



transport **energy** >
BestPractice

Planning for Freight on Inland Waterways

Department for
Transport


defra
Department for Environment
Food and Rural Affairs

Freight

Acknowledgements

The Association of Inland Navigation Authorities (AINA) commissioned this Guide on behalf of the Department for Transport and the Department for Environment, Food and Rural Affairs.

The Office of the Deputy Prime Minister was consulted during the production of the Guide.

The following organisations were involved in the AINA project steering group:

- Associated British Ports
- Association of Inland Navigation Authorities
- British Waterways
- Department for Environment, Food and Rural Affairs
- Department for Transport
- Environment Agency
- Inland Waterways Association
- Local Government Association
- Maritime and Coastguard Agency
- Port of London Authority/United Kingdom Major Ports Group
- Commercial Boat Operators' Association

The following organisations were also consulted during the production of the Guide:

- Association of Inland Shipping Operators
- East Riding of Yorkshire Council
- Fenland Waterways Partnership
- Greater Manchester Local Transport Planning team
- Humber Barges
- KD Marine
- Kingston Upon Hull City Council
- Manchester Ship Canal Company
- North Yorkshire County Council
- North West Regional Assembly
- Sea and Water
- Stockport Borough Council
- Stroud District Council
- Trafford Metropolitan Borough Council
- Wakefield Metropolitan District Council/West Yorkshire LTP group
- Worcester City Council

MDS Transmodal and Atkins prepared the Guide on AINA's behalf.



Office of the
Deputy Prime Minister
Creating sustainable communities



Association of
Inland
Navigation
Authorities

Contents

Why this Guide?	3
How this Guide is Organised	3
1 Introduction to Inland Waterways	4
2 Waterborne Freight and its Potential	6
3 Participating in the Planning System: How to Influence Positive Outcomes for Waterborne Freight	10
A Introduction to the Planning System in England	10
B Commenting on Planning Policy	11
C Planning Applications	14
4 Other Planning Tools	18
5 Effective Planning for Freight Transport on Inland Waterways	21
6 Good Practice Case Studies	29
1 Regional Planning Guidance for Yorkshire and the Humber	30
2 Effective Partnership for Promoting Sustainable Transport; Promoting Modal Interchange Between Short Sea Shipping/Road/Rail/Inland Waterways	32
3 The Planning Hierarchy at Work - Safeguarding Dunball Wharf	34
4 London Wharf Safeguarding	36
5 Non-Transport Policies Protecting Wharves and Potential Waterway Users	38
6 Noise Sensitive Development Near Wharves	40
7 Yorkshire Evening Press	41
8 Need for Conditions on Planning Permissions, Grand Union Canal Aggregates Traffic	42
9 West Yorkshire Local Transport Plan	43
10 Regeneration of Diglis Basin, River Severn, Worcester	44
7 Planning the Way Forward for Waterborne Freight	46
Appendices	47
A1 Background	47
A2 Existing National Planning Policy Guidance from a Waterborne Freight Perspective	50
A3 Funding	59
A4 Health and Safety	61
A5 Bibliography	63
A6 Useful Contacts	65

Why this Guide?

The Government wants to encourage more freight to travel by water instead of road where this makes sense.

To achieve this will often require engagement with the planning process. It is vitally important that the planning process is used effectively.

This Good Practice Guide has been produced for the Government by the Association of Inland Navigation Authorities to show, through practical advice and examples, how good planning can help support and encourage the use of inland waterways for freight transport.

It is designed to help policy makers and planners, bodies responsible for the management and use of waterways, carriers, regional development agencies and any other bodies with an interest in exploiting the potential of inland waterways.

Case studies highlight how different organisations have worked together to resolve specific issues by implementing good practice.

How this Guide is Organised

This Guide is divided into seven chapters. Each chapter can be read in isolation or as part of the overall Guide.

- **Chapter 1** describes the main characteristics of the inland waterways of England and Wales, in particular those relevant to their use for freight transport;
- **Chapter 2** describes the current and future potential of the inland waterways for freight transport. It also includes an overview of modal interchanges and their benefits;
- **Chapter 3** is divided into three sub-sections:
 - A** Introduction to the Planning System in England - an overview of the current system at a national, regional and local level;
 - B** Commenting on Planning Policy - details of how an individual or body can comment at different stages of the development of planning policy. This section also includes a brief introduction to the proposed reform of the planning system;
 - C** Planning Applications - describes how to submit a planning application and how to object to a lodged application;

- **Chapter 4** describes the other tools, in addition to planning policy measures and guidance, available to planners to promote the use of inland waterways for freight transport;
- **Chapter 5** describes the policy and practical issues that can be implemented to encourage freight transport by water. These include effective policy formulation, effective development control, partnerships, and encouraging the public sector to use this mode of transport;
- **Chapter 6** includes ten case studies describing how different organisations have worked together to resolve specific issues by implementing good practice;
- **Chapter 7** summarises how communication and good planning can encourage freight transport by water.

The Guide also contains a number of appendices:

- **Appendix 1** describes the background to the Guide and includes an extract from the Government's response to the Freight Study Group's report *Freight on Water - A New Perspective*;
- **Appendix 2** contains extracts from the various Planning Policy Guidance notes that are relevant to the carriage of freight by water. Some of these policies are actually targeted at inland waterway freight transport; others are applicable but intended for a wider application;
- **Appendix 3** includes details of the funding opportunities available to promote freight transport by water. Although often not the direct responsibility of Local Authorities, an awareness of these opportunities will help authorities and other agencies promote waterborne transport within their areas;
- **Appendix 4** describes the relevant legislation and regulations that apply to handling goods and navigating vessels on the inland waterways;
- **Appendix 5** is a bibliography that contains details of all texts referred to in the preparation of this guide;
- **Appendix 6** lists useful contacts.

I Introduction to Inland Waterways

This Chapter describes the main characteristics of the inland waterways of England and Wales, in particular those relevant to their use for freight transport.

- 1.1 The inland waterways of England and Wales are extremely diverse and comprise a wide variety of natural and artificial watercourses and other waters. Currently, there are approximately 5,100km of fully navigable waterways in England and Wales. Most of the system (4,650km) is non-tidal and consists mainly of canals, and rivers that have been made navigable. The tidal waterways consist mainly of naturally navigable rivers and their estuaries.
- 1.2 There is no national governing body for the inland waterways. About half (approximately 2,600km) of the navigable system is managed by British Waterways, and a further quarter by the Environment Agency (approximately 1,000km) or by the Broads Authority (approximately 160km). The remainder is the responsibility of about 27 other Navigation Authorities drawn from the public, private and voluntary sectors.
- 1.3 Port or harbour authorities often manage the major tidal waterways. As with the inland waterways, there is no central governing authority for ports. They are operated and regulated by a variety of bodies including private companies, port and harbour trusts, Local Authorities and Government bodies.
- 1.4 In England and Wales there are four main categories of waterway:
 - > Estuaries and tidal rivers;
 - > Large non-tidal waterways;
 - > Broad waterways;
 - > Narrow canals.
- 1.5 The Department for Transport Benchmark Report for 2002³⁶ contains details of the navigable waterways covered by the traffic statistics published by Government, listing them by type of authority, type of waterway, classification etc. The Benchmark report is a very detailed inventory of waterway track, a list of the wharves and jetties that could be used for handling freight and an inventory of waterway craft. It is a valuable tool for planners who can consult a single

reference source to see what facilities there are available in their areas. The main characteristics of these waterways are summarised in Table I. Waterway dimensions vary considerably, which has a corresponding effect on the size of vessel that can be accommodated.

- 1.6 All types of waterway have some potential for use for freight transport. Generally the large waterways with access to ports and the coast will have the greatest potential for carrying significant volumes of freight. The broad waterways and narrow canals are less suitable but may nevertheless be suitable for localised, specialist markets.



The Manchester Ship Canal extends 35 miles from Eastham on the River Mersey to Manchester. The Canal can accommodate seagoing ships of up to 8,000 tonne cargo capacity in its upper reaches. The lower reaches of the Canal accommodate much larger vessels that serve the petroleum and chemical industries along its banks at Stanlow and Ellesmere Port. In 2002 the Canal handled 6.7 million tonnes of cargo. Runcorn Docks is a busy small port on the Canal specialising in handling bulk commodities for the potteries amongst other industries. In 2002 it handled 350,000 tonnes of minerals, sands and fertilizer. Runcorn is a good example of the type of small port that can make a large contribution to the sustainable transport agenda for a local hinterland. The planning system needs to ensure the continuation of facilities of this kind by taking positive steps to encourage and facilitate appropriate industrial location. (Source: Manchester Ship Canal Company)

Table 1: Waterway Categories and Characteristics

Category	Characteristics	Other Roles	Management	Examples
Estuaries and tidal rivers	<ul style="list-style-type: none"> Channel size determines size of vessel Seagoing traffic extending journey inland, reducing length of road journey Traffic moving between tidal and non-tidal water Suitable for bulk carriage and containers Suitable for abnormal indivisible loads 	<ul style="list-style-type: none"> Maritime and port uses Land drainage Aggregate extraction Some leisure use 	<ul style="list-style-type: none"> Generally port and harbour authorities 	<ul style="list-style-type: none"> River Thames Mersey Estuary River Trent River Yare River Ouse River Medway
Large non-tidal waterways	<ul style="list-style-type: none"> Lock size determines craft size Lock size considerably larger than broad waterways Vessel payload in hundreds of tonnes Seagoing traffic extending journey inland, if lock size sufficient Traffic moving between tidal and non-tidal water Suitable for bulk carriage, may be suitable for containers Suitable for abnormal indivisible loads 	<ul style="list-style-type: none"> Land drainage Some leisure use 	<ul style="list-style-type: none"> British Waterways Manchester Ship Canal Company Environment Agency 	<ul style="list-style-type: none"> Aire & Calder Navigation River Weaver River Severn Manchester Ship Canal River Thames Gloucester & Sharpness Canal
Broad Waterways	<ul style="list-style-type: none"> Locks approx 4.5 metres wide and up to 30 metres long Vessel payload 50 to 100 tonnes Suited to specialist markets, e.g. aggregates, waste Not suitable for abnormal indivisible loads Unlikely to be suitable for containers 	<ul style="list-style-type: none"> Significant leisure use which may restrict capacity for freight Land drainage Leisure use of towpath 	<ul style="list-style-type: none"> British Waterways Environment Agency 	<ul style="list-style-type: none"> Grand Union Canal Leeds & Liverpool Canal River Great Ouse
Narrow Canals	<ul style="list-style-type: none"> Locks approx 2.1 metres by 21 metres Vessel payload typically 20-25 tonnes Long lock free lengths may accommodate larger vessels Not suitable for abnormal indivisible loads or containers 	<ul style="list-style-type: none"> Significant leisure use which may restrict capacity for freight Land drainage Leisure use of towpath 	<ul style="list-style-type: none"> Mostly British Waterways 	<ul style="list-style-type: none"> Trent & Mersey Canal Oxford Canal Monmouthshire & Brecon Canal Birmingham Canal Navigations

1.7 Waterways have four characteristics that are particularly relevant in considering their use for freight transport:

- Waterways are corridors. It is rare for one to lie entirely within the area of a single Local Authority. Action by neighbouring authorities needs to be carefully co-ordinated to avoid interruption to the corridor, which would make it unusable for freight transport;
- Wharves are necessary for the loading and unloading vessels and for the onward distribution of cargoes;
- Waterways are almost always singular routes. It is very unusual for an alternative waterway for freight transport to exist that can be used when the main route is temporarily or permanently blocked;
- Most non-tidal waterways are now predominantly used for leisure purposes. Careful management by Navigation Authorities is

required to make sure that both freight and leisure use can co-exist, especially in the case of the smaller waterways.

1.8 These factors mean that waterways are vulnerable to ill-considered development, or poor management of infrastructure crossing the waterway. The ability of a waterway to be used for freight depends on:

- The whole corridor being respected;
- The loading and unloading facilities being protected;
- The corridor not being interrupted for non-navigational reasons, either temporarily or permanently.

2 Waterborne Freight and its Potential

This Chapter describes the current and future potential of the inland waterways for freight transport. It also includes an overview of modal interchanges and their benefits.

- 2.1 It is Government policy to promote alternatives to road transport for both passenger and freight movements. This is partly to reduce congestion and partly to reduce the environmental impact of road transport. Inland waterways have the potential to assist in both these objectives.
- 2.2 Currently, most of the freight traffic carried on the inland waterways is 'traditional', that is high bulk, low value, and non-urgent. Examples include coal, fuel oil, aggregates, steel, timber, grain and waste.
- 2.3 49 million tonnes of cargo were moved on the UK inland waters in 2002³⁷. Four million tonnes of this was purely internal, i.e. within the inland waterway system. Dry bulks dominate this traffic and aggregates (sand, gravel and stone) form the greatest volume transported by inland waterways.
- 2.4 Encouraging more freight traffic on inland waterways largely depends on the potential future demand for these movements. Evidence given to the House of Commons Environment, Transport and Rural Affairs Committee (ETRAC)³⁸ suggested that there is significant traffic potential. One barge company claimed that, "without trying at all", there was half a million tonnes of freight that could be transferred from road transport and that the Aire & Calder Navigation could quite easily take 2,000 lorries a day off local roads.
- 2.5 The Freight Study Group's Report *Freight on Water: A New Perspective*²² identified the traffics seen as having most potential on a number of waterways. These are shown in Table 2.
- 2.6 The majority of these are high bulk and low value commodities. Some are hazardous and better suited to carriage by barge or rail than road. Others, such as waste and recyclables, are carried on behalf of the public sector in a highly regulated market.
- 2.7 The potential for moving containerised goods could also be added to this list, in particular, the coastal feeder movement of deep-sea containers, or as part of



'Rix Eagle' loaded with 500 tonnes of gas oil from Immingham seen here passing through Lemonroyd Lock on the Aire and Calder Navigation en route to Bayford Fuels depot at Fleet, near Leeds. Petroleum products and other liquid bulks are particularly suited to waterway transport because they are easy to pump in and out of barges directly to or from waterside tank storage facilities. Waterborne freight is a safe and reliable mode of transport for such hazardous cargoes. This barge is saving around 42 road tanker trips between Immingham and Leeds: clearly a more environmentally sustainable means of freight transport. This traffic is another example of Government assistance in the form of a Freight Facilities Grant (to Bayford Fuels) making a contribution to modal shift from road to water. (Source: Mike Brown)

Table 2: Commodities Identified by the Freight Study Group's Report as Having Most Potential on Particular Waterways

Route	Commodity
Tidal River Thames, London Canals	Waste and recyclables, aggregates, construction materials, scrap, containerised traffic
Mersey Docks & Harbour, Manchester Ship Canal, River Weaver	Bulk liquids, aggregates, minerals, scrap
Aire & Calder Navigation	Aggregates, waste, petroleum, chemicals, fertiliser
River Trent	Aggregates, petroleum
River Ouse	Aggregates, waste, timber
Calder & Hebble Navigation	Aggregates

a supply chain into waterside premises or a waterside multi-modal freight interchange. For example, Peel Holdings is developing plans for Port Salford, a tri-modal freight village on the upper reaches of the Manchester Ship Canal. This type of development could help Planning Authorities achieve sustainable distribution targets since it links distribution warehouses to both water and railways. Promoting modal interchange between inland waterways and other modes is discussed below.



Waddington's 'Lonsdale' having just arrived at AMA Rotherham with 300 tonnes of Lithuanian steel loaded the previous day at Goole (ex ship). It was part of a consignment of over 1,500 tonnes on this occasion. Baltic States steel is a regular traffic to AMA Rotherham, along with flourspar and nickel. Although aggregates, grain and petroleum products are commodities commonly carried by barge, this steel traffic demonstrates that barges are not restricted to carrying bulk cargoes. Given appropriate industrial location and attention to safeguarding viable wharf sites, waterway freight transport can make a significant contribution to sustainable transport. (Source: Mike Brown)

2.8 The transport of abnormal indivisible loads (AILs) on inland waterways is an area that has generated some interest in recent years. Moving AILs by water (for example to power stations) offers environmental benefits and avoids the significant traffic disruption caused by large slow-moving road vehicles.

