



**Canal &
River Trust**

Making life better by water

planning.policy@dudley.gov.uk

Your Ref

Our Ref CRTR-POL-2023-40521

Friday 22 December 2023

Dear Planning Policy,

Re: Dudley Local Plan - Regulation 18 Public Consultation

Thank you for your consultation on the above document.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Canal & River Trust (the Trust) is a statutory consultee in the Development Management process, and as such we welcome the opportunity to input into planning policy related matters to ensure that our waterways are protected, safeguarded and enhanced within an appropriate policy framework.

Background

The Trust made comment on the previous Black Country Plan Regulation 18 consultation on 11th October 2021 in relation to the now discontinued Black Country Core Strategy review. We note that Dudley MBC does not appear to have undertaken a district-wide Issues & Options consultation, instead proceeding to a Regulation 18 draft consultation. However, we did comment on the Dudley Local Plan Review 2041 - Call for Sites Consultation on 17th March 2023 under our reference CRTR-POL-2023-38325. We also commented on Issues and Options for the Brierley Hill Plan (Issues and Options Report) (Regulation 18) Consultation (our ref CRTR-POL-2022-34935 dated 28th February 2022) as a replacement for the currently adopted version of the Brierley Hill AAP. We also commented on the Draft Dudley MBC Public Rights of Way Improvement Plan (2023) (our ref CRTR-POL-2022-37922 dated 23 January 2023), and the Draft Residential Design Guide Supplementary Planning Document (SPD) Consultation (our ref CRTR-POL-2023-38005 dated 20th February 2023), as well as annual CIL Infrastructure Funding Statement reviews.

Context: Dudley's canal network and its significance

The Trust's waterways and water spaces form a key part of blue and green infrastructure in Dudley. Within the district we own and manage stretches of several canals, including the Dudley No 1 and No2 Canals, the Stourbridge Canal and Stourbridge Town Arm, plus the Fens Pool Branch and Dudley and Netherton Tunnels. We also own land and properties within the district. Specifically, Dudley includes 13 canals, 1 aqueduct, 45 bridges, 25.31 km of canal length, 23 listed assets, 28 locks, 2 tunnels and 2 reservoirs.

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The canal network has been central to the development of Dudley and the wider Black Country and Birmingham region from the very beginning of the industrial revolution and remains core to the regeneration aspirations of Dudley – our waterways are one of the borough’s most important historic features and the canal network is engrained into the area’s character, historic environment, and cultural identity.

Our waterways should be acknowledged within the policy document as significant blue/green infrastructure, which can serve as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; and, a contributor to water supply and transfer, drainage and flood management. The waterway network forms part of the historic environment, and the character, cultural and social focus of the locality.

Based on the mid-2020 population estimates from the ONS the total population of Dudley is 323,443. Within those figures the size of population of Dudley within 1km of a waterway is 177,296 (54.8%). The canal network therefore represents an accessible resource within easy reach of a good proportion of Dudley’s residents.

Given the benefits the canal network provides, canals have a role to play in addressing deprivation levels. It is interesting to note that data for those living within 1km of the canal network also demonstrates that those living closest to the canal network experience higher levels of deprivation, as outlined below:

1km Population Deprivation (source: 2019 IMD):

IMD Decile	% of population within 1km of canal network covered by the decile
1	20.4%
2	18.4%
3	12.3%
4	9.7%
5	13.3%
6	3.7%
7	5.8%
8	6.6%
9	6.1%
10	3.7%

Data from Natural England’s ‘Monitor of Engagement with the Natural Environment’ (2009-2019), also showed that 2.51% of residents in Dudley within 1km of the canal network do not have access to a garden, comparing to 2.64% of people in Dudley overall having access to a private communal garden.

Figures for Garden Access:

Where	I don't have access to a garden	I have access to a private communal garden	I have access to a private garden	I have access to a private outdoor space but not a garden (balcony, yard, patio area)
Dudley	3.29%	2.64%	93.93%	0.15%
Dudley (NOT w/in 1km)	0.00%	2.84%	97.16%	0.00%
Sandwell (w/in 1km)	5.20%	2.51%	92.06%	0.23%

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Up-to-date towpath counter data for 2023 also indicates levels of daily use of the canal network at our main towpath counter locations within Sandwell as follows:

Average Daily Count (2023 to Date - January 2023 to end of November 2023):

	Brierley Hill – LHS	Brierley Hill - RHS
Average Daily Count (2023 to date)	180	23

The Trust considers that this data outlines the importance of the canal network and the benefits it provides through accessibility to green space. We continue to believe that waterways can play a valuable role in helping to tackle disadvantage through providing a space for healthier lifestyles, community engagement and skills development. Our historical Towpath Counter data also shows how use of Dudley's, and wider Black Country, towpaths increased significantly during the Covid-19 pandemic. We are keen to build on this increased awareness and appreciation for the canal network within Dudley, and the Black Country as a whole is a regional priority area for the Trust.

