

Annexe 3

Proposed amended policy Herefordshire and Gloucestershire Canal September 2016.

4.6 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. 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. 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 or other protected course where necessary. 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 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 .

AP9 Herefordshire and Gloucestershire Canal (new wording in blue/lighter type)

The reinstatement of the Herefordshire and Gloucestershire Canal is supported by the Plan and land as specified below is protected from other development in order to achieve this.

- 1. The original route as shown on the policies map where it has not been subsequently obstructed and is not the subject of agreed diversions.**
- 2. ~~agreed diversions~~ Diversions agreed with the landowner that have the support/ approval of the LPA**
- 3. land as shown on the policies map which provides for a continuous route where 1 or 2 above do not apply**
- 4. land agreed to be protected for essential ancillary structures**

The re instatement of the canal may use alternative areas to those protected and may divert from the protected lines (either the original route or additional land under 3 above) where there is agreement with the landowner to do so. These alternatives will require planning permission as will various other work associated with the canal.

Applies.

The area allocated is in part or wholly within a high risk area in respect of former coal mining activity and further consultation with the Coal Authority will be required, as will a Coal Mining Risk Assessment Please see appendix # for additional information.

In evaluating planning applications for the canal, the full range of policies in the local plan will be relevant and evaluation of the impact on the landscape will be especially important. Overall the canal like other development will be expected to make a positive contribution to the area through which it passes especially in respect of its impact on the landscape, recreational benefits, biodiversity benefits and provision of green infrastructure.

The requirements of the Environmental Impact Assessment Regulations, including cumulative impacts, will need to be considered, any may apply whether or not planning permission is required.

The policy above supports the reinstatement of the Herefordshire and Gloucestershire Canal. It does so by protecting a line for the restoration from other development. It links to a plan of the protected land on the Proposals map. The final route of the canal may be varied from the protected route shown on the proposals map with the agreement of the landowner and subject to any necessary permissions. Development will also help provide a major new item of Green Infrastructure and delivery of a sustainable waterway.

4.7 In cases where planning applications are necessary in connection with the reinstatement of the canal, they will be evaluated against the relevant policies both in national guidance and in the Local Plan (including the CS) and especially those related to landscape or other impacts. Policy CSP1 is especially relevant in this regard in guiding the assessment of any impacts arising from development proposals.

4.8 The reinstatement of the Herefordshire and Gloucestershire Canal has long been provided for in development plans. During the period since the first district wide local plan in 1996, work on the canal has progressed and now there are further stretches in water and other areas where restoration plans are likely to be implemented in the short term. There are sites where there is enabling development (for example at Dymock) where development may eventually be expected to contribute to the Canal's reinstatement. 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 and any related requirements. These will include any environmental assessments, and other technical supporting material. Where planning permission is required for development associated with the Canal, the considerations which apply will be the same as for other planning applications and in particular policy CSP1 with its requirement to assess the impact and evaluate the design of any proposal. Apart from being a sustainable waterway the Canal will become an

important item of green infrastructure. The reinstatement of the canal is also subject to regulation and technical approvals outside the planning system such as any required by the EA or the other authorities.

Land at Newent which includes potentially a stretch of canal protected by this policy is allocated for mixed uses including employment, tourism and recreation. The employment use is identified to enable an existing employer to remain or redevelop a site for employment use and the tourism and recreation uses are planned to be based around a restored canal. The precise area to be occupied by these uses (including the canal itself) will need to be defined in respect of the needs of the various land owners, from the basis that the Canal itself must be able to be re established while there may be some flexibility in respect of ancillary and other uses.

The Council recognises the considerable potential economic benefits of the Canal and related developments and this is one of the reasons why its reinstatement is supported.