2.9 Transport of waste by water has stimulated the most recent interest in using waterways for freight. The River Thames is the only inland waterway in the country presently carrying significant quantities of waste materials. On average, 2,500 tonnes per day of municipal waste is loaded onto barges and taken to landfill sites in Essex. One tug and barge convoy journey is the equivalent of 40 to 50 lorry journeys. This traffic, being low value, bulky and non-urgent is ideal for transport by water.

2.10 Research carried out by the Resource Recovery Forum – *Inland Waterways and the Transport of Waste*³⁹ concluded, “in environmental terms, transport of waste on the Thames has historically performed better than road transport”.

2.11 British Waterways considers that waste is an area of traffic growth potential in both London and its North East region. Studies have been carried out on the Severn and, by Peel Holdings, on the Manchester Ship Canal to investigate the potential for the transport of waste on these waterways.

2.12 The Freight Study Group's report²² considered that there is scope to increase the use of the traditional narrow and broad canals for freight movement. Domestic fuel, scrap, waste, canal maintenance and waterside site construction material and aggregates provide some existing traffic and potential for growth. The Group believed that these canals have the potential to reduce commercial vehicles traffic in city centres and residential areas. Water runs through the heart of many cities and large centres of population such as London, Birmingham, Manchester, Nottingham, Coventry and Milton Keynes. One option is the establishment of transshipment points close to where a ring road crosses the waterway. Goods could then be carried through the urban centre by water and be transhipped again for onward distribution by road.



Cory Environmental tug pulling a pair of dumb barges carrying containers of household refuse that have been loaded at one of four waterside waste transfer stations further upstream on the River Thames. The company is one of the UK's leading waste management companies operating in over 30 locations. Cory transports over 600,000 tonnes of waste a year on the River Thames for disposal in Essex. This constitutes 15% of London's overall waste and keeps over 100,000 lorry movements off the capital's congested streets. (Source: Port of London Authority)

Promoting Modal Interchange Between Short Sea Shipping, Road, Rail and Inland Waterways

Modal interchange takes place at terminals that accommodate two or more transport modes. Traditionally the ports have provided the first step in the exchange from sea freight to inland distribution by road and rail.

2.13 The Government has been clear in its support for modal interchange with its policies for sustainable distribution. For example, *Sustainable Distribution: A Strategy*³¹ describes a framework for major freight interchanges that will:

- Promote their contribution to national and regional competitiveness;
- Improve their operational and environmental performance;
- Encourage the full use of existing interchange facilities;
- Promote the best environmental standards for new developments.

A key part of this strategy is to improve the integration of the road network with major transport interchanges so as to promote greater use of rail and water transport for freight.

- 2.14 Clearly, locating logistics centres (groups of distribution or warehousing buildings) adjacent to ports, waterways and railheads will promote sustainable distribution.
- 2.15 This type of grouping will allow individual warehouses to benefit from the overall scale of business provided by its neighbours. This could in turn, justify a range of direct rail or shipping services to be offered from a single location.
- 2.16 There is already some policy support for this type of regional logistics site. For example, the West Midlands Regional Planning Guidance (RPG11)¹² considers the spatial implications of increasing activity in warehousing and distribution in relation to strategic employment and traffic impact.
- 2.17 The North West Regional Freight Strategy (RFS)²⁴ recognises that a number of intermodal terminals, rail-linked warehouses and distribution centres need to be developed at key locations around the region, to contribute to a wider UK and European network of similar facilities. The combined effects of few ideal locations, long lead times to cover land acquisition, the planning process, infrastructure construction etc., could mean that demand outstrips capacity supply of these type of terminals. Clearly, it is desirable that early delivery of additional terminal capacity is facilitated. The RFS points out that the location of such terminal developments will be market led, it includes a set of location criteria recommended for inclusion within Regional Planning Guidance. The following criteria are orientated towards rail terminals but they provide a useful frame of reference for similar criteria to be established for road/water or road/rail/water sites:

Policy PA9: Regional Logistics Sites (RLS)

Within the portfolio of employment sites, provision should be made for Regional Logistics Sites (RLS), the purpose of which will be to provide opportunities for the concentrated development of warehousing and distribution uses.

RLS will be identified within Development Plans. The Regional Planning Body (RPB) should be consulted on such proposals. The criteria for identifying such sites should generally:

- a Be large sites likely to be in the order of 50 hectares or larger;
- b Possess good quality access on to both the regional rail and highway networks;
- c Have easy access to an appropriate labour supply, linked by good quality public transport links, or capable of having such links provided;
- d **Serve or proposed to be served by multi-modal transport facilities** and broad-band IT infrastructure;
- e **Aim to minimise compromise to the local environment.**

The Region should have a choice of RLS available at any point in time and consideration and priority should be given to bringing forward previously developed sites.

- Accordance with the Spatial Development Framework Policies SD1-SD9 and Policy EC7 (Warehousing and Distribution) as set out in RPG13, and the North West Development Agency's (NWDA) Economic Strategy 2003;
- The degree and ease of access to the Regional Highway Network as set out in RPG13 and consistent with its operation and management as set out in Policy T3;
- The degree and ease of access to the Regional Rail Network as set out in RPG13 and consistent with its operation and management;
- Compatibility with the SRA's strategies for freight, capacity and network utilisation, and SRA Regional Planning Assessments;



John Dean's pusher tug pushing two LASH (Lighter Aboard Ship) barges on the River Ouse at Selby in Yorkshire. Each LASH barge holds approximately 380 tonnes of rice, from the Mississippi region of the USA. A 'mother' ship loads a complement of LASH barges for the transatlantic voyage to Rotterdam where the feeder vessel Spruce takes on the LASH barges bound for the UK. Around 15 loaded barges are discharged in the Humber every seven to eight days at a jetty in Immingham. Barges are pushed in pairs to various moorings to await the trip to Selby. Westmill Foods mill in Selby has gradually increased the tonnage received by LASH barges, which are discharged by grab crane at a wharf immediately next to the mill. Approximately three full barges per week are handled in Selby removing the necessity for the equivalence of 95 lorry trips per week in and out of the mill. The mill is able to call up the barges to meet its requirements. The empty LASH barges are taken back down the Ouse and into the Humber, often loading steel from Corus in Scunthorpe for export to the USA. (Source: Mike Brown)

- The capability of the site in terms of it being of sufficient size and configuration to accommodate an appropriate road and rail layout, to enable intermodal transfer, to allow for the development of added value activities and to cater for future growth;
- Ideally, but not exclusively, be identified as a Strategic Investment Site by the NWDA.

2.18 To establish criteria for a multi-modal interchange involving a waterway, the degree and ease of access to a waterway of sufficient size to accommodate intermodal units (containers), needs to be added to the above list. Within England and Wales there are few sites that meet such criteria. However, Peel Holdings has recently lodged a planning application for a tri-modal (rail, road, water) distribution park at Salford, on the Manchester Ship Canal. The Canal is large enough to accommodate container feeder ships which could bring deep-sea containers from the large south coast ports into the heart of the Manchester conurbation. There, rail linked distribution buildings would allow added value activities to be undertaken with the goods then despatched onwards by rail or road. Units could

also be moved by barge on the River Mersey and Manchester Ship Canal, provided this was economically viable.

- 2.19 Policies are beginning to emerge that provide a framework for the promotion of multi-modal terminals linked to distribution sites. However, achieving the goal of significant modal shift to sustainable modes requires effective partnership between Regional Planning Bodies (RPBs), Local Authorities, developers and the transport industry.
- 2.20 Recognition that waterborne freight currently makes a significant contribution to the removal of heavy lorries from roads in particular areas will assist planners and policy makers to identify further areas where there is potential.
- 2.21 Most of the larger waterways have significant spare capacity for freight and can make a contribution to reducing the growth of heavy goods vehicle movements at a local and regional level. Where inland waterways are accessible to seagoing vessels, modal shift for longer domestic journeys is also possible. Smaller waterways can achieve significant benefits by avoiding or reducing localised impacts. It is Government policy to promote an alternative to road transport, and there can be real regional and local benefits in doing so in terms of reduced congestion and reduced amenity impact from heavy lorries on unsuitable roads.

3 Participating in the Planning System: How to Influence Positive Outcomes for Waterborne Freight

This Chapter is divided into three sub-sections:

- A Introduction to the Planning System in England - an overview of the current system at a national, regional and local level.
- B Commenting on Planning Policy - details of how an individual or body can comment at different stages of the development of planning policy. This section also includes a brief introduction to the proposed reform of the planning system.
- C Planning Applications - describes how to submit a planning application and how to object to a lodged application.

A Introduction to the Planning System in England

The **current system** consists of two main parts:

- 1 A framework of plans;
- 2 Development control.

The hierarchy of current planning policy is shown in Chart 1. Each tier is discussed in more detail later in this section. A third element is the role of the Secretary of State in determining planning policy, deciding planning appeals and some important applications.

Plan Framework

- 3.1 The system is plan-led, which means that if planning applications are in accordance with the Development Plan, they are likely to be approved unless there are ‘material considerations’ that suggest otherwise. Examples of such considerations are subsequent national policy statements that override the plan or changes in local circumstances. In practice, these material considerations very often do apply because Local Plans are frequently out of date.
- 3.2 Regional Planning Guidance (RPG) provides a strategic planning framework in each of the eight English regions and, in London, the Mayor prepares a Spatial

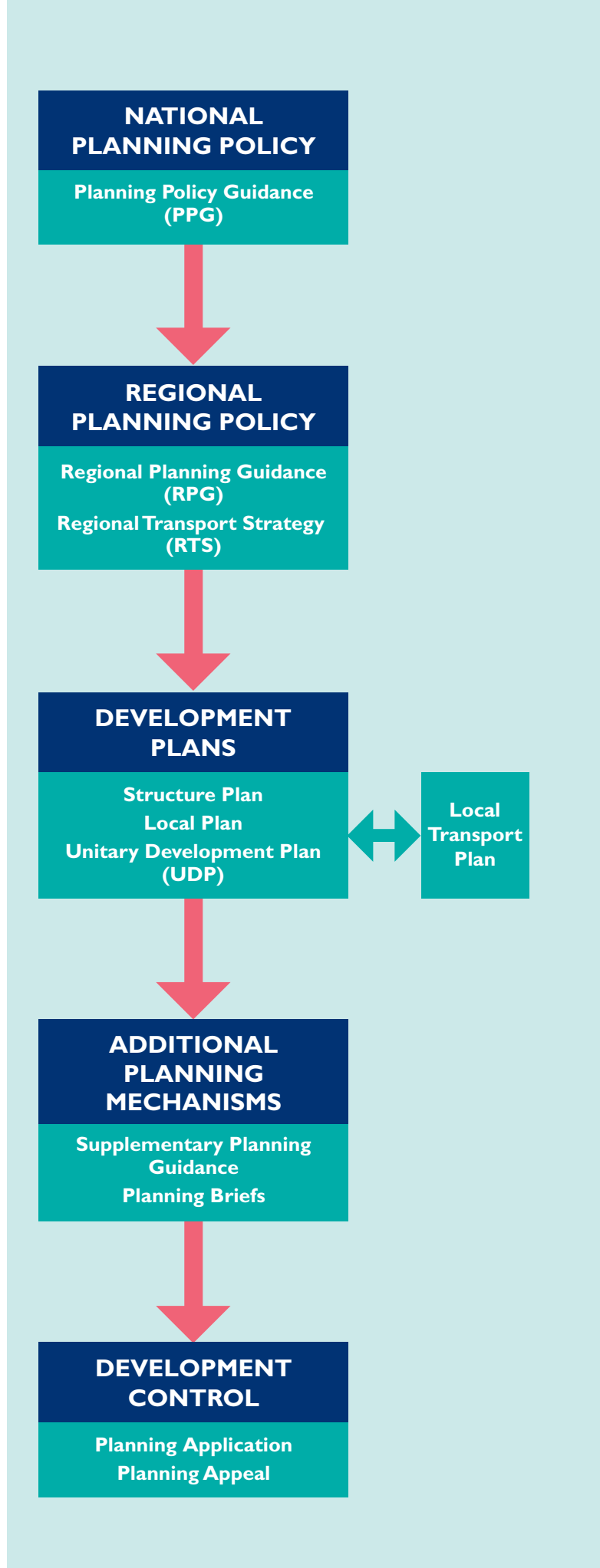


Chart 1: Current Planning Framework

Development Strategy. Development Plans are produced by county authorities (Structure Plans), district councils (Local Plans) and, in unitary authorities, a Unitary Development Plan (UDP) which combines elements of both. National parks also produce their own plans.

3.3 Development Plans have two purposes:

- > To describe the intended use of land in an area;
- > To provide an objective basis for the consideration of planning applications.

3.4 Inevitably, there will be differences of view about the need for new development and where it should take place. The planning system seeks to resolve these on the basis that, if an application is in accordance with the Development Plan, it is likely to be approved.

3.5 Local Plans are the means by which Local Authorities express the land-use implications of their policies and shape the future of their communities. In producing their plans, Local Authorities have to take account of policies determined at the national and regional levels. The plan provides a framework to engage people in the way in which their communities might grow and change. For business, it provides an essential source of information about where to propose new development and the type of development likely to be appropriate.

3.6 At present, Local Plans are prepared in the context of planning policies set at national, regional and, in some areas, county level. National Planning Policy Guidance, published by Government, sets out national policy priorities. Regional Planning Guidance (RPG), prepared at a regional level but issued by the Secretary of State after consultation and a non-statutory public examination, sets longer-term development strategies for individual regions. RPG also provides a regional context for the preparation of Local Authority Development Plans and Local Transport Plans. Guidance on sub-regional issues is increasingly being provided as part of RPG.

Development Control

3.7 This is the process by which decisions are made on applications to develop land or buildings or to change their use. This is the point at which people are most likely to encounter the planning system. Development control authorities are normally the districts and unitary authorities responsible for putting Local Plans

in place. Planning applications are submitted to these authorities and decided either by their elected councillors or by Local Authority officers accountable to them. If adopted, the statutory Development Plan provides the primary basis for all decisions. Decisions must also take account of other material considerations, including the Government's National and Regional Planning Guidance and material representations from interested parties.

B Commenting on Planning Policy

3.8 There are many ways that those affected by the planning system can participate in influencing decisions and the land uses that result. The most obvious is through submitting a planning application for a development, or a change of use, of a site but this is just the tip of the iceberg. In fact, any individual or body can contribute at any stage of the development of planning policy.

3.9 Any organisation seeking to influence policy should do at the appropriate level. For example, there would be no point in debating the merits of National Planning Policy in a consultation exercise for the preparation of a Development Plan. This is because that national policy is part of the statutory context in which the plan has to be prepared. The relationship between tiers in the planning process and at which point participation may occur is shown in Chart 2 (on page 17).

Planning Policy Guidance/Planning Policy Statements (PPG/PPS)

3.10 There are currently 25 PPG notes covering a wide range of subjects. Those with policies relevant to water freight are detailed in Appendix 2. PPG/PPS are prepared by central Government and initially issued as consultation drafts. These drafts are circulated to all regional and local government and other bodies having a specific interest in the subject covered. For example, Sea and Water, the new inland waterway and short sea shipping forum, would normally be invited to comment on a revised version of PPG13 Transport.

3.11 Any individual or body can also comment to central Government on the content of draft PPG/PPS, within a specific deadline. Drafts are posted on the Internet and are also available from HMSO.

3.12 All comments (both supportive and critical) are noted and may be acted upon. Supportive comments are helpful since they may add weight to the case made by draft guidance in the face of criticism. For example, if proposals to change guidance over wharf safeguarding were ever put forward, it would be helpful if comments from developers about reducing the availability of top quality waterside sites were countered by comments from freight interests and others on the need for wharves to retain water transport options.