Enhanced waterways form an important part of the vision for the development of the area and we believe that this can support many of the strategic objectives, including providing a built and natural environment that supports the making of healthier choices; protecting health and wellbeing; promoting sustainable and active travel; improving public realm; enhancing the natural environment, and mitigating climate change.

Please find below the Trust's response to your draft Regulation 18 Dudley Local Plan. We hope that the comments provided are clear and helpful and that your next revision will address these points. We are very willing to continue to work with you, to meet and discuss these points for clarity and to seek to work together towards a high-quality borough that relates positively with the waterway network. To this end we look forward to our scheduled 'Duty to Cooperate' stakeholder meeting with you on 15th January 2024.

Section 1. Introduction

The Trust note that the current draft DLP version (para 1.8) is intended as a comprehensive document addressing core policies, regeneration areas and site allocations, and development management policies. Furthermore, "Once adopted the DLP will replace all previous local plan documents that Dudley Council has adopted (including the Black Core Strategy, Dudley Borough Development Strategy and the Brierley Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs)) and will contain a schedule of policies that remain saved from the previous plans, along with new supplementary planning documents."

Section 2: Profile of the Borough

The Trust requests that mention of the canal network be made within this section (either in paragraph's 2.2, 2.3 or 2.4) given its role in Dudley's cultural and industrial heritage (**ACTION REQUEST**)

2.27 More specifically Dudley has 13 canals, 1 aqueduct, 45 bridges, 25.31 km of canal length, 23 listed assets, 28 locks, 2 tunnels and 2 reservoirs and the Trust would welcome additional mention of these statistics within this paragraph (**ACTION REQUEST**)

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Section 3: Context of the local plan

The seven aspirations for Dudley, as based upon the Priorities and Objectives of the Corporate Plan 2022-25, which form the basis of the Vision for the Dudley DLP continue to represent a set of ideals to which the waterway network can successfully contribute, particularly:

- Aspiration 1: An affordable and attractive place to live with a green network of high quality parks, waterways and nature reserves that are valued by local people and visitors
- Aspiration 3: A place of healthy, resilient, safe communities where people have high aspirations and the ability to shape their own future
- Aspiration 4: Better connected with high quality and affordable transport, combining road, tram, rail, and new cycling and walking infrastructure, and,
- Aspiration 6: A place to visit and enjoy that drives opportunity, contributing to its ambitious future while celebrating its pioneering past

The Trust notes the Issues and Challenges facing Dudley and considers that our network can contribute to surmounting these matters, in particular:

- Delivering homes of a high-quality and design that reflect the character and distinctiveness of the borough
- Ensuring access to local services and supporting infrastructure
- Balancing growth across communities by ensuring that local services and facilities continue to thrive
- Health and wellbeing of residents
- Infrastructure needed to support new growth
- Need for improved transport links to connect people and businesses
- Planning for the impact of climate change, protecting and enhancing our environment and protecting communities from flood risk
- Protecting and conserving the borough's natural environment and ecological assets
- Protecting and diversifying the borough's cultural and tourism assets
- Ensuring sufficient good quality open spaces and enhancing blue and green infrastructure for residents and visitors to the borough, and,
- Ensuring new development protects and enhances the environment

Section 4: Spatial vision, strategic objective and priorities

The Trust endorses the **Vision** for Dudley Borough by 2041, particularly in relation to its focus of wellbeing, 'a high quality and beautiful natural, built and historic environment that respects and enhances local character and distinctiveness, including valued historic buildings and areas', and 'being much more accessible and promoting more active forms of travel especially by public transport and by a network of footpaths and cycleways providing connections to the rest of the West Midlands and the countryside around the borough.' We specifically welcome mention of our network within 'having a network of high-quality parks, green spaces, waterways, and nature reserves'.

Notably we support and acknowledge our allied role in delivering a number of the draft Plan's **Strategic Objectives and Priorities** under the headings of:

- Strategic Priorities 1: Addressing the Climate and Ecological Emergency (by mitigating the impacts of climate change and ensuring that developments adapt to and minimise the impacts that create climate and ecological change, ensuring that new developments move towards net zero carbon emissions, through measures such as energy efficiency, sustainable construction, renewable energy and sustainable

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travel, managing flood risk and encouraging sustainable patterns of drainage in development, and, placemaking which incorporates renewable energy installations, and promoting active travel, the least carbon-intensive way to travel)

