



**Canal &
River Trust**

Making life better by water

Canal & River Trust Statement to the Epping Forest District Council Local Plan Examination in Public (2019)

Matter DM17: Protecting and Enhancing Watercourses and Flood Defences

37. Should the supporting text explain that any reduction in the 8m buffer zone required for development adjacent to a main river or ordinary watercourse would require robust justification? Should it explain that the consent of the Environment Agency is required for any works within the byelaw distance of a main river (generally 8m)? (EA Reps).

- 1) The Canal & River Trust is the charity who look after and bring to life 2000 miles of canals & rivers. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process. The Trust owns and manages the River Lee Navigation and the River Stort, and their associated towpaths within Epping Forest.
- 2) In this statement, we will seek to demonstrate that, a blanket policy for an 8m setback from main rivers and ordinary watercourses is not an appropriate way of managing development alongside our water courses and that policy DM17 should include additional text to accommodate exceptions to the 8m setback.
- 3) We stated in our Regulation 19 response to the draft Local Plan (1st February 2018) that we do not support a blanket policy for an 8m set back, as it is important that development is designed in a way that is appropriate to its particular site and setting, with the water addressed at the heart of the design. We have experience of these type of requirements creating 'dead' spaces, that fail to appropriately address the waterspace, and can exacerbate anti-social behaviour. The Town and Country Planning Association's ['Policy Advice Note: Inland Waterways'](#) (2009) (produced with support from British Waterways, our statutory predecessor) identifies the following as one of the guiding principles for waterside development:

It is important that the siting, configuration and orientation of buildings optimise views of the water, generate natural surveillance of water space, and encourage and improve access to, along and from the water.

- 4) We would reiterate our previous comments and advise that we have been involved in many successful schemes built within 8m of our waterways or interacting with our waterways within an 8m distance through public realm and landscaping or smaller scale infrastructure to allow on-water activities. Development setback from the water can create unwelcoming and wasted space prone to littering and lacking in any sort of engagement or interaction with the water, potentially missing out on the benefits associated with our waterways and missing opportunities to provide benefits for other uses, such as improved passive surveillance over the towpath.
- 5) The Trust, as British Waterways, published in 2000, ['A Guide to Waterside Development and Improvement in London'](#) in partnership with the Metropolitan Police. This document provides advice on creating safe, active, attractive and accessible waterside developments which conserve and enhance the waterside character, which are still relevant today and are relevant outside of London. The document advises development should:
- have a strong sense of place, and create safe and active edges to the waterside;
 - the principles of good urban design should extend onto the waterway itself and future waterside development needs to ensure that any new development is considered holistically with the opportunities for water-based residential, leisure and commercial development to ensure life and vitality to the waterspace and towing path; and
 - that emphasis needs to be placed on site planning, design layout and orientation to solve problems of security and safety.

We would argue that a blanket 8m setback will not enable the positive interaction, active surveillance or enhancement of the character of our waterways that we seek.

- 6) Whilst we appreciate that there may be benefits to biodiversity in leaving areas undeveloped adjacent to waterways, we would note again that our waterways are canalised and provide other functions beyond biodiversity value including for navigation, leisure and active travel along towpaths. This is recognised in paras 4.39 and 4.46 of the Local Plan. To serve these functions it is not always appropriate to set development back from our waterways, instead it should respond to the site context and can often successfully interact with waterways, add passive surveillance and create lively destinations for people to enjoy being near water. There are many ways of enhancing biodiversity including bird and bat boxes, living walls and green roofs and floating reed beds within the water itself.
- 7) The Environment Agency has their own flood defence consent process to assess whether developments will be acceptable in terms of impact on flood risk, flood defences and the natural environment where works are proposed within 8m of a watercourse. To our knowledge, this is a consenting regime that considers the impacts of development within 8m rather than a strong presumption against it. We suggest that there is a lack of clarity for decision makers (and other parties) in the proposed policy about what circumstances will justify an exception to this. This is contrary to para 16 of the NPPF (2019), which requires plans:

'contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'.

This carries forward a requirement from para 154 the NPPF (2012).

8) We would suggest that Policy DM17 (A) read:

New development must *ordinarily* 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 a naturalised and undeveloped buffer zone, free of built development. other than for site access and other essential infrastructure connections. Exceptions may be acceptable where a smaller buffer would result in a better environment or facilities for users of these multifunctional assets and where it can be demonstrated that there would be no adverse impacts on flood risk, flood defences or the protection and enhancement of the natural environment. Buffer zones should be designed for the benefit of biodiversity and should be undisturbed by lighting. Planning applications must include a long term scheme to protect and enhance the conservation value of the watercourse and ensure access for flood defence maintenance, in line with the requirements of the Water Framework Directive and the Thames River Basin Management Plan.

9) At present, we suggest that the position adopted in the Epping Forest District Local Plan on this issue does not constitute the most appropriate strategy, as required by para 182 of the NPPF (2012) and a justified strategy required by para 35 of the NPPF (2019). As explained above, we consider that policy DM17 is insufficiently clear to be consistent with the requirements of the NPPF (2012 and 2019).