3.13 It is unlikely that major changes will be made to PPG/PPS between the consultation draft and the final version being issued. Much thought and preparation is involved in the production of the draft documents so they are generally robust. But changes occur and any user who feels that a draft PPG/PPS contains proposals detrimental to their interests (or favourable to them) would be well advised to comment or ensure that their representative body has commented.

Regional Planning Guidance/Regional Spatial Strategies (RPG/RSS)

3.14 RPG/RSS refine PPG/PPS to a regional context, reflecting differences in the geography, infrastructure and socio-economic structure of each particular region. Regional Planning Bodies (RPBs) prepare the RPG/RSS.

3.15 The proposed changes to the planning system, which are currently before Parliament, will make a fundamental change to the status of RPG/RSS (see box opposite)

3.16 At present, RPG is issued as a consultation draft in much the same way as PPG/PPS. However, as RSS is statutory it will be placed on a more formal deposit during which everyone is entitled to support the proposals or object to them. The basic principle is the same, but the support or objection is more formal. In effect, the new RSS will take on the role currently held by the Structure Plan.

3.17 RPG/RSS is available in much the same way as PPG/PPS, although the Regional Assembly rather than HMSO publish it. Policies will not generally be site specific unless a given site is of regional importance, such as a major port or airport. Details of any consultation period will be available with the draft RPG/RPS, and the process is normally advertised on

the Internet and in regional and local Government Offices.

3.18 As with PPG/PPS all comments made on draft RPG/RSS are noted and may be acted upon. It is well worth making supportive comments because they may strengthen the case made by draft guidance in the face of critical comments. In view of the statutory nature of RSS, any individual or organisation that feels proposed policies adversely affect their interest would be strongly advised to ensure their views are represented.

3.19 The substantial part of a draft RPG/RSS would not be expected to change from draft to final, but significant changes to individual policies, including the deletion of policies, occur. It is worth making representations because significant changes can be made to draft RPG/RSS provided that there is justification.

Regional Transport Strategies (RTS)

3.20 At present RTS are prepared as part of the Regional Planning Guidance (RPG) process and may form part of the RPG or be a separate document to which the RPG refers. Regional Transport Strategies provide a direction for strategic investment in all modes of transport, and give guidance to both Development Plans and Local Transport Plans (LTPs). It is expected that this arrangement will continue with RSS. In theory, the consultation process is the same as for RPG/RSS but, in practice, freight operators are generally specifically invited to comment on the development of RTS. The road haulage industry makes a particular effort to inform this process and active participation by the water freight industry will assist in ensuring balanced consideration of all modes.

3.21 Membership of a regional freight forum such as the North West Freight Advisory Group (see Case Study 2 in Chapter 6) is an effective way of getting involved to support and promote waterborne freight.

Development Plans/Local Development Frameworks (DP/LDFs)

3.22 Development Plans currently consist of Structure Plans and Local Plans for two tier Local Authorities, that is, where there are both county and district councils, and Unitary Development Plans for unitary authorities. Local Plans are also prepared separately for minerals and waste disposal. Local Development Frameworks (LDFs) will replace Local Plans and Unitary

Proposed New Planning Framework

A new structure for plan making has been proposed, based on two tiers: a tier of strategic plan making, which will be at the regional level; and a tier of local decision making, at the district and unitary council level. This will:

- Reduce complexity;
- Ensure greater consistency from the strategic through to the local level;
- Make plan preparation and adoption more understandable and accessible to the community;
- Enable plans to be put in place in a more flexible and timely way.

Regional Planning Guidance will be replaced by statutory Regional Spatial Strategies (RSS). The main purpose of the RSS will be to provide a spatial framework within which Local Development Frameworks (LDFs) and Local Transport Plans can be prepared. The RSS will provide a spatial framework for the region over a fifteen to twenty year period. The aim should be an integrated, strategic approach with regional and sub-regional priorities for housing being formulated together with priorities for environmental protection and improvement, transport, other infrastructure, economic development, agriculture, minerals and waste treatment and disposal.

Regional Spatial Strategies will be more regionally specific than Regional Planning Guidance and should reflect regional diversity. There will be greater flexibility for RSS to depart from national policy where that is justified by regional circumstances. The Regional Planning Body (RPB) will prepare draft reviews of the RSS.

The RPB will be expected to consult widely on preparing the revised RSS. It will be expected to have regard to:

- The purpose of planning (see Planning Policy Statement);
- Current national policies and guidance;
- Current Regional Spatial Strategies for adjoining regions or the Spatial Development Strategy for London if appropriate;
- The resources likely to be available for implementing the Regional Spatial Strategy;

- Any other matters which may be prescribed by the Secretary of State.

The RPB will be required to carry out a sustainability appraisal as an integral part of the process of reviewing and updating the RSS. This emphasis on economic, social and environmental matters should facilitate the protection and promotion of inland waterway freight in the new system.

Local Development Frameworks (LDFs) will replace Local Plans and Unitary Development Plans and, along with the RSS, replace Structure Plans. Responsibility for preparing those plans will lie with the unitary or district Local Planning Authority. However, where districts wish to combine together to produce a joint LDF (for good planning reasons or to pool resources) and/or to produce their LDF jointly with the county council concerned, they will be able to do so. LDFs will facilitate the inclusion of current planning policies (including those related to freight and waterways) in Local Plans. The new system can be reviewed in parts to reflect any policy changes as, and when, they happen. Review of (whole) plans in the current system is very time consuming and one benefit of the new system will be its responsiveness.

The Local Development Framework will comprise a folder of documents for delivering the spatial strategy for the area consistent with the community strategy and in general conformity with the RSS. Some of these documents will be subject to statutory requirements as to consultation and formal testing through an independent procedure. The policies in such documents will be given primacy when decisions are taken on planning applications. However, there will also be scope for the preparation of less formal non-statutory documents similar to the existing Supplementary Planning Guidance. These should also go into the Local Development Framework folder.

Full details of the proposed reforms can be found on the Office of the Deputy Prime Minister's web site, www.odpm.gov.uk, by following the links to Planning.

Development Plans and, along with the RSS, replace Structure Plans. They will concentrate on areas where greatest change is expected. The fundamental role of these documents will not change in that they will allocate specific sites for development, specifying the type of development that will be granted permission on each site. The LDF will also have criteria based policies to cover development on sites not specifically allocated. These are generally known as windfall sites, as their development was not anticipated at the time of preparing the Development Plan/LDF.

- 3.23 Development Plans/LDFs are prepared by the relevant Local Authority and are placed on deposit for comment by any interested party. Anyone may object to Development Plan/LDF policies, whether or not they have an interest in the policy or any land affected. Often the plan is revised and placed on deposit a second time, known as the revised deposit draft. Again, anyone may comment at this second stage, but only on changes from the original deposit draft version. More details can be found in *Local Plans and Unitary Development Plans: Guide to Procedures* available from the planning section on the Office of the Deputy Prime Minister's web site, www.odpm.gov.uk. The relationship between consultation and participation in the planning process is shown in Chart 2.
- 3.24 Anyone making an objection to any policy in the deposit draft or revised deposit draft can either present their objection in writing or appear at the public inquiry. Development Plans go through a public inquiry if there are objections lodged, before being adopted by the Local Authority. Quite major changes can occur, especially over site-specific allocations, as a result of this process.

Local Transport Plans

- 3.25 Local Transport Plans (LTPs) give a clear direction on where transport investment is expected to occur within a Local Authority area but also form the basis of a funding bid to central Government for money to implement schemes. LTPs bring together a package of measures, relate them to development proposals in Development Plans and demonstrate that private sector funding from these development proposals is forthcoming. Unlike RTS, LTPs are not part of the Development Plan, although it is expected that each plan will refer to the other.

- 3.26 Primarily because there is a bid for funding attached to a LTP, these plans are drawn up very much from a basis of consultation and partnership. There are significant opportunities for the water freight industry to become involved with this process, especially given the potential for water freight to contribute to modal shift. LTPs contain targets for traffic reduction and carriage of freight by non-road modes.
- 3.27 In practice it is likely that the same forum of freight operators will inform the RPG/RSS, RTS, Development Plan/LDF and LTP. Chapter 5, *Effective Planning*, describes the value of forming partnerships between Local Authorities and industry in order to exchange information and views on freight transport. A possible model is described in Case Study 2 in Chapter 6.

C Planning Applications

- 3.28 Individuals, or organisations, seeking to develop a piece of land submit planning applications.
- 3.29 Planning applications are correctly termed *applications for planning permission*. Planning permission is required for any development as defined in the Town and Country Planning Act 1991, including a material change of use of a site. In practice, many small scale developments do not require planning permission as these are covered by the Town and Country Planning (General Permitted Development) Order (GPDO) 1995, which is updated periodically. There are also classes of land use; change within a land use class does not normally require permission. It should be noted that wharves do not have a land use class, being ancillary to the site of which they are part and, therefore, do not require planning permission.
- 3.30 Some bodies, such as some Navigation Authorities, also do not require planning permission for works performed on their own land that are related to their own operations.
- 3.31 There are two different categories of application that are of interest to anyone involved in freight carriage:
- As an applicant - Navigation Authorities or freight carriers seeking to create facilities for freight carriage;
 - As an objector - Navigation Authorities or freight carriers seeking to resist development by others that would adversely affect freight carriage or the potential for freight related activity.

These two cases are discussed in turn below.

Making a Planning Application

3.32 To make changes to a parcel of land, it is necessary to seek planning permission. The person or organisation seeking permission is known as the applicant. The application must be accompanied by a plan of the site and the appropriate fee. The procedure is the same regardless of the purpose of the application. A freight operator seeking new handling facilities has to go through the same process as a developer looking to build houses on a wharf. The description here is geared towards a development benefiting water freight.

3.33 There are two types of planning application: outline and detail. Outline, in effect, simply establishes the principle of the development and is often a first stage. In particular, outline permission will dictate the value of the site, as obtaining permission for the detailed proposals is then usually relatively straightforward. Detailed permission will be required before development can commence and will cover all aspects of the development including access, site layout, height and visual appearance.

3.34 Local Planning Authorities are amenable to pre-application discussions on any development and, at this stage in the process, can advise of any particular requirements they may have. Applicants should note however that Local Authorities are not bound by these discussions, and cannot be bound by them. The law requires that any application must be considered. In other words, the Local Authority cannot make a decision before the application is submitted. In addition, the pre-application discussions will be with officers who often only make a recommendation to council. It is generally the elected councillors who have the final say, and they are not required to follow their officers' recommendations.

3.35 The fact that most schemes for providing freight facilities will affect watercourses means that various other regulatory authorities such as the Environment Agency and English Nature are likely to be involved in some aspects of schemes.

3.36 It is also important that all those authorities from which permission is required are made aware of the wider perspective. For example, wharf development may have a localised environmental impact but facilitate



Graham Acaster of Acaster Water Transport discharging 'Easedale' with his own crane at Tarmac's Goole depot. In 2002 some 9,000 tonnes or 450 lorry loads of gravel was delivered by barge to this wharf from a quarry on the River Trent at Rampton. (Source: Mike Brown)

carriage over a long distance thereby having an overall beneficial environmental impact. The body that decides if development can proceed or not, needs to be made aware of the overall scheme and its effects.

3.37 It is recommended that applicants applying for planning permissions prepare a supporting statement identifying the overall benefits of the improvement. This should be copied with any other applications for permissions or licenses. The case should be as full in detail as practicable, without overloading the determining authority with unnecessary information. In particular, the supporting statement should spell out in straightforward language such issues as the overall improvement to navigation achieved, or the particular traffic facilitated. It should also identify other permissions being sought as part of the improvement scheme. The statement should also include the relevant policy context and point to particular policies outlined in this Guide as part of the case for the application. This will add considerable weight to the case made for the application.

3.38 In addition to any supporting statement, the Local Authority may require, depending on scale and circumstances, any, or all, of the following:

- > Environmental impact assessment;
- > Transport Assessment;
- > Landscape assessment;
- > Archaeological assessment.

Where required, these will need to be submitted with the application. Local Authorities will give guidance on their particular requirements for each assessment.

- 3.39 In the event that planning permission is refused there is a right of appeal to the Secretary of State. An appeal must be lodged within six months of refusal. The refusal notice contains details of how to appeal against the decision. At present, appeals are free of charge although this is under consideration. Applicants should be aware that only around one in three appeals are successful.
- 3.40 There are three formats for an appeal:
- Written representations - all evidence is submitted in writing;
 - Informal hearings - the inspector hears all viewpoints in a 'round table' discussion;
 - Public inquiry - each party has professional representation, usually in the form of barristers and often accompanied by specialist consultants.
- 3.42 The applicant need not be the landowner, although the landowner must be notified of an application for changes on their land by third parties on their land. Thus, a developer cannot apply for planning permission on a wharf without the wharf owner's knowledge. Any tenant having an interest in the land extending for more than seven years must also be notified of the application.
- 3.43 Any party wishing to object to the application may examine the application at the Local Authority offices. There will be a timescale identified for objections to be received and, as with all other aspects of consultation, any person or party may object regardless of their interest. In framing an objection it is generally advisable to cite the real concern. There are instances of objectors using spurious grounds that they believe will carry more weight, such as the inadequacy of access to a site, when the real concern might be loss of a facility. The problem with this approach is that the real grounds for objection are never heard and cannot therefore be considered, while the spurious grounds offered may be capable of resolution.

Objecting to a Planning Application

- 3.41 Where a planning application is lodged, it is possible to object to the application, and those with an interest in water freight will wish to do this if the proposal is detrimental to water freight. The most difficult part of this can simply be learning that an application has been lodged. British Waterways is a Statutory Consultee and must always be advised of an application affecting one of its waterways. Other Navigation Authorities are not Statutory Consultees and do not have this privilege (the Environment Agency is a Statutory Consultee but not in respect of its navigation functions). This Guide recommends that Planning Authorities consult both Navigation Authorities and freight operators when an application affecting a waterway is received. Wider consultation is necessary when the developer is also a Statutory Consultee. The determining authority should also consider the impact of the application on:
- Operators that currently move freight on water through the authority;
 - Land use implications in adjacent authorities.
- 3.44 If planning permission is denied and the applicant appeals, the objections to the application will be put before the inspector at the appeal. Objectors may wish to elaborate on their objection as part of the appeal process.

The application must be notified on site and advertised in the local press.