- Strategic Priority 2: Protecting and enhancing the natural and historic environment and support an increase in biodiversity and ecological networks (by the effective and appropriate use of previously developed land and natural resources including sustainable building techniques and provides for sustainable waste management and disposal, and increased tree cover and nature recovery networks, safeguarded and enhanced green wedges, green belt along with other greenspaces, canal and riverside environments)
- Strategic Priority 5: Creating well designed and beautiful places and promoting the health and social wellbeing of communities (by ensuring development contributes towards reducing health inequalities and maximises health and wellbeing, ensure that developments contribute to a Child Friendly borough, improving access to health and social care facilities, high quality open spaces and sport and recreation facilities, to help support healthy lifestyles, and ensuring all new developments meet the highest standards of design, including regulating development through the use of masterplans and design codes, and ensuring the integrity of communities is maintained and social cohesion is promoted in new development, and ensuring development is future-proofed and sustainable, and protecting and enhancing the borough's rich heritage and cultural offer)
- Strategic Priority 6: Create thriving neighbourhoods (by providing new and affordable homes in a range of sizes, types and tenures to meet the borough's housing needs, and creating safe, attractive, and sustainable neighbourhoods with good access to services and facilities, and meeting the needs of all residents with development and placemaking which contributes towards community cohesion and social inclusivity)
- Strategic Priority 7: Delivering the resources, infrastructure and services to support growth (by ensuring development positively responds to the historic character and local distinctiveness of the area and makes a positive contribution to placemaking and environmental improvement, and successfully addressing borough wide infrastructure needs and maximises the efficient use of existing infrastructure capacities, and exploring opportunities for new sustainable infrastructure, including through delivering an enhanced footpath and cycleway network within the borough, and ensuring appropriate and the timely delivery of infrastructure to support new developments)
- Strategic Priority 8: Promoting Smart, active travel and sustainable transport (by facilitating a step change to how people travel towards sustainable modes of travel, and prioritising and making provision for the infrastructure to support active travel and more sustainable transport, and reducing the reliance on fossil fuels by supporting the infrastructure to enable alternatives to fossil fuelled vehicles, and promoting innovations in transport including Smart technology and accessible neighbourhoods)

In relation to **Delivery, Monitoring, and Implementation** the Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies ([ACTION REQUEST](#)).

Section 5: Spatial Strategy and policies

Growth Network: Regeneration Corridors and Centres

The Trust welcomes the inclusion of the canal network within the 'Spatial Strategy Plan: Dudley Borough, and specifically also the retention and enhancement of a canal-specific policy (Policy DLP36) within the Reg 18 DLP. As such we do not seek necessarily the addition of replica canal-specific wording within every other relevant policy wording within the DLP. However, we request cross-referencing to Policy DLP36 within relevant justification text as identified in the requests below as a means of identifying the needs and opportunities of the waterway network in delivering Dudley's overall vision.

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In Policy DLP1 Development Strategy, the Trust welcomes mention of c) Protecting Dudley's character and environmental assets including heritage assets, natural habitats and open spaces, and d) Minimising and mitigating the likely effects of climate change as components of spatial strategy which seeks to deliver this growth and sustainable patterns of development.

In Policy DLP2 Growth Network: Regeneration Corridors and Centres, the Trust considers that sub-heading e) could be augmented with explicit mention of sustainable travel and encouragement of modal shift, and potential amalgamation of sub-heading g) as a mechanism for delivery.

5.17 The Trust welcomes mention of the canal network and also within Brierley Hill Strategic Centre and Stourbridge Town Centre within Table 5.2 Summary of Strategic and Town Centre proposals.

The Trust welcomes mention of the opportunities afforded by the canal network within Table 5.3 Regeneration Corridors, notably RC2 – Dudley to Brierley Hill to Stourbridge.

Areas outside the Growth Network

In Policy DLP3 Areas outside the Growth Network, the Trust welcomes mention of 'Improved green and blue infrastructure, linked with protected Green Belt will promote health and wellbeing, support biodiversity and will bring the countryside and its landscape into the heart of the urban area.'

The Trust requests incorporation of cross-referencing to Canal Policy DLP36 within the justification text to Policy DLP3 to identify our network's inclusion as a suitable recipient for improvements listed in sub-heading 4. (ACTION REQUEST).

Achieving well designed places

The Trust welcomes explicit mention of the canal network within sub-section 9 of Policy DLP4 Achieving well designed places. We believe protection and enhancement of the canal network through design, layout and integration into developments should always be an expectation for canal-side sites, as this is consistent with the NPPF chapters on design and the historic environment and the National Design Guide and National Design Code on integrating nature and public spaces.

The avoidance of fly-tipping and anti-social behaviour reduction can also be achieved through the use of good design techniques. Future local Design Codes can also provide developers with detailed guidance encouraging high quality design, following on from the principles advocated within the National Design Guide and Design Code. Given the importance and extent of canals within the borough such codes will need to address waterside developments specifically and various key design principles for successful canal-side developments could be outlined within them, including creating activation with the canal, natural surveillance and appropriate landscaping. The Trust requests consultation on any local design codes which are to be developed (ACTION REQUEST). We acknowledge that positive place-making next to a canal, waterway or water body is often site-specific on a case-by-case basis, and therefore early consultation with the Trust is recommended to receive guidance on the best approach to achieving good design. This could be through stakeholder-led master planning approaches or through individual pre-application engagements. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and can also encourage developers to seek pre-application advice from us direct, via:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST)

Cultural facilities and the visitor economy

The Trust welcomes mention of the canal network within para 5.33 of the justification text for Policy DLP5 Cultural Facilities, Tourism, Heritage, and the Visitor Economy, and also inclusion of the canals and tunnels within

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Figure 5.2 Dudley Borough Tourism and Visitor Attractions.

