodiversity. A similar representation from GCC (APPV330) has been received and as a result an addition to AP9 is proposed:

... add before "provision of green infrastructure".. "Biodiversity benefits and"...

Landowners concerns

1.14 Although the policy AP9 as amended and the maps as they are now went a long way to addressing the concerns expressed at the consultation draft stage of the AP, some remain and representations have been received as follows:

Land at Newent

1.15 Firstly policy AP72 is supported by one local business (APPV7), in that it safeguards their premises when taken in conjunction with the map and seeks to ensure that the business can co-exist alongside the restoration of the canal:

1.16 "On behalf of LFI (Newent) Ltd, I can confirm that support is given to the policy and proposal map. It is critical to the company as a major employer in Newent with significant expansion plans that their operational area adjoining the historic line of the canal is safeguarded for their continued employment use. The Local Planning Authority has considerable representations on this subject from previous consultations on the Allocations Plan and it is important to note that if any changes

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to the current plan were to be made, this would threaten the future of the employment site. In these circumstances if this subject is to be considered at the Examination by an Inspector, the company would wish to be represented at any such event”

1.17 The site concerned is allocated for the protection of the business, for the restoration of the canal and for mixed uses including tourism, recreation and residential on land adjoining. The safeguarding for the canal route is not continuous in this area and ideally should be established by agreement so that the Canal Trust and local businesses are both protected. This could be accommodated under the policy as it is at present so no change is needed to the Plan. As an alternative, if the policy was able to define (safeguard) land for the uses referred to (business, canal, recreational uses etc) then the policy could be revised in keeping with a more precise (agreed) allocation.

Other landowner issues

Paragraph 4.6

1.18 The remaining concerns in relation to the canal relate to the way in which the policy and its text are perceived to impact on the interests of land owners. Representations seeking changes to paragraph 4.6 have been received supported by a number of individuals and by the CLA representative. The revised paragraph suggested by the CLA (APPV276) is reproduced below:

1.19 “The Council supports the general principle of reinstatement of the Herefordshire and Gloucestershire Canal whilst at the same time respecting the rights and aspirations of businesses and property owners located along its route. In terms of land uses, land will be safeguarded to enable the canal to be reinstated by agreement along its original course and where necessary but again only by agreement with relevant landowners diverted from ~~its~~ this original course. The land to be protected to enable the canal, ~~that necessary for agreed diversions~~ and that agreed to be likely to be required for canal related facilities ~~and agreed~~ is shown on the proposals map. All will be protected from development unless it can be shown that such protection is not required. It is expected that as the canal is re established the precise areas concerned will be refined, through consultation and agreement between the Canal Trust and affected landowners and occupiers . ~~The protection of the route of the canal and agreed diversions as shown on the plan may be varied with the consent of the Canal Trust.~~ The land protected for ancillary facilities is also safeguarded from development unrelated to the canal but its development for canal related purposes is subject to the need being proven. As with all work on land, any planning permission is quite separate from the need for ~~landowners to agree access to land~~ developers to negotiate with the relevant landowners regarding access to land” .

1.20 In response it is agreed that there is a need to clarify the text and the following revision is proposed:

1.21 “The Council supports the reinstatement of the Herefordshire and Gloucestershire Canal whilst recognising the rights and aspirations of businesses and property owners located along its route. Land will be safeguarded to enable the canal to be reinstated along its original course and (by agreement with relevant landowners), diverted from this original course where necessary. The

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land to be protected to enable the canal, that necessary for agreed diversions and that agreed to be likely to be required for canal related facilities and agreed is shown on the proposals map. All will be protected from development unless it can be shown that such protection is not required. It is expected that as the canal is re-established the precise areas concerned will be refined, through consultation and agreement between the Canal Trust and affected landowners and occupiers. The land protected for ancillary facilities is also safeguarded from development unrelated to the canal but its development for canal related purposes is subject to the need being proven. As with all work on land, any planning permission is quite separate from the need for developers to negotiate with the relevant landowners regarding access to land “.

1.22 The policy as amended is considered to provide the appropriate balance between the need to enable the restoration of the canal and the need to emphasise that the actual work can only be by agreement with the relevant landowners. The principle remains that the Council support the restoration of the canal and where possible will protect the historic line to enable this. The historic line is protected from other development whether or not it is agreed to be so protected, although where not necessary such protection can be removed. Where it is not possible to protect the historic line of the canal, then the council support the establishment of diversions and these will be shown on the proposals map where there is agreement with the landowners concerned. Where there is no agreement then diversions will not be shown on the map,

Paragraph 4.8

1.23 There are a number of representations seeking a change to paragraph 4.8. The paragraph is intended to make plain that there will be a need for planning permission for much of the work on the canal. It remains the case however that some work which may be required may not need planning permission and the text is therefore still appropriate. No change is suggested for the representations which seek the following changes: (Delete the words underlined).

1.24 Whilst the policy provides overall protection of a route to enable the canal to be re-established such work will in many cases still be subject to planning applications permission and any related requirements

Land at Dymock Canal Trust representation APPV442

1.25 Herefordshire and Gloucestershire Canal Trust support the approach taken toward the development at Western Way Dymock which incorporates a scheme for the restoration of the Canal, however they also consider the break in the protected route needs to be addressed.

1.26 “The plan at page 180 of the Allocations Plan identifying the settlement of Dymock shows a break in the route of the Herefordshire and Gloucestershire Canal as it enters the settlement boundary of Dymock. The same concerns set out above under Policy AP 9 in relation to the failure to safeguard a continuous route of the Canal also apply here.”

1.27 In response the Council acknowledge that there is a break in the protected (historic line) of the Canal. If there is an agreed diversion then that can be shown on the proposals map but otherwise in the absence of information, no change to the Plan is recommended. The development scheme at Dymock is now being implemented and includes housing and a short stretch of canal

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with a basin. The canal is likely to be built as a future phase but is enabled by the housing and associated works currently under way. It is considered that there is no change needed to the AP to reflect this although there would be no objection to adding to the proposals map the section of canal covered by the current permission.

Other representations, Dymock

1.28 Two representations have been received from a local landowner seeking development at Dymock which would be built in association with the re instatement of additional sections of canal including a basin (APPV256, APPV259). The Council does not support either of these which would bring relatively large scale housing developments as well as the canal and open space, and other uses. The current scheme off Western Way is providing a car park and playspace and this is considered appropriate and sufficient. The Western way scheme is providing a mix of tenures including affordable housing.