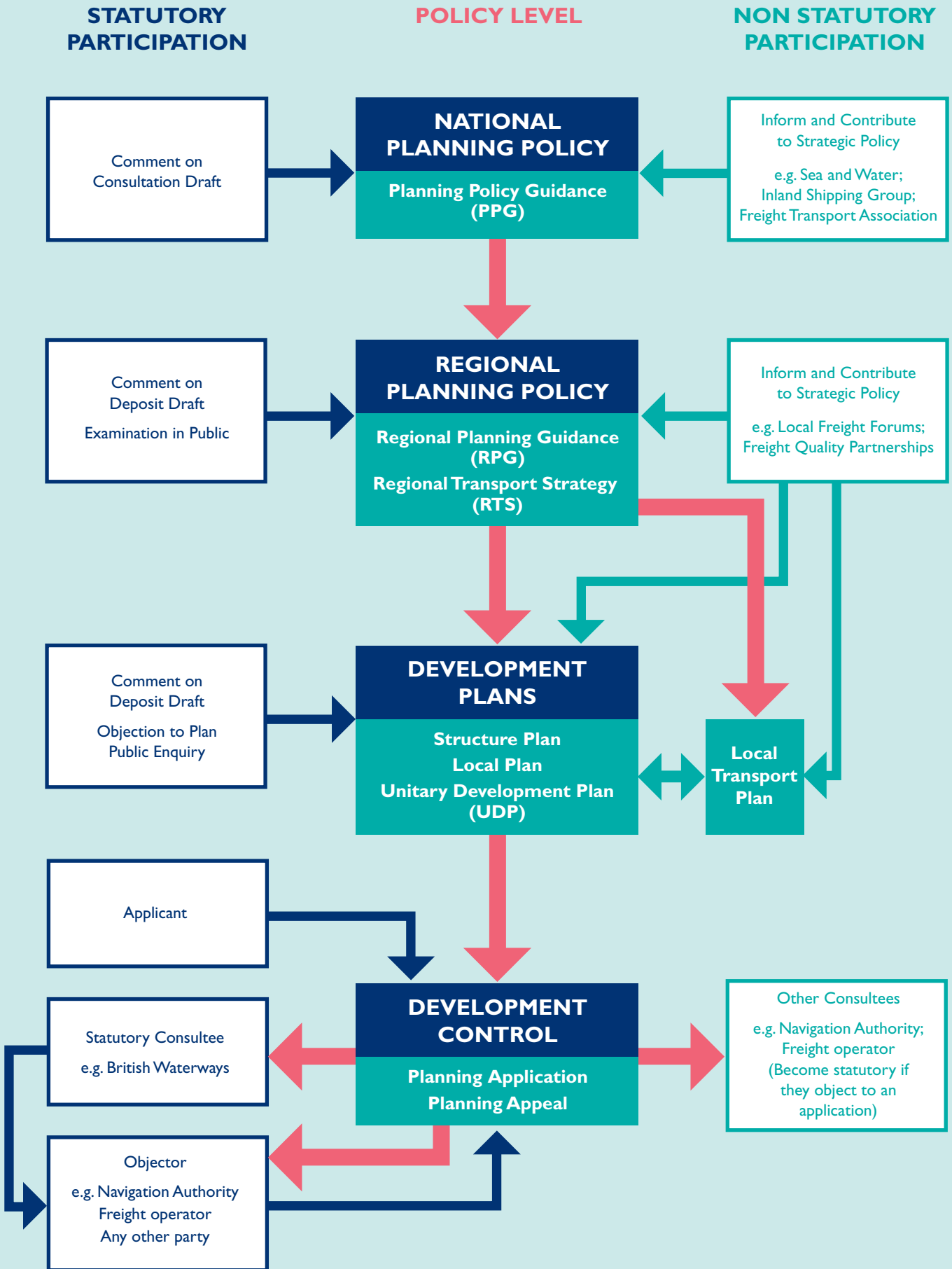


Chart 2: Participation and the Planning Process

4 Other Planning Tools

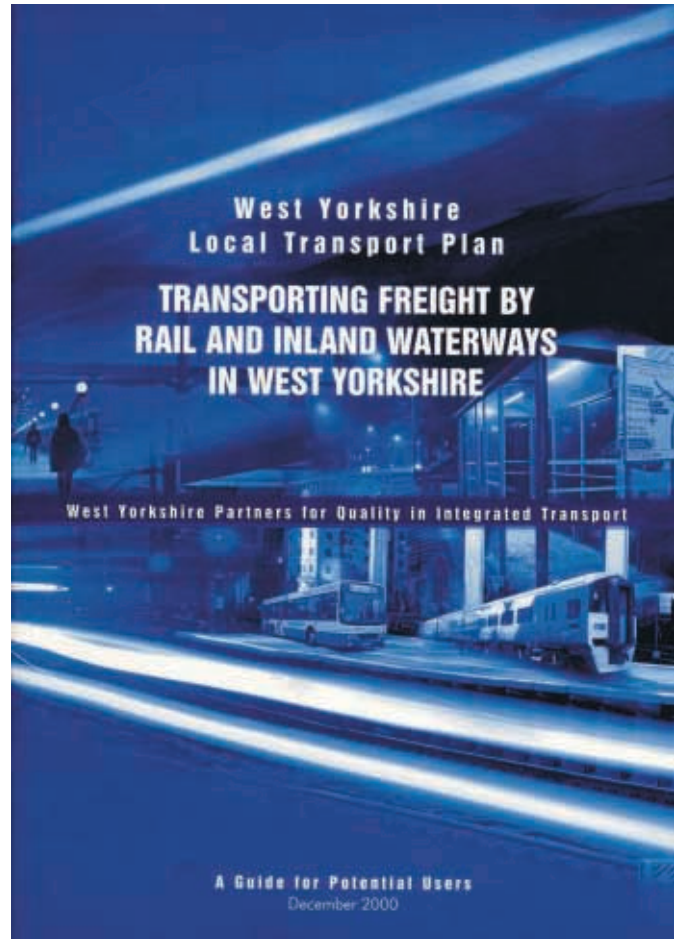
This Chapter describes the other tools, in addition to planning policy measures and guidance, available to planners to promote the use of inland waterways for freight transport.

- 4.1 These tools are primarily of use at the development control stage or in formulating Local Plans, Unitary Development Plans (UDPs) or Local Development Frameworks (LDFs) where site-specific proposals are made. They can be broadly divided into two categories:
- A Information to help make decisions on land use and planning applications:
- > Information on wharves;
 - > Department for Transport *Benchmark Report 2002* and other reference sources;
 - > Transport Assessments.
- B Delivery mechanisms to make sure a plan provides the appropriate framework to meet the planner's objectives:
- > Planning conditions;
 - > S106 Agreements and obligations;
 - > Supplementary Planning Guidance.

These are discussed in turn.

Information on Wharves

4.2 One of the major issues facing water freight is the protection of wharves. Wharf audits and wharf strategies can help Local Planning Authorities determine which wharves should be protected. British Waterways performs audits of its own wharves, assessing the usefulness of a wharf and the likelihood of potential traffic. These can be used to inform the relevant Local Authorities. Other Local Authorities may have no such tools available so may need to draw their own conclusions. In practice, Local Authorities should retain an open mind even when the Navigation Authority has a wharf audit or wharf strategy in place, especially if the Navigation Authority is the owner of the wharf in question.



West Yorkshire Partners for Quality in Integrated Transport have produced a guidance document with the aim of providing details of freight transfer facilities and potential sites that could be developed with rail or water access. The handbook covers freight grants, schedule of sidings, potential rail freight sites, potential waterway sites and pointers to further information. This is an excellent example of metropolitan authorities co-operating to produce supporting guidance for their joint Local Transport Plan. The guide aims to provide advice and information of assistance to potential users of rail and waterway and so contribute to national policy objectives for modal shift and sustainable freight transport.

- 4.3 One possible solution is demonstrated by the West Yorkshire Local Transport Plan (see Case Study 9 in Chapter 6). Here, a supplementary guide has been produced identifying all waterside development sites and commenting on any potential for the sites to be occupied by water freight users.
- 4.4 Use of criteria based assessments for wharf protection should also be considered. These will need to be determined locally. For example, the criteria used in London are:

The redevelopment of safeguarded wharves should only be accepted if the wharf is no longer viable nor capable of being made viable for cargo handling uses. The only exceptional circumstance to this would be for a strategic proposal of essential benefit for London, which cannot be planned for or delivered on any other site in Greater

London. The viability of a wharf is dependent on:

- *The wharf's size, shape, orientation, navigational access, road access, rail access (where possible), planning history, environmental impact and surrounding land use context;*
- *The geographical location of the wharf, in terms of proximity and connections to existing and potential market areas;*
- *The existing and potential contribution that the wharf can make towards reducing road based freight movements;*
- *Existing and potential relationships between the wharf and other cargo-handling sites or land uses;*
- *The location and availability of capacity at comparable alternative wharves, having regard to current and projected Port of London and wharf capacity and market demands;*
- *In the case of non-operational sites, the likely timescale within which a viable cargo-handling operation can be attracted to the site, having regard to the short term land use policy, and long term trade forecasts, and national and regional planning and transport policy.*

If a wharf is no longer viable, redevelopment proposals must incorporate water based passenger transport, leisure and recreation facilities and water transport support facilities first, before non-river related uses that do not require a riverside location.

(Draft London Plan, Annex 2 paragraph 45 and 46)²¹

Department for Transport Benchmark Report 2002³⁶

- 4.5 If a Local Authority has any doubts regarding the suitability of a waterway for freight transport the Department for Transport *Benchmark Report 2002³⁶* may be able to help. It includes indicative dimensions of those waterways defined broadly as able to accommodate craft with a payload of 50 tonnes capacity or greater. This publication does not include the narrow canal network. Another Department for Transport publication, *Waterborne Freight Statistics 2002³⁷* provides current freight traffic statistics for regions, and by significant waterway. There are also various commercial guides to the inland waterways and maps available from British Waterways and other sources⁴⁰.
- 4.6 Of course, Local Planning Authorities should not confuse use with potential use. The fact a waterway

has little, or no, traffic at present does not mean that it has no potential for such traffic.

Transport Assessment

- 4.7 Many planning applications require a Transport Assessment to be submitted with the application, identifying impacts on the local transport networks. The intention of this is two-fold:
- To allow Planning Authorities to assess mitigation that may be required as a result of the development;
 - To make developers consider alternatives to car based passenger transport and road based freight transport.
- 4.8 The threshold for requiring a Transport Assessment varies between Planning Authorities. As a general guide, Transport Assessments are usually required, for any part of the highway network if traffic resulting from the development will form 5% or more of the overall traffic or where the existing network is already congested.
- 4.9 Planning Authorities may wish to make Transport Assessments a requirement for any site that has the potential for water access. Another option is to include consideration of water transport as a feature of any Transport Assessment for waterside developments. This would force developers to consider the use of water transport. They would then have to give a reasoned argument for using road transport. Transport Assessments also cover construction traffic, so transport of this traffic by water would also be included in the assessment.

Planning Conditions

- 4.10 Planning conditions are attached to planning permissions and limit the scope of the permissions in various ways. Conditions related to transport are not uncommon and can relate to the means of access, the route for access and even the mode of access. Planning Authorities may wish to place a condition on a development that requires certain traffic to or from the site to be carried by water. The only criterion is that the traffic must be sufficiently well defined for the condition to be enforceable.

4.11 Even if a proposed land use has no obvious potential for traffic to be carried by water, for example an office or residential development, there may be benefits in conditioning the permission such that construction traffic, especially materials in and waste out of the site, are carried by water. For central urban sites this can avoid a large number of HGV movements on congested and often unsuitable roads.

Section 106 Agreements and Obligations

4.12 Major developments include a requirement for considerable infrastructure that is not necessarily integral to the development but is required because the development is occurring. A basic example is the need for extra classrooms at a school as a result of a large housing development. In these cases, the developer agrees to provide the facility (or is obliged to provide the facility) through an agreement made under Section 106 of the Town and Country Planning Act 1991 (a Section 106 Agreement).

4.13 The form of Section 106 Agreement varies depending upon the nature of the infrastructure required and the preference of the Local Authority. As a general rule:

- On-site infrastructure is provided by the developer as part of the development;
- Off-site infrastructure is paid for by the developer but actually constructed by the Local Authority.

4.14 There are several possible uses for Section 106 Agreements, but one of the most useful is wharf mitigation in the event that a developer has permission for development on an existing wharf. A Section 106 Agreement could be used to ensure that the developer provides an alternative facility elsewhere. There will be instances where reuse of previously developed land justifies the loss of a wharf, but some form of provision should be made elsewhere in the locality. This will especially be the case when the need for regeneration is greatest and the potential for the wharf is realistic but not pressing. In these circumstances alternative provision can be achieved through a Section 106 Agreement.

Supplementary Planning Guidance (SPG)

4.15 Supplementary Planning Guidance (SPG) is a term covering any additional guidance over and above that given by planning guidance and Development Plans. For particular sites, supplementary guidance will often take the form of development briefs. These will describe the Planning Authority's aspirations for the site and give a clear indication of the type of development for which the authority expects to grant permission. Supplementary Planning Guidance may specify the nature of development (e.g. light industrial units, high quality office space) and also any aspirations for site layout. Infrastructure requirements may also be expressed in SPG. For example, a Planning Authority could specify that a particular site should be developed for businesses that can take advantage of water transport and that a wharf should be provided. Alternatively, if a development will result in the loss of a wharf, Planning Authorities can use SPG to indicate that a replacement wharf is required, and the location and form of the replacement.



Diglis Dock at Worcester off the River Severn has not handled freight for many years. It is clear from the picture that considerable work would need to be carried out in order to return Diglis to a serviceable freight wharf. The dock is adjacent to a run-down industrial area and suffers from poor road access, which would hamper its development for regular freight handling. Diglis Lock is a restricting factor on the size of vessel that can use the dock. Providing mitigation for the loss of this wharf by constructing a new wharf downstream of the lock may prove a better option than preserving the dock. It is, however, important that the potential of the River Severn to make a contribution to sustainable transport is protected by having wharfage available close to Worcester. (Source: Sharon Cox)

5 Effective Planning for Freight Transport on Inland Waterways

This Chapter describes the policy and practical issues that can be implemented to encourage freight transport by water. These include effective policy formulation, effective development control, partnerships and encouraging the public sector to use this mode of transport.

5.1 Protecting and promoting inland waterway freight requires development to be targeted in such a way that:

- The ability of waterways to carry freight is not impaired;
- The markets to be served by waterways are located where waterways can be effective.

It would not be good practice, for example, to locate housing next to a large waterway or to force an aggregates batching plant to be located where only road access is available.

Policy Issues to Encourage Freight Transport by Water

5.2 Planning can influence the following key elements:

- The protection of existing wharves and freight traffic facilities;
- The promotion of new wharves and facilities;
- Encouragement for new land uses requiring planning permission to make use of water transport;
- Ensuring that waterside sites with real potential for water freight are not used by businesses or land uses that do not benefit from access to water transport;
- Promotion of the development corridor concept along the length of a waterway with potential for freight use;
- The availability of dry docks.

5.3 Terminal facilities and wharves are absolutely fundamental to freight waterways. However, it is clear that some existing wharves are either no longer required, or are no longer suitable, for modern day freight requirements. There has been intense pressure

on some wharves, particularly those near city centres, for residential and commercial development, and many have been lost over the last two decades. The likely scale of operation, and of the vessels used, means that commercial wharves on larger waterways are industrial in character, with a degree of noise and unsightliness. If waterborne freight is to be a realistic option, then wharves that have a potential for traffic must be retained and sites for new wharves identified where this is appropriate.

5.4 Other infrastructure issues, such as the availability of dry docks, will also affect the suitability of the waterway for commercial traffic. If, as expected, national vessel standards are introduced, there will be a new statutory requirement for regular dry-docking for any vessel with a national certificate. This could exacerbate the existing shortage of dry docks and repair facilities that are needed by operators to maintain their fleet.

5.5 In some cases, maintaining the waterway for freight transport is not the only consideration. Many waterways pass through declining industrial areas in need of improvement to the physical and economic environment. Regeneration of such brownfield sites is a key objective of central Government policy. Due to structural changes in the UK economy over the last 50 years not every former industrial site can be reused for industrial purposes. However, when considering regeneration, it is a requirement of PPG4 that the option for reuse by water-served industries is considered. Where redevelopment results in a loss of industry from waterside sites, care should be taken to ensure that the redevelopment does not affect the use of the waterway by other industrial users. The use of water transport for construction traffic, inwards for materials such as cement and aggregates, outwards for demolition and construction waste, should always be considered.

5.6 For planning to be effective in encouraging waterborne freight, the National Planning Policies identified in Appendix 2 must be effectively translated into action on the ground. This can be achieved by:

- Effective policy formulation at regional and local level to protect and promote inland waterway freight;
- Effective development control to enforce these policies.

Each of these is discussed in turn below.