Section 6: Infrastructure

Transport and Access to Residential Services

The Trust also requests cross-referencing to Canal Policy DLP36 within the justification text to this introductory section on infrastructure (ACTION REQUEST) to aid infrastructure improvements to support its contribution to support the Council's development and growth ambitions.

Economic Activity

The Trust is keen to continue proactive engagement with the Council on project delivery utilising the funding sources, and others, listed within para 6.14. (ACTION REQUEST)

Planning Obligations

The Trust will put forward requests for Section 106/CIL contributions where appropriate in its statutory consultation responses to planning applications, including the use of planning conditions where applicable. We also intend to work up a priority list of Project Briefs and Business Cases for re-insertion into subsequent annual CIL Infrastructure Funding Statement reviews, to aid infrastructure Project Delivery for network improvements through these mechanisms on an annual basis.

The Trust requests mention of the canal network in the context of the justifying text to para 6.20 of Policy DLP6 Infrastructure Provision, given the ability of our network to contribute to the successful delivery of many of these infrastructure elements (ACTION REQUEST)

Broadband and Telecommunication Networks

The Trust request addition of the potential for use of canal towpaths for the provision of 5G network infrastructure, to be delivered through the reasonable use of planning conditions or S106/CIL obligations, within the policy working to Policy DLP7 Broadband and Telecommunications and its justification text. This could also be cross-referenced within the justification text to Policy DLP36 – Canals sub-section 3f. (ACTION REQUEST).

Section 7: Health and Wellbeing

Given our request elsewhere in this response, that the canal network's contribution to the broader well-being agenda be explicitly included with the wording of Policy DLP36 - Canals, the Trust requests the incorporation of cross-referencing to Canal Policy DLP36 within the justifying text to text to this section and/or Policy DLP8 Health and wellbeing (ACTION REQUEST).

Section 8: Housing

The Trust is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments below refer). The inclusion of the canal network within relevant allocation maps helpfully enables developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct, via:

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Housing sites below.

In relation to towpath improvement aspirations the Trust will be able to provide information of priority areas for upgrading over the plan period on a case-by-case through statutory consultation responses to planning application consultations, and will seek to request Section 106/CIL monies and/or planning conditions if appropriate from relevant schemes where they arise in proximity to these stretches of our network.

The Trust also advises that it has some specific critical assets within the Dudley area especially within Brierley Hill and along the Dudley No 1 Canal, as well as over Trust tunnels, which will require careful assessment of allocations for impact and mitigation under the provisions of DLP36 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Dudley.

Section 9: Employment

The Trust is content that canal-specific implications arising from the Council's draft Employment policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments below refer). This includes the assessment of implications arising for existing boating businesses which adjoin development sites, or opportunities arising for the creation of compatible business boating activity. The inclusion of the canal network within relevant allocation maps helpfully enables developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct, via:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice/> (ACTION REQUEST).

See also comments on Employment sites below.

Section 10: Centres and Town Centre Uses

The Trust is content that canal-specific implications arising from the Council's Centres and Town Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments below refer). The inclusion of the canal network within relevant allocation maps helpfully enables developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct, via:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Strategic and Town Centres below.

Section 11: Environment

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Nature Conservation

11.7 The Trust notes mention of the Fens Pool Special Areas of Conservation (SAC) and advises that we are substantial owners of the Fens Pools. This site is acknowledged as being of European importance and that the DLP has a major role to play in ensuring its special environmental qualities are not impacted adversely by development. The Trust welcomes that SAC's are to be protected under the terms of section 1a of Policy DLP31 Nature Conservation. Furthermore, we welcome explicit mention of canal and watercourse-side developments within sub-section 5d of Policy DLP31 Nature Conservation.

In relation to Geodiversity and the Black Country UNESCO Global Geopark, we further note that the Habitats Regulations Appraisal identifies the potential for Likely Significant Effects (LSE) from increased disturbance to Fens Pools SAC and that outstanding screening is to be carried out with recommended mitigation and compensation. Access points here are already a source of antisocial behaviour and increased access surveillance may not address this antisocial behaviour as Fens Pools is already well used and accessible by the local community. The Trust considers that it would be appropriate to review the opportunities for Suitable Alternative Natural Greenspace (SANG) near to Fens Pools to avoid LSE and biodiversity net loss at this sensitive, SAC-protected location. (ACTION REQUEST)

The HRA already advises, "Public access and disturbance / recreational pressure: Increased development has the potential to increase recreational pressure upon Habitats sites which are accessible to the public. Urbanisation: Urban development has the potential to result in disturbing activities (such as noise, lighting and visual disturbance). Disturbance effects may impact upon Habitats sites themselves and also their qualifying features when outside a designated site boundary." The Trust recommends the Council utilises Natural England's Access to Natural Green Space Standards (ANGSt) to ensure current activities are not impacting on existing communities ANGSt, but also to plan ANGSt spaces within the new developments including the canals, in preference to reliance on statutory protected sites that may already be under public pressure without substantial investment in mitigation. (ACTION REQUEST).

Nature Recovery Network and Biodiversity Net Gain

In relation to Policy DLP32 Nature Recovery Network and Biodiversity Net Gain, the Trust considers that the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in Local Nature Recovery Strategies. The Trust hopes that canal corridors will over time be identified as BNG offsetting sites, as this legislative implementation proceeds. Canals more broadly play a crucial role within Dudley for nature conservation and provide large populations of urban dwellers with access to nature. As such Dudley's canals should be recognised for the crucial role they facilitate in priority species movements and recovery throughout the West Midlands.

Species recovery strategies under the Environment Act 2021 consider species of importance for Dudley to include water vole, otter and soprano pipistrelle bats along canal corridors. As commented elsewhere in this response, water quality should be protected and improved, air quality must be protected from degradation and more broadly improved, and dark corridors should be protected from light pollution where these protected species are present, or could be recoverable.

Accordingly, we seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024, including Examination stages (ACTION REQUEST)

Provision, retention and protection of trees, woodlands, and hedgerows

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The Trust notes the breadth and depth of content within Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees, and Policy DLP34 Provision, retention, and protection of Hedgerows. We request incorporation of cross-referencing to Canal Policy DLP36 within the justification text to both these polices to ensure appropriate application of policy in canal-specific cases (ACTION REQUEST). We also query whether it would be beneficial to separate out the tree retention and protection aspects of Policy DLP33 from the habitat creations elements to aid investigation and assessment within planning application submissions.

Canals

The Trust welcomes the inclusion of canal-specific Policy DLP36 – Canals within the draft plan, and further that it enhances the previous ENV4 policy wording within the adopted Black Country Core Strategy. In particular, clear reference has been added in relation to the importance of assessing impact on structural integrity, maintaining opportunity for canal restoration, and in identifying the role the canal network can play in delivering good design. We further request mention of delivery of integrated sustainable travel through towpath and way-faring enhancements. In relation to design quality, the canal network presents also opportunities for positive placemaking and the reduction of anti-social behaviour.

In terms of additions the Trust requests the following:

- Amend 'reinstate and/or upgrade towpaths,' to 'reinstate, introduce and/or upgrade towpaths and access points' within sub-heading 2(g)
- Add 'including through the introduction of suitably designed and sized wayfinding information' (before 'and link them' within sub-section 2(g))
- Add 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations' to the end of 2(g)
- Add 2(h) for 'use of canals for surface water management purposes, provided that SuDS and other mitigation measures are built into a scheme'
- Add into 3(a), "and delivery of the wider well-being agenda"
- Include an additional sub-section specifying, 'Facilitate continued access to Trust assets for inspection and maintenance purposes'
- In relation to Residential Moorings, add to 10 that moorings also should not be permitted near existing uses which currently give rise to adverse amenity impacts, noise for example, in accordance with 'agent of change' principles
- The justification text at 11.67 or thereafter should identify that the assessment of 'all necessary boating facilities' should consider bin storage, collection and waste disposal, water and power supplies, and car parking provision on a case-by-case basis to allow greater flexibility in relation to site-specific needs. It should also state that need for parking and access requirements for residential moorings is to be assessed against other relevant DLP policies and car parking standards on a case-by-case basis.
- The Trust requests insertion of a list of existing Trust and non-Trust mooring sites within Dudley for identification purposes as potential constraints to development. The associated justification text should make clear that both Trust and non-Trust residential mooring sites may also vary in existence throughout the duration of the Plan until 2041. Up-to-date statistics for our own moorings are available from us on request. (ACTION REQUEST)

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Open Space, Sport and Recreation

The Trust welcomes mention of canal corridors within para 11.73 and requests that they, and Policy DLP36 Canals, is also listed as a component within para 11.71.

Design Quality

The Trust requests incorporation of cross-referencing to Canal Policy DLP36 within the justification text to Policy DLP39 Design Quality, to reflect the role active incorporation of the canal network can have in delivering good design, well-being, and sustainable travel and the need to take the canal into account when designing new development near to it (ACTION REQUEST).

We believe protection and enhancement of the canal network through design, layout and integration into developments should always be an expectation for canal-side sites, as this is consistent with the NPPF chapters on design and the historic environment and the National Design Guide on integrating nature and public spaces. The avoidance of fly-tipping and anti-social behaviour reduction can also be achieved through the use of good design techniques. Future Local Design Codes can also provide developers with detailed guidance encouraging high quality design, following on from the principles advocated within the National Design Guide and National Design Code. Given the importance and extent of canals within the borough such codes will need to address waterside developments specifically and various key design principles for successful canal-side developments could be outlined within them, including creating activation with the canal, natural surveillance and appropriate landscaping. The Trust requests consultation on any local design codes which are to be developed (ACTION REQUEST).