Branford Barge Services 'Eskdale' approaching Lafarge Aggregates' Whitwood Depot loaded with 300 tonnes of gravel. Lafarge Aggregates was required to vacate its site at Goodman Street in Leeds because Goodman Street and its immediate vicinity were to be included in a regeneration scheme for Leeds city centre. Helped by a substantial Freight Facilities Grant (FFG), Lafarge relocated to a new facility near Wakefield Europort (Whitwood). Thousands of tonnes of aggregate each week are now being delivered to Whitwood, totalling around 200,000 tonnes per year, sourced both from Rampton and a new quarry wharf at Besthorpe, Newark on the River Trent. (Source: Mike Brown)



Sites alongside the Thames provide the greatest pressure for re-use for residential or office purposes. Clearly there have been considerable benefits for the Docklands area from regeneration of a derelict industrial environment. In this case redundant port facilities have been redeveloped, providing housing and employment, thus boosting the local economy. Planners need to find a balance, however, between regeneration of this nature and providing the opportunities for the Thames to realise its full potential contribution to an equally important sustainable transport agenda. It is vital to halt the loss of available sites for cargo handling along the banks of the Thames. Great strides have been made through the Safeguarding of Wharves Direction but Local Authorities need to be committed to finding ways of accommodating the requirements for handling freight with their aspirations for improving the urban environment in their particular areas of jurisdiction. (Source: Sharon Cox)

Effective Policy Formulation

Regional Planning Guidance (RPG) and Development Plan Policies

5.7 As described in Chapter 3, Regional Planning Guidance (RPG) translates Planning Policy Guidance (PPG) into a regional context. This includes policies on protecting and promoting freight traffic on inland waterways. All English Regions have an estuary, tidal river or a large non-tidal navigation (as defined in Table 1 on page 5) within their area. RPG13 (South West) and RPG11 (Yorkshire and Humber) both contain examples of how policies in RPG may protect and promote the use of inland waterways. See Case Study 1 in Chapter 6.

5.8 RPG or Regional Spatial Strategies (RSS), in the proposed new system sets the policy context for Development Plans or Local Development Frameworks (LDFs). If the planning system is to be effective, RPG/RSS must give a strong lead on the role of inland waterway freight within each region.

This can include:

- Identifying strategic waterway corridors for development, for which particular policies will apply;
- The use of criteria based policies, to give a lead to Development Plans/LDFs in site allocation and the formulation of LDF criteria based policies;
- Guidance/policy on the regional priorities where national policies may be in conflict, for example the desire to promote sustainable transport objectives set against the desire for regeneration.

5.9 Navigation Authorities and water freight operators have an in-depth knowledge of the waterways in their area and of issues facing freight operations. Regional Planning Bodies should seek their views in the process of formulating their pro-water freight policies. For example, a regional freight forum in the North West has facilitated this exchange of views. This may be a useful model for others to follow. See Case Study 2 in Chapter 6.

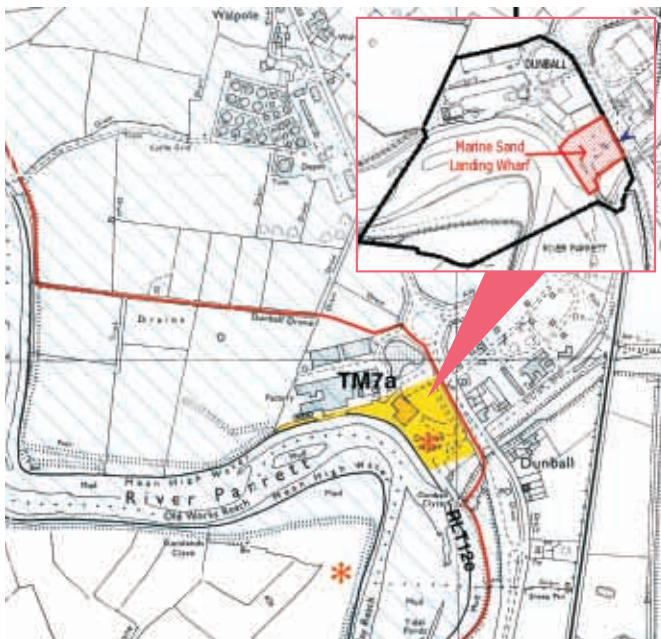
5.10 Development Plans/LDFs need to reflect the guidance/policies in RPG/RSS. Taking each of the possibilities listed above in turn, Development Plans/LDFs would need to:

- Identify appropriate land use allocations adjacent to a strategic waterway corridor, and develop criteria based policies to cover windfall developments and proposals on land with no specific allocation ('white land') not covered by site-specific policies;
- Allocate sites for development in accordance with RPG/RSS criteria based policies, and formulate Development Plan/LDF criteria based policies in line with RPG/RSS. For example, RPG/RSS might state that all operational wharves on strategic waterway corridors should be protected. Development Plans/LDFs would have to identify these and formulate a policy protecting them;

- Development Plans/LDFs would need to reflect the RPG/RSS priorities. In the case of LDFs, these may need to be included in Area Action Plans. Again, if RSS were to state that regeneration must not compromise navigation by freight vessels or the ability to use wharves then this would have to be included.

5.11 RPG13 (South West), the Somerset County Structure Plan and Sedgemoor District Local Plan provide a good example of a continuous policy thread through all levels of policy making. In the case study example the policy is wharf protection, but the principle should apply to all aspects of policy related to water freight. See Case Study 3 in Chapter 6.

5.12 In London, safeguarding of wharves has been raised to the status of a Ministerial Direction because of the unique circumstances. Whilst this has not resolved the pressures for redevelopment of waterside sites it has provided strategic protection for sites that are essential to the ability of the Thames to fulfil a role in waterborne freight transport. See Case Study 4 in Chapter 6.



Dunball on the River Parrett in Somerset is strongly protected by the planning policies outlined in the Regional Planning Guidance and the Structure Plan. In addition, Somerset Minerals Local Plan 1997-2011 Revised Deposit Version has the following designation and notes: "The existing wharf at Dunball is used to land sand dredged from the Bristol Channel, as well as for other non-mineral purposes. The dredging of the material is outside the jurisdiction of the Minerals Planning Authority (MPA). Landing facilities do fall within the MPA's remit but, as the wharf is used for general purposes, it has not required a specific permission. The MPA has designated a Mineral Consultation Area at the site to safeguard it from incompatible development that might hinder its future operation." (Source: Sedgemoor Local Plan, Revised Deposit; Somerset Minerals Local Plan)

JJ Prior delivering aggregates to RMC's Comley Wharf in Fulham, which is one of the original safeguarded wharves. The aggregates, sand and gravel, originate from Prior's quarry at Fingringhoe on the River Colne near Colchester. Prior owns seven aggregate carrying vessels ranging in size from 250 to 600 tonne cargo carrying capacity. The vessels load directly from the quarry and deliver directly to upriver aggregates facilities, carrying approximately 160,000 tonnes per year. These small ships make a huge contribution to keeping heavy lorries off London's streets. In recognition of this, the company has received several Freight Facilities Grants towards the cost of vessel refurbishment. (Source: Port of London Authority)



Fingringhoe on the Colne in Essex is the source of approximately 160,000 tonnes of sand and gravel delivered by ship to concrete plants in Fulham, Vauxhall and Battersea, an asphalt plant in Dagenham and Brewery Wharf in Deptford. On average, it takes ten hours to reach London loaded and eight hours to return to the Colne estuary though tides dictate when ships are able to berth. The restriction on road access at Fingringhoe makes it essential that the aggregates produced there are distributed mainly by river.

(Source: Sharon Cox)



KD Marine's 'Gina D' loaded with 900 tonnes of grain (ex-Seaforth Grain Terminal, Liverpool) entering Mode Wheel Locks on the Manchester Ship Canal. The grain is bound for Rank Hovis mill in Trafford, Manchester. Trafford Park is an industrial area home to varying sizes of enterprise engaged in diverse activities, some of which are dirty and dusty, such as scrap metal processing. Trafford planners recognise the importance of protecting this industrial area as a significant employment source. The Ship Canal has the potential to accommodate more traffic to or from this area, depending on the economics. The Rank Hovis mill once received grain directly from ocean-going ships via a conveyor into the plant but this ended with the gradual increase in size of bulk carriers transporting grain from deep-sea origins. The construction of the Imperial War Museum (North) on the mill's previous quayside frontage will not now allow direct discharge, hence the road haul for KD Marine to deliver to the plant. A Freight Facilities Grant helped to tip the economic scales in favour of water transport away from road feeding grain into the mill.

(Source: Manchester Ship Canal Company)

Secondary Policies

5.13 There are a number of policies in the PPG system that, although not primarily targeted at water freight, nevertheless can be used to protect and promote freight use of inland waterways. These include PPG4 *Industrial Land* and PPG24 *Noise*. PPG4 promotes appropriate locations for industrial uses while PPG24 protects noise sensitive developments, such as housing and schools, from excess noise.

There are two elements to this:

- A To avoid locating new noise generators adjacent to noise sensitive properties;
- B To ensure that new noise sensitive developments are not located in noisy areas.

The second is especially relevant to protecting wharves on inland waterways, as these are often either noisy in their own right by virtue of mechanical handling or processing of aggregates for example, or serve industry that may generate noise.

5.14 Again, when formulating Development Plan/LDF policies Local Planning Authorities will find it useful to seek the views of Navigation Authorities and local water freight operators. These bodies have detailed knowledge of issues relating to freight operation, and can provide a useful input.



River Sea Trading's 'Geminus', at Manchester Dry Docks in Trafford Park, Manchester, discharging 700 tonnes of grain for Rank Hovis. KD Marine holds the contract with Rank Hovis and uses 'Geminus' on charter to supplement its own fleet of barges. KD Marine received a Freight Facilities Grant in 1999 to help with the cost of the first barge and the handling equipment seen here above. Grain is sucked out of the vessel's holds and held in a small silo, which then discharges into lorries for the short road trip into the mill. This traffic flow corresponds to more than 80,000 tonnes per year, replacing the equivalent of approximately 26 lorry trips between Liverpool and Manchester every working day. (Source: Mike Brown)

Effective Development Control

- 5.15 The Government is quite clear that development control must not occur in a vacuum, and this is reiterated in draft PPS11 and PPS12. Local Planning Authorities need to ensure that their development control decisions reflect policy, especially when under pressure from developers for waterside sites.
- 5.16 In reaching decisions on waterside sites, it is essential that the views of the Navigation Authority and freight operators are obtained. Freight operators in particular will have a view on whether a waterside site has the potential for freight use. Occasionally this may conflict with the view of the Navigation Authority if the latter is also the landowner and potential developer. Wharf mitigation may provide a solution to such issues, where the landowner/developer offers alternative equivalent facilities.
- 5.17 If a new wharf is proposed as part of a new development, or if a new development can take advantage of an existing wharf, Local Planning Authorities can consider placing a condition on any planning permission to secure access by water rather than by road. Since a wharf is ancillary to the use of the site of which it is part, its use can only be controlled by condition. This type of planning condition will not guarantee that the traffic will always travel by water but they will require the user to justify any change in transport operation since the user will need to apply to have the condition lifted.
- 5.18 There are instances, however, where such a condition may prejudice a developer in seeking grant aid in order to make the wharf viable. In particular, many waterside sites may be eligible for Freight Facilities Grant (FFG) funding. This is described in more detail in Appendix 3. The Freight Grants Unit at the Department for Transport administers the FFG. Funding, where eligible, is available to encourage the choice of water borne transport. If a planning condition compels a developer to use water transport and road transport is no longer an option the development will not be eligible for FFG funding (which may prevent the development from occurring). Whilst it could be argued that the development would occur elsewhere instead, with road access only, this is a difficult argument to sustain.
- 5.19 Planning Authorities should be aware that FFG itself is designed to secure the carriage of the specified traffic for a number of years. Where a temporary planning permission is in place, for example, for the abstraction of aggregates, this may be adequate, as long as the lifespan of the permission matches the condition of the grant. For longer permissions, or for permanent permissions, conditioning might be desirable to ensure that freight does not switch to road immediately upon completion of the grant aid period. In practice, there is no recorded instance of this happening but Planning Authorities need to be aware of the possibility.



Yorkshire Evening Press premises on the River Foss in York received newsprint by barge from Goole up until 1997. At its peak in the mid nineties the traffic amounted to just over 13,000 tonnes per year. This was a rare example of water being used for the delivery of bulky cargo, in this case heavy rolls of newsprint, directly into a works in the heart of a city. The works ceased to receive newsprint by water in 1997, apparently due to a different route being chosen for the delivery of newsprint that no longer involved movement on ships through the port of Goole. It is always possible that traffic flows on water may be affected by external factors such as changing origins for commodity flows or changes in company structure and ownership. Nevertheless, it is important that industries alongside waterways should be encouraged to examine the possibilities for water freight transport. Planning conditions should be considered to protect sustainable freight activity. In this case, there was local outcry over deliveries being made by lorry instead of by barge but nothing could be done about it in the absence of a planning condition.

(Source: Graham Acaster)



The Grand Union Canal in Buckinghamshire is benefiting from a major contract to move 450,000 tonnes of aggregates from a quarry site to a processing depot. New barges have been designed and constructed to carry the cargo. They represent the most recent investment in new inland waterway freight vessels dedicated to a particular traffic. This movement was made possible by the considerable efforts of the partner organisations involved and was partly funded through Freight Facilities Grant. (Source: British Waterways)

5.20 If an authority is considering conditioning a site with a water carriage condition, then they should ask the developers if an application for FFG is intended or in process. If this is the case, the authority should contact the Freight Grant Unit to discuss the probability of a grant award and any conditions that will apply. The Planning Authority should then have due regard to the position identified above.

Practical Measures to Encourage Freight Transport by Water

5.21 While policy can do much to protect and promote the concept of waterborne freight, there are limitations on how much policy alone can achieve. In practice, there is a need for further efforts beyond planning policy to encourage a shift towards water transport. This Guide describes two such practical aspects:

- > Forming partnerships;
- > Encouraging public sector use of water transport.

Partnerships

5.22 The issues facing anyone attempting to promote the use of waterways for freight transport vary according to the nature of the organisation and the project in question. For the public sector, the goal is to deliver the policy objectives of sustainability, economic

prosperity and social inclusion. The private sector is focused on running a profitable business. The voluntary sector, in the context of freight and waterways, comprises a range of organisations with varying concerns from environmental protection and conservation to promotion of environmentally friendly modes of transport - such objectives may not always be in harmony. The sectors may not always be in accord. The key to success is to determine common goals and then draw upon the skills and expertise of each type of organisation. In this case, the common goal would be to increase the role of inland waterways in sustainable transport provision. Partnerships at a regional level can make a particularly effective contribution to regional policy.

5.23 In order to help achieve the policy aims, in particular for sustainable distribution, the Government has encouraged the creation of Freight Quality Partnerships (FQPs). These are a means by which local government, businesses, freight operators, environmental groups, the local community and other interested parties can work together to address specific freight transport problems. The partnerships aim to develop an understanding of freight transport issues and problems and to promote constructive solutions. They provide a forum to achieve best practice in environmentally sensitive, economic, safe and efficient freight transport.

5.24 There is, however, no prescription for a Freight Quality Partnership. They operate in varying guises with different names: Freight forum, Freight Advisory Group, Freight Transport Liaison Group, Sustainable Distribution Partnership, Partnership for Freight, and range in scope from very localised objectives to informing regional planning. The principal aim of these groups is to provide the mechanism for achieving effective partnership between industry and local Government in order to produce tangible outcomes. The Department for Transport has produced a Good Practice Guide, *How to Set Up and Run Freight Quality Partnerships* with a sister volume of Good Practice Case Studies²⁵. These documents contain a great deal of advice and information regarding the aspirations and practical outcomes of partnerships between the public and private sector. Free copies of these publications can be obtained using the details given in Appendix 5.

5.25 The Freight Transport Association (FTA) has an important role to play in bringing together the various parties, particularly at a regional level. Officers of the Association have played a significant role in the North West Freight Advisory Group (NWFAG), for example, in initially bringing together a wide ranging group of freight interests to inform the regional decision making process, and in supplying the secretariat for the NWFAG. A body such as the NWFAG provides a means for understanding and addressing the importance of freight movements to the economic development of a region. Case Study 2 in Chapter 6 provides more details on this forum.