We acknowledge that positive place-making next to a canal, waterway or water body is often site-specific on a case-by-case basis, and therefore early consultation with the Trust is recommended to receive guidance on the best approach to achieving good design. This could be through stakeholder-led master planning approaches or through individual pre-application engagements. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and can also encourage developers to seek pre-application advice from us direct, via:

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Landscape Design

The Trust requests incorporation of cross-referencing to Canal Policy DLP36 within the justification text to Policy DLP40 Landscape Design, to reflect the role active incorporation of the canal network into landscaping design can have in delivering good design, well-being, and sustainable travel and the need to take the canals into account when designing new development near it (ACTION REQUEST).

Section 12: Climate Change

Increasing efficiency and resilience

The Trust requests incorporation of cross-referencing to Policy DLP36 Canals within Policy DLP41 Increasing Efficiency and Resilience, and its justification text, given the roles our network can play in the delivery of this policy requirement.

The Trust notes that retrofitting is only briefly mentioned in para 12.10 of the justification text to Policy DLP41 – Increasing Efficiency and Resilience, namely: ‘where possible and appropriate, the retrofitting of residential and other properties to achieve higher standards of energy and water efficiency will be encouraged and supported.’

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The Trust considers that for a high proportion of heritage property stock, as well as modern up to the early 21st century stock (prior to BREEAM standards), retrofitting will be the substantial mainstay for making a property energy efficient and sustainable. The design and installation of solar panels, heat source pumps and triple glazing etc., their position on a building or location on site can be significantly detrimental, and risks degrading a building that makes a positive contribution through its architectural attributes or local distinctiveness. Accordingly, we request that this paragraph is augmented to reflect this reality and to require that development proposals ensure that the chosen approach considers any consequential visual impacts on the canals' setting, heritage significance, or amenity value. (ACTION REQUEST). Reference is also drawn to advice contained within Historic England Advice Notes, in particular that to be found within the HEAN on Heat Pumps within Historic Buildings (2023) (<https://historicengland.org.uk/advice/find/latest-guidance/>)

Managing Heat Risk

The Trust requests mention of the canals as a potential component of heat risk management within Policy DLP43 Managing Heat Risk, and associated justification text. (ACTION REQUEST)

Air Quality

In relation to Air Quality the Trust welcomes the inclusion of 'Emissions from Construction Sites' within the wording of para 12.42 as this aligns to our regular requests for Construction and Environmental Management Plans within our statutory consultation responses to planning applications.

Flood Risk and Sustainable Drainage

Given the increasing susceptibility of the historic canal network to climate change stress the Trust requests the inclusion of the canal network within the justification text to Flood Risk Policy DLP45. As such we also request that Canal and River Trust are listed within the bodies to be consulted on site-specific requirements within subsection 15 of Policy DLP45 Flood Risk. For this purpose citizens and developers can access our open source mapping data to identify our assets here:

<https://data-canalrivertrust.opendata.arcgis.com/> (ACTION REQUEST).

Sustainable drainage and surface water management (SuDS)

The Trust notes the absence of separate justifying text to support DLP46 Sustainable drainage and surface water management (SuDS). We advise that subject to the Trust's owner agreement to technical and commercial details, surface water can potentially be sustainably discharged to the canal network. Water levels in the canal network are managed by the Trust using control structures such as weirs and sluices to maintain a suitable depth for navigation by boats, but also to try to avoid water levels becoming too high in periods of heavy rainfall where runoff from hard surfaces can lead to excess water passing into the canals. Given this, surface water discharge to canals can be a highly effective way of managing local surface water flood risk and may allow development of sites that would otherwise not be viable due to concerns with alternative site drainage options.

SUDs adjacent to or connecting to canals will need to be maintained to ensure they function as they were designed to and do not cause pollution or excess flows. In the interests of local flood risk management and the protection of water quality, where a site proposes SUDs, this system should be designed in a way that if it were to fail the canal would not be inundated with water.

In many areas canals will also provide developers with opportunities to dispose of surface water drainage, noting that drainage to surface water bodies, such as canals is higher up the drainage hierarchy than discharge to sewers and drains. With appropriate investment they could also play a role in some places in mitigating flood risks. Accordingly, we request canals be specified as an option for surface water drainage and are listed within Policy DLP46 and its justification text, provided that SuDS and appropriate pollution control and mitigation measures are built into the development scheme. (ACTION REQUEST)

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Renewable and Low Carbon Energy and BREEAM Standards

The Trust requests inclusion of our network within Policy DLP47 Renewable and Low Carbon Energy and BREEAM Standards, and justification text para 12.56 in relation to the potential for use of our network for water-source heat pumps (ACTION REQUEST)

Water Quality

The Trust requests the inclusion of a list of potential receptors for water quality impacts, and inclusion of our network within it, within Policy DLP48 Water Quality and Groundwater Source Protection Zones and justification text para 12.56 in relation to the need to assess development proposals for implications to our network of poor water quality. Alternatively, incorporation of cross-referencing to Canal Policy DLP36 within the justification text to Policy DLP48 Water Quality and Groundwater Source Protection Zones, to reflect the need to take the canal into account when designing new development near it, would have similar effect (ACTION REQUEST).

Section 13: Green Infrastructure

The Borough's Green Infrastructure Network

The Trust welcomes inclusion of the canals within section 1i of Policy DLP51 Dudley Borough's Green Infrastructure Network, and its introductory and justification text para 13.10. We also request partner engagement with the Council in any forthcoming preparation, adoption and implementation of Green Infrastructure strategies (ACTION REQUEST).

We further advise in relation to Green Infrastructure improvements, that there are opportunities for developers and other agencies to contribute towards further GI improvements through a variety of mechanisms, such as developer contributions through the planning process, corporate partnerships <https://canalrivertrust.org.uk/donate/partner-with-us/corporate-partnerships> or adopting a section of canal <https://canalrivertrust.org.uk/donate/partner-with-us/volunteering-in-partnership>. Improvements could also be made through the design of canal-side developments providing open space and landscaping adjacent to the waterside. Any future policy should acknowledge such opportunities and will need to set out the requirements for GI developer contributions consistent with para 34 of the NPPF.

GI Improvements could also be made through the provision of recreation facilities for use by the public. In the context of the canal network this could range from paddle craft launching provision and fishing pegs, including wheelchair accessible pegs, to larger visitor attractions, such as at the Roundhouse (albeit not an example within Dudley), which provides for guided tours, visitors centre with exhibitions, events, and a café within a canal-side Grade II* Listed Building.

The Plan should recognise that GI improvement opportunities can come about through future development providing a policy framework for securing improvements whether that be through the design and layout of a site, through financial contributions or other means. It is also important to acknowledge that the quality of GI is dependent on its ongoing maintenance, which should be addressed in policy and considered early on at the design stage, to ensure it continues to provide benefits for users."

River Stour

The Trust requests that section 1 of Policy DLP54 River Stour and its Tributaries, should read 'Canal and River Trust'. Furthermore, we advise that whilst the River Stour is not one of the Trust's assets we remain willing to

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engage in partnership working to identify and mitigate consequential flood risk issues arising from it to our network. (ACTION REQUEST)

Section 14: Historic Environment

The Trust welcomes mention of the canal network within section 6h of Policy DLP55 Historic Character and Local Distinctiveness of Dudley, and cross-reference to canals policy DLP36. We also welcome the applicability of this policy to designated and non-designated assets alike. The depth and breadth of this Policy wording is also noted and the Trust queries whether separating the policy out and addressing Archaeology matters within a separate policy would assist in providing clarity. (ACTION REQUEST)

The Trust also requests cross-referencing to Canal Policy DLP36 within the justification text to policies within this section (14) to reflect the role the canal network can have in conserving locally distinctive historic aspects of Dudley, both designated and non-designated, Scheduled Monuments, Registered Parks and Gardens, Historic Landscapes, Areas of Town or Landscape Value, and Archaeological Interest Areas, (ACTION REQUEST).

We also reiterate advice above in para 12.10 of the justification text to Policy DLP41 – Increasing Efficiency and Resilience, relating to the implications of retrofitting historic buildings.

Section 15: Recreation and Community Uses

Given our requests elsewhere that the canal network's contribution to the broader well-being agendas be explicitly included with the wording of Policy DLP36 - Canals, the Trust requests the incorporation of cross-referencing to Canal Policy DLP36 within the justification text to this section, for example after Policy DLP63 Public Open Space within New Large Housing Developments (ACTION REQUEST). Use of the canal network and the restoration of towpaths can be seen as a component of enhancing green networks for recreational purposes, through the mechanisms of planning conditions and obligations.

Section 16: Transport

The Section contains a number of policies and discussion in relation to transportation matters, including responding to climate change (para 16.14 and 16.15 refer) through the promotion of sustainable travel and modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust seeks explicit mention of the canal network within either policy wording or justification text for Policy DLP67 The Transport Network, to reflect our identification as a delivery agency within para 16.18. (ACTION REQUEST).

Cross referencing Policy DLP36 to the justification text for Policy DLP69 Transport Impacts of New Development, will also identify the role of our network in delivering more sustainable travel options, including the use of Travel Plans as a delivery mechanism.

The Efficient Movement of Freight

The Trust requests mention of the potential use of the waterways within the justification text to Policy DLP70 The Movement of Freight, as a sustainable alternative to road-based freight movement (ACTION REQUEST).

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Active Travel

As identified above the canal network has a major contributory role in the promotion of sustainable travel and modal shift and we welcome mention of our network within section 4c of Policy DLP71 Active Travel. Similarly, we welcome our mention as a major delivery partner in this agenda.