5.26 Whether or not the FQP approach is appropriate in every situation there are some practical principles to be considered when setting up a partnership with the objective of promoting waterborne freight. These are:

- Establishing the main issue intended to be addressed by the partnership;
- Clarity on the delivery mechanism of the partnership;
- Consultation at all levels at the early stages of strategy and project development;
- Establishing the objectives of the partnership;
- Identifying the participants in the partnership;
- Establishing the management process for the partnership.

5.27 The participants in the partnership are key to its success. In addition to those from the public sector there are a number of other potential partners interested in waterborne freight that could usefully be included. The NWFAG membership shows the benefit of involving the Navigation Authorities, port companies, Freight Transport Association (FTA), Road Haulage Association (RHA), etc. Other appropriate organisations, depending on the nature of the issues, or project, in hand, include:

- Sea and Water, a new forum, constituted with the aim of promoting short sea shipping and inland waterway freight. Sponsored by Government following the recommendations of the Freight Study Group, Sea and Water aims to represent the water freight industry's voice;
- Association of Inland Navigation Authorities (AINA) represents the Navigation Authorities collectively;

- Association of Inland Shipping Operators (AISO) is a trade association representing the commercial and technical interests of a large part of the present water freight carrying industry;
- Commercial Boat Operators Association (CBOA) is a group also representing the water freight carrying industry with a number of members owning narrow boats;
- Inland Shipping Group is a committee of the Inland Waterways Association, part of the voluntary sector dedicated to the promotion of inland waterway freight transport and the provision of information.

Contact details for all these organisations are included in Appendix 6.

Public Sector Use of Water Transport

5.28 A significant amount of freight is carried on behalf of the public sector, most notably waste and recyclable materials. In addition, many construction projects are public sector funded or part of a Private Finance Initiative (PFI) proposal where the public sector has some influence. If the private sector is expected to make use of waterborne transport, public sector commitment to this mode is important.

5.29 Several opportunities exist. Public sector construction projects should consider the practicality of water transport for construction traffic. This could result in significant transfer of HGV traffic, since public sector construction projects can be on a massive scale.

For example, local Government needs to transport and store significant quantities of construction materials, such as salt, grit and road stone. A waterside depot could be served by water for the supply side of this process.

5.30 However, the most obvious possibility for public sector use of water transport is waste and recyclables. While much of the waste disposal sector is managed by the private sector, the entire industry is public sector led, and thus subject to public sector influence and direction. Waste and recyclables fulfil the high bulk/low value characteristics typifying water freight commodities, and also travel on predictable, regular routes. They are thus ideally suited to water transport, assuming bulking and disposal points (land fill, incinerators, recycling processing plants) are located waterside.

5.31 At present, only London makes significant use of water transport for waste carriage, but there is clearly potential for other authorities to do the same if waterways penetrate the urban area. New technologies are currently being piloted, such as the use of modern refuse collection vehicles in the *Waste by Water* initiative in north London. These vehicles have removable bodies that allow the efficient transfer of closed containers directly from road vehicle to barge. The road vehicle can then pick up another container and continue its collection schedule while the barge, when fully loaded with containers, carries them to the central recycling/disposal facility.

5.32 Such new technologies will enable waste authorities to consider the use of water transfer for both waste and recyclables, and enable an overall reduction in fleet mileage and consequent reduction in vehicle impact. Environmentally friendly methods of transporting waste that assist in removing vehicles from the roads will help to achieve environmental objectives and to portray a positive image of the waste industry. Thus waste authorities may wish to routinely investigate the possibility of using inland waterways to carry waste as part of any review of their operations.

6 Good Practice Case Studies

This Chapter includes ten case studies describing how different organisations have worked together to resolve specific issues by implementing good practice.

Case Study I

Regional Planning Guidance for Yorkshire and the Humber

Organisations:

- **Government Office for Yorkshire and the Humber**
- **Yorkshire and Humber Assembly**

Good Practice:

- **The ability of Regional Planning Guidance (RPG) to provide a comprehensive framework for encouraging freight on inland waterways**

The Yorkshire and Humber region has an extensive network of waterways either in active use for freight or with significant potential. These waterways extend navigation inland from the sea via the Humber for seagoing vessels and have a significant proportion of movements entirely within the inland waterway system. PPG12 seeks to promote use of this network and many of the policy measures described are transferable to other regions with larger inland waterways in their area.

In the first instance, PPG12 recognises the need to coordinate with adjoining regions, as transport infrastructure is often trans-regional:

7.4 The inter-relationship between Yorkshire and the Humber and adjoining regions in Transport terms is an important issue. There needs to be compatibility between policies within this and neighbouring regions to avoid inappropriate competition as a result of, for example, parking policies. Inter-regional issues requiring co-operation include:

- **Water transport (among others)**

Yorkshire and Humber has identified that the inland waterway activities in the region are interrelated with activities in other regions. The Humber connects to the sea giving access to other parts of the UK and abroad for coastal and international shipping; the Trent flows southwards into the East Midlands.

RPG12 organises its transport policies by purpose rather than mode, and thus waterways are covered under freight transport. This policy (T3) is unusually comprehensive on the subject of inland waterway freight:

In preparing Development Plans and Local Transport Plans opportunities should be sought to deliver an integrated freight distribution system which makes the most efficient and effective use of road, rail and water (inland and coastal). In particular policies should be developed which:

- a) Seek to maximise the use of rail or water for freight movements from new developments and significant changes of use;*
- b) Seek to locate developments which generate high levels of freight and commercial traffic closest to intermodal freight facilities, rail freight facilities, ports and wharves or roads designed and managed as traffic distributors;*
- d) Identify and protect existing and proposed sites for intermodal interchanges for road/rail, road/water, and road/rail/water. In South and West Yorkshire, in particular, seek improvements to road/waterway transfer facilities;*
- f) Identify and protect appropriate facilities for the loading and unloading of water-borne freight, having regard to issues such as landside transport links and potential conflicts of use and disturbance.*

The publication, *Transporting Freight by Rail and Inland Waterways in West Yorkshire - a Guide for Potential Users*, referred to elsewhere in this Guide, takes the first steps in fulfilling point d) and f) of policy T3 within West Yorkshire and, as a result, helps West Yorkshire authorities fulfil a) and b). This demonstrates the value of Regional Guidance in assisting policy formulation at the local level.

RPG12 goes on to address the need for transport investment in order for the policies of promotion to be effective:

Policy T10

Transport investment priorities

Investment in strategic road, rail, air, water and sea links should be consistent with overall RPG policies and help to deliver the Regional Spatial Strategy. Priority should be given to making the best use of existing infrastructure by improving management and maintenance. Investment in new infrastructure should be based on a multimodal approach to establishing investment priorities which should focus on:

b) Delivering a safer, more efficient and integrated transport network by:

- ii) the take up of the unused potential at Wakefield Europort and on the Calder and Hebble Navigation, the Aire & Calder Navigation and the Rotherham and Humber modernisation in South Yorkshire;**

Although no reference to specific investment is included, the guidance recognises that the existing freight waterways in the area could accommodate much more freight than presently and that priority should be given to making the best use of the existing capacity. This point, in particular, is applicable to other waterways across the UK.

Finally RPG12 goes on to consider the implications for the many organisations affected by the delivery of these policies. With respect to waterways the following is included:

Implications for freight operators

7.116 Freight operating companies need to:

- Develop further Freight Quality Partnerships in conjunction with Local Authorities;**
- Work with Local Authorities, infrastructure providers and other freight operators to improve integration between road, rail and water-based freight transport.**

Thus the guidance has addressed the need for trans-regional integration, the requirement to locate industry such that water transport is available, the spare capacity available for use and the implications for those affected by these policies. In many ways this provides a model for other regions to follow. This approach could be improved still further by including the following:

- >** Identification of waterway corridors: the Yorkshire and Humber guidance makes text references but has no map of the key corridors. The map included in the guidance shows all waterways in the area, some of which are unsuitable or even closed to navigation;
- >** In identifying corridors, the guidance could then further seek enhancement of these corridors in terms of wharf provision, removal of bottlenecks or improvements to navigational obstacles;
- >** The implications for Navigation Authorities could also be addressed, as the guidance covers implications for the Strategic Rail Authority. This is particularly relevant as there are four Navigation Authorities in the Yorkshire and Humber Region, whose waterways are, or have recently been, used by freight traffic (BW, ABP, Hull City Council, York City Council);
- >** Attention could also be given to the implications of increased waterway use for highway authorities. Many of the region's waterways have swing and lift bridges and an increase in the use of these may need to be addressed with mitigation measures for the road system.

For more information, contact:

**Yorkshire and Humber Assembly
18 King Street
Wakefield
West Yorkshire
WF1 2SQ**

**Tel: 01924 331555
www.rayh.gov.uk**

Case Study 2

Effective Partnership for Promoting Sustainable Transport; Promoting Modal Interchange Between Short Sea Shipping/Road/Rail/Inland Waterways

Organisations:

- **North West Regional Freight Advisory Group**

Good Practice:

- **Building partnership between public sector and industry**
- **Policies promoting inland waterway freight transport**

The North West Freight Advisory Group (NWFAG) was established in 1999 following the recognition, in the Regional Economic Strategy, of the importance of freight movements to the economic development of the region. The Northwest Development Agency asked the Freight Transport Association to pull together a wide ranging group of freight interests to inform the regional decision making process. Members of the group are constantly appraising the impact of legislation and policy issues which affect the way in which freight movements are conducted in the region. Thus, one of the primary aims of the group is to work in partnership to address such issues and to achieve measurable objectives which are central to the group's agenda, including:

- Influencing transport infrastructure development;
- Understanding the Government to industry agenda;
- Offering industry to Government feedback;
- Industry to industry information sharing;
- Encouragement and promotion of best practice.

The NWFAG members are:

Associated British Ports
British Waterways
Central Railway
Confederation of British Industry
English Welsh & Scottish Railways Ltd
Freight Transport Association
Freightliner Ltd
Government Office for the North West
Highways Agency
Littlewoods Retail Ltd
Liverpool John Lennon Airport
Liverpool Chamber of Commerce
Manchester Airport plc
Manchester Chamber of Commerce
Manchester Ship Canal Company
Mersey Docks & Harbour Company
Network Rail
Northwest Development Agency
North West Regional Assembly
North West Regional Transport Advisory Group
Road Haulage Association
Strategic Rail Authority
Vauxhall Motors Ltd

In November 2003, the NWFAG launched The North West Regional Freight Strategy with the aim of providing an information base to inform Regional Planning Guidance, the Regional Transport Strategy and assist Local Authorities in developing their own freight strategies within their Local Transport Plans. This process clearly illustrates the benefits of the public and private sectors working together.

The aims and objectives of the Regional Freight Strategy are:

- To assist the promotion of sustainable economic growth by:
 - Maximising efficient use of existing transport infrastructure and services;
 - Implementing selective enhancements where necessary;

- Minimising the environmental and social impacts of freight transport;
- Taking full account of the inter-relationship of land-use planning and freight transport;
- Ensuring that all decisions are taken within the context of an integrated transport and land-use strategy;

- To underpin the competitiveness of indigenous business, attract and retain inward investment and reduce the threat of peripherality in Europe by improving accessibility to, from and within the North West for those who use or operate freight transport;
- To provide a vibrant, efficient and safe freight industry in the North West by developing and maintaining a range of high quality transport networks and services;
- To involve both private and public sector interests by encouraging partnership working to facilitate a better understanding amongst stakeholders of the needs of modern supply chains.

In setting the strategic context within which the next round of Local Transport Plans are to be developed, the Regional Freight Strategy provides a framework and guidance to assist Local Authorities in the North West to achieve the status of a 'good' Local Transport Plan with respect to freight.

While the Regional Freight Strategy covers issues relating to all freight modes there is important information relating to inland waterways; components of the Action Plan involve waterborne freight. The section on Ports and Waterways has the following actions:

- PW7** *To instigate an assessment of sites where significant opportunities exist for multi-modal freight facilities within or adjacent to ports and inland waterways*
- PW8** *To instigate an investigation of the opportunities across the region for modal shift to coastall/short sea shipping and inland waterways, including the Manchester Ship Canal, for selected cargoes (e.g. containers, bulks and wastes)*
- PW9** *To promote the use of Freight Facilities Grants so as to maximise the scope for the development of rail and barge transhipment facilities*
- PW10** *To encourage the Partial Review of Regional Planning Guidance to incorporate policies to safeguard land for the development of multi-modal (road/water or road/rail/water) facilities, wharfage and warehousing adjacent to inland waterways.*

In addition to the above, the Action Plan for Sustainable Distribution has the following objective:

SD9 *To monitor inter modal movements and promote modal shift wherever possible.*

The Regional Freight Strategy describes the need to have comprehensive, efficient networks of transport infrastructure and the integration of services using road, rail, sea and air; in this way, industry can maximise the supply chain benefits of each mode. It specifically identifies the potential of the Manchester Ship Canal Corridor and the Weaver Navigation to accommodate industries prepared to locate adjacent to inland waterways and to use waterways for the movement of freight and waste transfer. However, the Strategy points out that sustainable movement of freight requires the necessary multi-modal (road/water or road/rail/water) facilities, wharfage and warehousing; and that this in turn requires land to be safeguarded in Development Plans.

For more information, contact:

North West Freight Advisory Group
c/o Freight Transport Association
Springwood House
Low Lane
Horsforth
Leeds
LS18 5NU
Tel: 0113 258 9861

Case Study 3

The Planning Hierarchy at Work - Safeguarding Dunball Wharf

Organisations:

- > **Government Office for the South West**
- > **Somerset County Council**

Good Practice:

- > **Effective policy formulation at regional and county level**
- > **Safeguarding of wharves**

PPG13 gives guidance to Planning Authorities on protecting transport infrastructure including wharves. For this to be effective this policy guidance needs to be fed through the hierarchy of planning policy to enable effective development control decisions. This example is drawn from the south west of England.

RPG10: Planning Policy Guidance for the South West, contains the following policy:

Policy TRAN8 Ports and inland waterways

Local Authorities, ports and transport operators and other agencies should work together to encourage the development of waterborne services and facilities. In particular they should:

- *support the development of each port in its individual role by safeguarding land for economically beneficial port use that can occur without significant environmental damage;*
- *support the improvement of land based links to the region's ports, subject to the outcome of multi-modal studies, with the emphasis on the most sustainable means of transport;*
- *support the maintenance and enhancement of reliable services to the Isles of Scilly;*
- *support the use of inland waterways for commerce and recreation, as appropriate.*

The South West has comparatively few inland waterways, and this policy is geared as much to coastal ports as inland wharves. Nevertheless, it clearly applies to inland waterways such as the Gloucester & Sharpness Canal, the Exeter Ship Canal, and the River Parrett. The Parrett is Somerset's only inland waterway able to accommodate large vessels and incorporates Somerset's only operational port. Taking account of PPG13 and RPG10, the Somerset and Exmoor National Park Joint Structure Plan has the following policy:

Policy 58 Ports and wharves

Existing port and wharf facilities should be safeguarded from development which would prejudice their potential in the transport network. Any proposal for new facilities should be within or related to settlements.

The supporting text states that coastal shipping can make a significant contribution to the transport of goods into and out of the Plan area and that the last operating commercial port in the Plan area is that of Bridgwater, which has berths at Dunball and Combwich. Dunball Wharf is particularly well located, close to Junction 23 of the M5 and the Town of Bridgwater. The supporting text also notes that there are a number of other closed ports and wharves in the Plan area, and that the transport potential of these facilities should be safeguarded from development that would prejudice potential for their future use, including tourism and other aspects of shipping. The plan states that future development of these facilities will be considered through district-wide Local Plans. Thus, the Structure Plan requires that all wharves, not just operational ones, are considered, while accepting that some will not have a future for shipping. The Structure Plan also finds relevance in the fact that Bridgwater is the only operational port in the county, and therefore presently the sole option if water transport is to be available to the county.