Section 17: Waste

The Trust is content that canal-specific implications arising from the Council's draft Waste policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and justification text will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct, via:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Part 2 below.

Section 18: Minerals

The Trust is similarly content that canal-specific implications arising from the Council's draft Minerals policies and currently permitted sites, in particular the application of Policy DLP82 Managing the Effects of Mineral Development, can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and justification text will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct, via:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Part 2 below.

Section 19: Development Management Policies

The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy DLP36 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy DLP36 within the introductory and/or justification text to this section, or more specifically in the justification texts for Policy DLP85 Contaminated Land, Policy DLP86 Unstable Land, Policy DLP87 Noise Pollution, and Policy DLP88 Light Pollution (sub-heading 1d noted and welcomed where relating to canal waterways).

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Glossary

The Trust requests the explicit inclusion of the canal network within the definition of blue infrastructure (ACTION REQUEST). A similar list of elements constituting Green Infrastructure, if introduced, should also include the canal network (ACTION REQUEST).

Appendix 1 – Strategic and Non-Strategic Policies

The Trust notes the categorisation of policies listed within Appendix 1 and has no further comments to make.

Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan

The Trust notes the identification of policies and allocations (within the Black Country Core Strategy, Dudley Borough Development Strategy, Stourbridge Area Action Plan, Brierley Hill Area Action Plan, Halesowen Area Action Plan, and the Dudley Area Action Plan) which are to be superseded. All planning application consultations forthcoming will be assessed in line with the emerging Policy DLP36 - Canals (as requested to be amended above) and other draft policies above where applicable.

Appendix 3 – Dudley Priority Geological Conservation Zones

The Trust notes the identified consultation zones and has no further comments to make.

DRAFT DUDLEY LOCAL PLAN – PART TWO

1. Brierley Hill Strategic Centre

The Trust welcomes the repeated inclusion of reference to the canal network within policies and supporting text for the Brierley Hill Strategic Centre, including item f) of Vision and Objectives, with canals as intrinsic elements of place-shaping (para 1.8a) and in addressing design challenges. We acknowledge the inclusion of our assets within Local Landmarks within Policy DLPBH2 Brierley Hill Design - Landmarks, Views, Vistas and Gateways, and welcome their use in the analysis of important views and vistas to be taken into consideration in decision-making. The Trust endorses the inclusion of our network within Legibility and Public Realm plans and Policy DLPBH4 Green Infrastructure in Brierley Hill and in related justification text for this policy and Wildlife Corridors.

Regarding Fens Pool Nature Reserve and Special Area of Conservation (SAC), the Trust re-draws attention to its concerns as expressed earlier in this response regarding the need for development proposals to better balance against impact on the protected SAC (ACTION REQUEST).

Mentions of the canal network variously within policy wording and supporting text for Policy DLPBH6 Brierley Hill High Street and Delph Nine Locks Conservation Areas, and Policy DLPBH7 Sustainable Transport and Active Travel in Brierley Hill Strategic Centre are also welcomed.

Housing sites within Table 1.1: Summary of Brierley Hill Allocations and Policy DLPBH8 Residential Growth in Brierley Hill will fall to be considered under canal policy DLP36 where relevant as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

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2. Dudley

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

3. Stourbridge

The Trust welcomes intrinsic reference to our network within Policy DLPS2 Stourbridge Wharf and justification text and within Policy DLPS4 Stourbridge Town Design - Landmarks, Views, Vistas and Gateways, Figure 3.1: Stourbridge Town Landmarks, Views, Vistas and Gateways Plan, and Figure 3.2: Stourbridge Legibility and Public Realm Plan. Similarly, canals are mentioned within Policy DLPS8 Pedestrian Access and Cycling in Stourbridge and Figure 3.4: Transport and Movement Plan: Stourbridge Town Centre and justification text in the promotion of active and sustainable travel, including a potential bridge crossing.

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

The Trust is also supportive of Canal Street allocations including land owned by the Trust, as mentioned within our previous Call for Sites response, to enable a more comprehensive scheme for the area to be devised.

4. Halesowen

Site allocations will fall to be considered under Canal policy DLP36, where relevant for Halesowen, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

5. Housing Allocations

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

6. Housing

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

7. Gypsy and Traveller Sites

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

8. Employment Sites

Site allocations will fall to be considered under Canal policy DLP36, where relevant, as planning applications emerge, and where not explicitly mentioned within allocation policies general reference to the application of Policy DLP36 Canals, in decision-making should be included within justification text. (ACTION REQUEST)

9. Local Green Space

The Trust has no comments to make on this matter.

10. Biodiversity Net Gain (BNG) Offsetting Sites

Figure 10.1 Biodiversity Net Gain (BNG) Offsetting Sites identifies DLP BNG010 Fens Pool as being Council-owned site. The Trust requests this is amended to reflect that the majority of the site is in Canal and River Trust and private ownership (ACTION REQUEST).

The above comments do not prejudice any further matters that might be raised at a later stage as the plan/document emerges.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