Dunball Wharf is in the jurisdiction of the Port of Bridgwater but its location on the River Parrett means it is an inland port on an inland waterway. The Department for Transport records traffic using it as inland traffic. The Sedgemoor District Local Plan contains the following policy:

**Policy TM7
Port facilities**

Proposals for development which would prejudice the following existing port facilities defined on the proposals map will not be permitted:

- **Dunball Wharf; and**
- **Combwich Wharf**

Sedgemoor is fortunate to have port facilities at Dunball and Combwich. Dunball is particularly well located close to a motorway junction and has potential for future growth. These facilities will be safeguarded and their use encouraged.

Thus, through these three steps the aspirations of PPG13 have been interpreted as a firm policy protecting a particular wharf in Somerset. It would be very difficult for Sedgemoor, or a planning inspector, to justify granting planning permission that would inhibit the use of these wharves.

For more information, contact:

**Government Office for the South West
2 Rivergate
Temple Quay
Bristol
BS1 6ED**

**Tel: 0117 900 1700
www.gosw.gov.uk**

**Somerset County Council
County Hall
Taunton
Somerset
TA1 4DY**

**Tel: 01823 355455
www.somerset.gov.uk**

Case Study 4

London Wharf Safeguarding

Organisations:

- > **Mayor of London**
- > **London Assembly**
- > **Port of London Authority**
- > **London Boroughs**

Good Practice:

- > **The effectiveness of safeguarding**
- > **Applying the principle of safeguarding outside London**

Within the Greater London Area, the Mayor of London has unique powers to safeguard wharves for commercial traffic. This power originates from concerns expressed by the London Planning Advisory Committee (LPAC). In 1994, LPAC's Advice to Government on Strategic Planning Guidance for London identified a need to ensure that existing and potential sites for wharves, maintenance facilities and other essential infrastructure were identified and safeguarded. This advice was endorsed by the Minister for Transport, who established the River Thames Working Group to examine the transport uses on the Thames. The Thames Strategy published in April 1995, endorsed by the Secretary of State, took the work of this Group forward. The Strategy recommended that the remaining commercial wharves and essential river-related uses should be retained. Development proposals that would result in their loss should be notified to the Secretary of State, who can call in any planning application for these wharves.

On 3 July 2000, the Mayor assumed responsibility for assessing planning applications on safeguarded wharves. These sites now fall within Part IV of the Town and Country Planning (Mayor of London) Order 2000 and, as such, any application lodged on a site should be treated as a strategic referral to the Mayor under the procedures set out in the Order. This effectively gives the Mayor the power to refuse an application on a safeguarded wharf.

In April 2003, the London Assembly reported that 26 of the 29 safeguarded wharves should retain their safeguarded status, and a further 26 wharves should be added to the safeguarded list.

Safeguarding can be lifted to allow redevelopment of a wharf but the onus is shifted to the developer to make a case that the wharf is no longer required. This is a test of viability that will expose tactics such as levying excessive fees for use of the wharf or turning traffic away. The Mayor of London also has the power to compulsorily purchase any wharf that is not being brought into use by the wharf owner. Currently three wharves are being purchased in this way to protect them and make them available to handle freight.

Safeguarding has many advantages. The wharf is effectively taken out of any development land bank as far as the planning system is concerned and the owners are strongly discouraged from pursuing alternative uses for the site as the chance of achieving these is very remote. In addition, should a major redevelopment be proposed of which the wharf is only a small part, there is an awareness from the outset that the wharf exists and is safeguarded, thus allowing an informed decision on the future of the wharf at an early stage in scheme development. The primary role of safeguarding is to protect strategically important wharves in a Thames-wide perspective from development for purely local benefit.

Outside London, the formal safeguarding powers are not available, however, a robust policy at all levels of plan making (RPG, Structure Plan, Local Plan) can be as effective. In the example of Dunball Wharf in Somerset, each level of policy effectively sets the parameters for the next level down, ensuring that at the local decision making level, strategic objectives are met. Sedgmoor District Council would have difficulty defending a Local Plan revision that did not protect Dunball wharf in view of the policies made at RPG and Structure Plan Level. With that policy in place, any decision to allow development that threatened the wharf would be subject to challenge through the courts. The key difference is that outside London there is no strategic requirement to notify a higher authority such as the Regional Assembly or the County. The Regional Assembly could still call an

application in if so desired, but there is no presumption that this will happen.

The Mayor of London has Compulsory Purchase Order (CPO) powers over safeguarded wharves, which is not the case elsewhere. Moreover, other Local Authorities may struggle to raise the necessary funds. However, Local Authorities have CPO powers for comprehensive planning purposes.

Compulsory Purchase powers can be used for land that is:

**Town and Country Planning Act 1990,
section 226**

...suitable for and required in order to secure the carrying out of development or for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

Any CPO decision will need to be defended but a Local Authority has the power to CPO a wharf that was deemed necessary, or desirable, to ensure the viability of an existing or proposed industrial area. Thus, while the specific powers of the Mayor of London are not available elsewhere, the same objectives can be achieved by other means.

For more information, contact:

The Mayor of London
City Hall
The Queen's Walk
London
SE1 2AA

Tel: 020 7983 4000
www.london.gov.uk

The Port of London Authority
Bakers' Hall
7 Harp Lane
London EC3R 6LB

Tel: 020 7743 7900
www.pola.co.uk

Case Study 5

Non-transport Policies Protecting Wharves and Potential Waterway Users

Organisations:

- > **Trafford Metropolitan Borough Council**
- > **KD Marine**
- > **Rank Hovis**
- > **Manchester Ship Canal Company**

Good Practice:

- > **Protecting industries with potential to use water transport**
- > **Need for specific safeguarding of wharves**

The upper reaches of the Manchester Ship Canal have been transformed by the development of Salford Quays on the north bank and similar developments on the south bank in Trafford. As a result, only one operational wharf remains on the uppermost reach of the canal, at Manchester Dry Docks. Grain from Liverpool Seaforth grain terminal and Garston is discharged at the wharf for Rank Hovis, whose mill is around 200m from the wharf. This short transfer is made by lorry.

The carrier presently works on contract for the mill, providing barge transport, handling at the wharf and delivery of the grain into the mill by lorry. The wharf, part of Manchester Dry Docks, is leased from the owners, Manchester Ship Canal Company, which is in turn owned by a major property developer. If this wharf were lost, the road haul would be significantly longer, probably making the barge traffic uneconomic, and therefore leading to the entire journey being made by road.

Consignments transported by barge can be more than 700 tonnes per trip. The barges carrying the grain are also used for storage until the grain is required and/or can be accommodated by the mill. If this traffic were to transfer to road, not only would each barge be replaced by 28 lorry trips each way, but also extra storage on land may need to be provided.

At present the site is not specifically protected as a wharf. Examples elsewhere in this guide show how it could be protected. It is however located in part of the Trafford Park core industrial area, which is covered by the following policy in the revised deposit draft Unitary Development Plan:

Part II Proposal TPI Trafford Park core industrial area

(Revised Deposit Consultation Altered Proposal)

Within the area identified on the Proposals Map the Council will permit development for business, industry, storage and distribution (B1, B2 and B8) and similar appropriate uses in accordance with Proposal E7. Within this Core Area the Council will not permit the development of other uses.

Justification

This Proposal seeks to protect the core industrial area from incursion from other, often higher value, land uses and to safeguard the integrity of the industrial area and further opportunities for new investment. Adequate provision for a wide range of other uses is made elsewhere in the Trafford Park area by other Proposals in this Chapter.

While this policy does not protect Manchester Dry Docks as a wharf, it does protect it from other predatory land uses such as housing and retail. The policy also serves to protect the industrial land uses most likely to make use of wharf facilities. Such a policy would be useful in other instances, not only to protect wharves but to ensure that they still have a market to serve, by protecting the surrounding industrial areas. Trafford's policy could be strengthened still further with specific policy safeguarding the wharf.

At locations such as this where the Navigation Authority owns the wharf it would be appropriate for the Planning Authority to consult with operators when a planning application is submitted as the Navigation Authority could be party to the planning application.

It must be emphasised that this wharf is not under immediate threat but, given the proximity of other high value development, the possibility must be considered. Similar situations arise in other areas and on other waterways.

For more information, contact:

**Trafford Metropolitan Borough Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0YT**

**Tel: 0161 912 2000
www.trafford.gov.uk**

**KD Marine
The Boathouse
Mersey Road
Runcorn
Cheshire
WA7 1DF**

**Tel: 01928 567359
www.kdmarineuk.co.uk**

Case Study 6

Noise Sensitive Development Near Wharves

Organisations:

- > **Salford City Council**
- > **Trafford Metropolitan Borough Council**
- > **Westminster City Council**
- > **Vauxhall London Bridge Council**

Good Practice:

- > **The need to avoid noise sensitive developments near operational or safeguarded wharves**
- > **Local Authorities need to protect wharves from developments in adjacent authorities**
- > **Local Authorities should respect wharves in adjacent authorities**

PPG24 gives clear guidance on the need to avoid locating noise sensitive developments such as housing near to existing noise generators. This is to avoid any possibility that the industry responsible for the noise finds its operation fettered by complaints from neighbours. Waterway operations are peculiarly at risk in this regard, as the pressure for prestige waterside development can be difficult to resist. Often a waterway is the boundary between two authorities, creating problems where one authority has waterside industry on the opposite bank to a residential or other noise sensitive proposal in another authority's area.

Trafford Metropolitan Borough Council is the Planning Authority with responsibility for Trafford Park, a large employment provider on the south bank of the Manchester Ship Canal. Many traditional industries are located here. The vitality of Trafford Park is also a major factor in the economic health of Trafford. Some industries are already served by the Ship Canal and there is obvious potential for greater use of the canal for freight in this vicinity.

The north bank of the canal is in the Salford City Council area and, following years of industrial decline, prestige residential developments have been built as part of the

ongoing regeneration of the area. This development is across the canal from a large industrial area in an adjacent authority. This has apparently led to complaints from residents about noise from the canal-side industry. As yet these complaints have not led to action by Salford's Environmental Health Officers, but any change to the industrial processes in Trafford Park, including the loading/unloading of barges and ships, has the potential to be halted by objections from residents in a neighbouring authority.

On the Thames in London, a more serious situation arose between a wharf in Vauxhall and residential development in Westminster. The residents in Westminster lodged a complaint with Westminster Environmental Health against the noise from an RMC aggregates wharf in Vauxhall. This resulted in an enforcement notice for the removal of a statutory nuisance against the wharf and barge operators. The fact that the wharf pre-dated the residential development and the residents were aware of its existence when they moved in is not relevant, as Environmental Health legislation makes no allowance for this. It is therefore very important not to place noise sensitive developments near to existing noise generating land uses. This particular issue was resolved with noise mitigation measures. However, the construction of the dwellings and the subsequent action by the residents have the potential to render the wharf unusable.

For more information, contact:

Trafford Metropolitan Borough Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0YT

Tel: 0161 912 2000
www.trafford.gov.uk

Westminster City Council
P.O. Box 240
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Tel: 020 7641 6000
www.westminster.gov.uk

Case Study 7

Yorkshire Evening Press

Organisations:

- > **City of York Council**
- > **Acasters Water Transport**
- > **Yorkshire Evening Press**

Good Practice:

- > **The need for planning conditions to protect/encourage sustainable transport**

In 1986, the Yorkshire Evening Press moved from premises alongside the River Ouse in the city centre to new premises alongside the River Foss, also within the city. Over the next three years, the River Foss was dredged and wharf facilities were constructed to allow newsprint to be delivered direct to the premises by water. The newsprint was consigned from mainland Europe and transported to Goole by ship where it was transferred to barge.

This arrangement worked well for a number of years, keeping a heavy bulk load off the local streets. Around 10,000 tonnes was carried in 1996, some 500 lorry load equivalents. However, there was no planning condition attached to the new site that required water transport to be used and, when the company was taken over in 1996, the use of water transport was soon discontinued. Although viability was stated as the reason, the new owners also stated that they had a policy of using road transport. However, the American-owned purchasers already moved newsprint in ships to a large warehouse in the London area, servicing a range of different customers. The company considered that it would not have been practical to serve the Yorkshire facility in an exceptional way, so Yorkshire Press was served by road from 1997.

The lesson to be learnt from this example is that the use of a planning condition would at least have made the new owners justify in far greater detail a transfer from water to road. This justification could have been on the grounds of viability, water being too expensive, or change of supplier such that water transport was no longer appropriate. However, without a planning condition no such justification was required.

For more information, contact:

City of York Council
The Guildhall
York
YO1 9QN

Tel: 01904 613161
www.york.gov.uk

Case Study 8

Need for Conditions on Planning Permissions, Grand Union Canal Aggregates Traffic

Organisations:

- > **Buckinghamshire County Council**
- > **Hanson Aggregates**
- > **Harleyford Aggregates**
- > **Department for Transport, Freight Facilities Grant Unit**
- > **British Waterways**

Good Practice:

- > **Sometimes planning conditions are not needed**
- > **Smaller canals can make a significant contribution to sustainable transport under the right conditions**

Planning conditions are only one way of ensuring that carriage by water is achieved where practical and conditions should be applied to permission only where carriage cannot be guaranteed by other means.

A new traffic in aggregates has recently commenced on the Grand Union Canal, between Denham in Buckinghamshire and West Drayton near Uxbridge. Buckinghamshire County Council, as mineral Planning Authority, determined the planning permission for the aggregate extraction at Denham. Neither the county Structure Plan nor the minerals Local Plan make specific reference to carriage by water, although the Structure Plan does identify that freight generators should be conveniently located on strategic transport routes.

The applicant, Harleyford Aggregates, identified an opportunity to carry the aggregates from the extraction site at Denham to their batching plant at West Drayton via the Grand Union Canal. The economic case was marginal and, as a result, the company applied for Freight Facilities Grant funding (FFG). FFG can only be awarded in cases where the freight would otherwise go by road, and a condition of the funding is that the identified cargo is carried by water for an agreed period of time, or the grant must be refunded. In this case, the FFG was conditioned such that the aggregate must be carried by canal from the abstraction site for the lifetime of the extraction. Consequently, there was no need for Buckinghamshire to place further conditions on the permission, as carriage by water was assured through the grant. Imposing further conditions was unnecessary and potentially counter-productive as it may have threatened the grant funding.

Extraction began in 2003 and is scheduled to continue for six years. 450,000 tonnes of aggregates, equivalent to 45,000 lorry trips, will be transported by canal in 90 tonnes capacity barges, over this period.

For more information, contact:

British Waterways
Willow Grange
Church Road
Watford
WD17 4QA

Tel: 01923 226422
www.britishwaterways.org

Case Study 9

West Yorkshire Local Transport Plan

Organisations:

- > **City of Bradford Metropolitan District Council**
- > **Calderdale Metropolitan Borough Council**
- > **Kirklees Metropolitan Council**
- > **Leeds City Council**
- > **Wakefield Metropolitan District Council**

Good Practice:

- > **LTP Policies in support of water freight Identification of waterside sites with freight potential**

The districts of the former West Yorkshire Metropolitan County have prepared a single Local Transport Plan covering the county area. This plan identifies clear aspirations to transfer freight from road to rail and water, and the appendices include examples of water freight. West Yorkshire is well served in this respect, having a number of significant traffics on the Aire & Calder Navigation, one of Britain's larger inland waterways.

The West Yorkshire Local Transport Plan clearly identifies the objectives of freight transfer and the mechanisms for achieving this:

Chapter 13 Freight and sustainable distribution

13.5 Our objectives for sustainable distribution are:

- *to reduce the impact of road freight on the environment and local communities in both urban and rural locations;*
- *to encourage the transfer of freight from road to rail and waterway.*

Freight transfer from road to rail and waterway: "Take heavy lorries off motorways - put freight on rail or canal"

13.8 This will be encouraged by:

- *assessment of rail freight facilities to determine the scope for expanding the use of operating sites and the reopening of disused sites;*
- *safeguarding land for future rail and water freight initiatives;*
- *identifying the commercial waterways and related infrastructure that could form the basis for developing intermodal facilities and inland ports;*
- *considering with the industries the role of urban distribution centres;*
- *developing the major freight transport interchanges and investigating the potential for new intermodal facilities;*
- *producing a handbook to clarify the process for obtaining information and guidance to transfer from road to rail or waterway;*
- *promoting the development of travel plans by business and industry;*
- *promoting the use of existing freight transfer facilities.*

In 2000, the West Yorkshire Partners for Quality in Integrated Transport produced a guide, *Transporting Freight by Rail and Water in West Yorkshire - A Guide for Potential Users* in support of the West Yorkshire Local Transport Plan. One of the most important aspects of this guidance is an inventory of waterside development sites that is intended to raise awareness of the availability of these sites for potential waterway users. However, as this guide is also available to all development control planners in the districts covered by the plan, it identifies for them sites that have the potential to be used by businesses requiring water freight facilities. This enables these planners to consider whether an incoming application is the most appropriate use of any given site.

For more information, contact:

**Wakefield Metropolitan District Council
Development Department
Newton Bar
Leeds Road
Wakefield
West Yorkshire
WF1 2TX**

**Tel: 01924 306661
www.wakefield.gov.uk**

Case Study 10

Regeneration of Diglis Basin, River Severn, Worcester

Organisations:

- > **Worcester City Council**
- > **British Waterways**

Good Practice:

- > **Advancing waterside redevelopment while accommodating future development of water transport**

The regeneration of the Diglis area of Worcester presents a good example of the issues facing regeneration of waterside sites adjacent to waterways large enough to accommodate potentially viable water freight activities. Diglis is an inter-war industrial area that has been in decline for a number of years. It was originally developed to give access to the River Severn and the adjacent canal basins. The Worcester & Birmingham Canal in Worcester is a narrow and heavily locked canal, and thus has very limited potential for freight. This section of the River Severn, however, can accommodate boats of up to 300 tonnes cargo carrying capacity downstream of Diglis Locks. The last traffic, petrol, handled at the wharf, was over 20 years ago. The petrol subsequently transferred to pipeline rather than road transport. Nevertheless, the old wharf is still in existence, and provides the only facility around Worcester where a large barge could load or unload.

The site represents an opportunity for Worcester to have a prestigious waterfront development project. Provision of significant housing on the site will enable Worcester to exceed the national target of 60 per cent of new housing development within the plan period on brownfield land. The entire Structure Plan allocation will then be accommodated on brownfield land.

The decline of the Diglis area needs to be reversed if it is not to damage Worcester's economy and leave previously developed land underused. Modern industrial units have moved to sites near the M5 motorway, the road access to the Diglis area being unsuitable for modern industrial uses. In addition, the canal basins are now well frequented by recreation boats, thus redevelopment of that part of the site

needs to reflect modern leisure use. The site has potential to be a major landmark in the West Midlands given sensitive redevelopment.

In addition to this, Diglis wharf is not in a readily serviceable condition: a barge could moor there but no unloading facilities are available. Facilities would need to be installed at the wharf before a regular traffic could be established. Any occasional traffic would require a mobile crane or similar brought in via the poor local road access. Worcester City Council, in conjunction with British Waterways (the Navigation Authority and owner of the wharf) concluded that even if river traffic were to be revived, Diglis Wharf was now in the wrong place for modern requirements; it should therefore be redeveloped as part of the overall site regeneration. The only alternative to this conclusion would have been to protect a wharf that was not in a useable condition, apparently had no user interested in taking it over, and had seen no trade for over 20 years. In addition, protecting the industrial use of the wharf would adversely affect the prospect for redevelopment of the rest of the site. However, this still leaves a contradiction with the Worcestershire Structure Plan, which states that:

Freight/Goods Transfer Policy T15

The transfer of freight, waste, aggregates and minerals from roads to other forms of transport such as rail, water and pipeline will be promoted. In order to reduce the impact on the highway network and the environment:

- (i) *the location of new industrial and warehouse development will be sited such that access to railways and/or waterways and pipe termini is maximised.*

River Severn Policy T18

The improvement of the River Severn up to Worcester for freight transport, where it is environmentally and ecologically acceptable, will be supported.

In discussions with Worcester City Council, it is now accepted that there is a need to identify an alternative site for a replacement wharf to ensure that water transport to Worcester remains an option. Initial proposals for a wharf a short distance downstream, where there is potentially

better access to the highway network, are being considered. This site could also have the advantage of being a source of aggregates for construction and water transport, and the wharf would be accessible for abnormal indivisible loads brought by water. The need to maintain river transport options is addressed in the revised deposit draft, which states:

Water

5.85A historically the River and Canal were important trade routes. Freight is no longer carried on these waterways in the City, but there is support in principle for its reintroduction. In particular Structure Plan policy T18 supports the improvement of the River Severn up to Worcester for freight transport, where it is environmentally and ecologically acceptable. The implications for Worcester are unknown, and in the absence of any firm proposals, no safeguarding policies are included in this plan. The situation will be monitored and reviewed during the plan period.

Thus, the City Council is progressing a much needed regeneration scheme while recognising that policy needs to accept the principle of water transport. Safeguarding would not be appropriate in this case but the plan accepts the need to accommodate water freight in the future on alternative sites. This alternative could be provided by means of a Section 106 Agreement.

For more information, contact:

**Worcester City Council
The Guildhall
High Street
Worcester
WR1 2EY**

**Tel: 01905 723471
www.cityofworcester.gov.uk**

7 Planning the Way Forward for Waterborne Freight

This Chapter summarises how communication and good planning can encourage freight transport by water.

- 7.1 This Guide has described a number of issues that the planning system must address if waterborne freight is to be a realistic option. However, it must be remembered that the planning system is largely one of control through allocation of land-use and regulation of permissions for development. Policy makers and planners can contribute to providing a land-use framework and context to encourage the use of inland waterways for freight. The full potential of this framework will only be realised when developers, the owners of the land, see a commercial return on their investment. Waterborne freight will only be successful where it is an economically viable transport option. While this may be obvious, land use allocations can do much to influence economic viability by ensuring that the developments that can benefit from waterborne transport have access to it.
- 7.2 The Government has made its aspirations for sustainable waterborne freight transport clear through various policy documents and Planning Policy Guidance (PPGs). Regional Planning Guidance (RPGs) follow this through and inform the Development Plans. Policies are emerging where there is overt reference to the desirability of encouraging waterborne freight and practical guidelines for assessing the potential of regional freight sites. This Guide has outlined the relevant national policies and shown examples of appropriate interpretation and translation into Regional Planning Guidance. The Guide also presents many examples of viable freight activities currently happening on the inland waterways. This should give planners confidence when reviewing strategic policies and their translation into Plans, by providing reassurance and encouragement that waterborne freight is a practical reality. Inland waterway freight can have a positive effect and a large beneficial impact in local areas. This Guide provides evidence to support this.
- 7.3 It is at the regional level where significant practical steps can be taken to facilitate expansion of the use of inland waterways for freight. Building partnerships between the Regional Assemblies, Government Offices, Development Agencies, Local Authorities, industry representatives, port and Navigation Authorities and the freight transport associations and operators will provide a proactive means of encouraging examination of the potential for waterborne freight. Such forums enable issues to be aired and solutions to be found.
- 7.4 At the local level, the Local Authorities that must determine planning applications will then have a very strong basis on which to base their planning decisions. They have a variety of planning tools to apply to planning permissions. These can be used to promote waterborne freight at both the Development Plan and development control levels.
- 7.5 Continuous dialogue between policy-makers, planners and those interested in pursuing the business of moving freight particularly, but not exclusively, by water, is not only beneficial but also essential. Understanding the planning system will assist the freight industry to work with it. Understanding the inland waterways and the potential for waterborne freight will enable the planners to implement policy and plans appropriately in the pursuit of sustainable transport objectives. Water is a realistic option; it should be taken as seriously as rail and road for freight movements.

AI Background

This Appendix describes the background to the Guide and includes a relevant extract from the Government's response to the Freight Study Group's report *Freight on Water – A New Perspective*²².

The Guide has its origins in the Government's promise in its response to the Freight Study Group's report *Freight on Water – A New Perspective*²² to support the preparation of a guide by a body such as AINA showing how good planning could help support and encourage freight transport on the waterways.

The Freight Study Group was set up by the Department of the Environment, Transport and the Regions in November 2000 following the publication in June 2000 of *Waterways for Tomorrow*²⁸. It comprised representatives of British Waterways, other members of AINA, commercial operators, waterway user groups, Local Authorities and the private sector, and was given the task of examining cost-effective and practical ways in which freight transport on inland waterways could be increased.

The Group's report *Freight on Water – A New Perspective*²² was published in June 2002. Its overall conclusion was that, given the right support, there was potential for increasing the volume of freight carried on the larger inland waterways and that, while the historic narrow and broad canals were unsuited to carrying large volumes of freight, they nonetheless provided opportunities for niche markets.

The report made a number of detailed recommendations in the interests of encouraging waterborne freight. In particular, it recommended that a good practice guide should be produced in support of PPG13 *Transport* and it welcomed AINA's willingness to produce a document summarising Planning Policy Guidance relevant to the waterways.

The report was welcomed by Government, which acknowledged the Group's main findings. In its response, the relevant part of which is set out below, the Government agreed to take a number of steps to encourage an increase

in freight carrying on the waterways including supporting the preparation of a guide showing how good planning could help support and encourage freight transport on the waterways.

Extract from the Government's response to *Freight on Water – A New Perspective*²²:

Planning policy

- 1.9** *Despite the generally supportive statements in current planning guidance, more needs to be done through the planning system to promote the transport of freight by water and to safeguard waterside sites for freight purposes.*
- 1.10** *The Group recommends that the following actions be taken:*
- a.** *A good practice guide should be produced in support of the new PPG13 *Transport*, drawing attention (inter alia) to ways in which the transport of freight by water can be encouraged. It should include a cross-reference to PPG25 *Development in Flood Plains* because of the risk that overstrict interpretation of the latter could inhibit freight-related waterside development (the considerations are not the same as for housing).*

The Government has no plans to produce a good practice guide in support of PPG13. However it would be willing to support a body such as the Association of Inland Waterway Authorities (AINA) producing a guide showing how good planning can help support and encourage freight transport on the waterways, with a view to it being published jointly with the Department for Transport, the Office of the Deputy Prime Minister and DEFRA.

PPG25 recognises the need for some waterside development in areas at high risk of flooding e.g. for navigation, water-based recreation uses, agriculture and essential transport and utilities infrastructure. Some freight-related waterside development could therefore be regarded as appropriate. An important factor in assessing the risk from flooding is the nature and currently expected lifetime of proposed development and the extent to which it is designed to deal with flood risk. Paragraphs 37-38 of PPG25 draw attention to the fact that canals do not present so much of a risk as rivers and other watercourses. But, even within developed areas at high risk of flooding there is no bar on waterside development provided the appropriate minimum standard of defence can be maintained for the lifetime of the development.

PPG25 recognises that the requirements for commercial and industrial development differ from those for housing in that it specifies a minimum standard of defence for new housing but expresses this only as an aim for commercial and industrial development.

- b. A major role of Regional Transport Strategies is to protect and develop transport systems such as inland waterways which extend across Local Authority boundaries. Local Authorities should be encouraged to produce an inventory of wharves and waterside facilities as part of their Development Plans or Local Transport Plans (LTPs), and where these are significant to re-affirm their commitment to promote water transport as one aspect of their policies for integrated transport development.**

The Government's Guidance on Full Local Transport Plans (March 2000) requires local transport authorities, as part of their sustainable distribution strategies, to maximise the potential of waterways in their area and to set out their proposals in their Local Transport Plans (LTPs). They are also required to provide evidence in their LTPs that opportunities for greater use of water freight are being taken into account in land use planning decisions.

Local Transport Planning is based on the principle that local solutions should be found for local problems. The Government does not therefore think it would be appropriate to require Local Authorities to compile an inventory of wharves and waterside facilities. However it would encourage them to do so where this would be a useful planning tool in their own local context.

- c. In particular, there should be encouragement for businesses with water freight potential to be located on waterside sites, as recommended by ETRAC.**

PPG4 Industrial and Commercial Development and Small Firms (November 1992) makes it clear that Development Plans should "encourage new development in locations that can be served by more energy efficient modes of transport". It also says that exploiting the development potential of appropriate sites close to water, for sustainable transport reasons, is important; and that "Planning Authorities may indicate that they will give preference to proposals from industrial and commercial users who would benefit from efficient rail or water services rather than for retail or housing proposals which could be located elsewhere."

The Government has said in its Green Paper on planning reform, *Planning: Delivering a Fundamental Change*, that it will review PPG4. It will consider this issue further in the context of the review of PPG4.

- d. Stronger protection is needed for wharves with good freight potential. In the Thames area, Ministerial Directions are in place to safeguard 29 of the remaining riverside wharves but experience suggests that such Directions need to be reinforced by the selective use of compulsory purchase powers to prevent landowners leaving sites to become derelict in the hope of a future change of policy.**

The Government considers that Navigation Authorities should work together with Local Planning Authorities to identify and seek to retain wharves with good freight potential.

The Mayor is responsible for the protection of wharves in London. His document, *Towards the London Plan*, indicates that the Strategic Development Strategy (SDS) for London will cover "safeguarding wharves and protecting waterside infrastructure, including basins and docks, to increase commercial and freight use" in the context of a wider strategy for the Thames. The draft SDS will be issued for consultation in June this year. It will be for the Mayor to consider in the light of responses to the proposals the degree to which compulsory purchase powers are needed to reinforce the policy of safeguarding wharves with good freight potential.

- e. The Group considers that a document summarising current planning guidance relevant to waterways is needed and welcomes the willingness of the Association of Inland Navigation Authorities (AINA) to produce such a guide.**

Appendix 3 of *Waterways for Tomorrow* summarises the planning guidance current at the time of its publication (June 2000) and explains its relevance to the waterways. The Government would have no objection to AINA producing an up to date guide to waterway-related planning guidance but it thinks that it would be of greater use for it to consider producing a good practice guide focusing on the use of the waterways for freight (see response to recommendation 1.10a).

- f. In reaching decisions on development proposals, which may adversely affect navigation on inland waterways, care should be taken that the views of those expert in these matters are fully taken into account, bearing in mind that waterways are often interlinked so that an obstacle on one may have a much wider impact. Where Navigation Authorities are Statutory Consultees their remit should be extended to take into account the impact of any planning proposal on waterborne freight.**

Local Planning Authorities are required to consult a variety of organisations and bodies about planning applications, the identity of the bodies depending on the type of development involved. British Waterways and the Environment Agency are Statutory Consultees.

The Green Paper, Planning: Delivering a Fundamental Change, suggests that the present arrangements for consultation are not working as effectively as they might. In particular, the distinction between statutory and non-Statutory Consultees has become blurred and consultation can often be a source of delay. The Green Paper proposes that the basis on which bodies are given Statutory Consultee status should be clarified, and the number of consultees reduced. It suggests that only those bodies whose advice has health and safety implications or which operate another parallel consent regime – such as listed building, playing field or environmental consents – will be given Statutory Consultee status.

No decisions have yet been made on how the proposals in the Green Paper will be taken forward. The Government will, in making a decision on Statutory Consultees, take into account the important safety role played by Navigation Authorities and the need to treat all authorities on a consistent basis. It will also consider the case for extending the remit of Navigation Authorities to take into account the impact of any planning proposals on waterborne freight.

A2 Existing National Planning Policy Guidance from a Waterborne Freight Perspective

This Section contains extracts from the various Planning Policy Guidance (PPG) notes that are relevant to the carriage of freight by water. Some of these policies are actually targeted at inland waterway freight transport; others

are applicable but intended for a wider application. The policies are notionally in order of importance, but all the policies identified have a very valuable role to play in protecting and promoting inland waterway freight.

Brief implications for waterborne freight and Regional Planning Guidance (and future Regional Spatial Strategy), Development Plans (and future Local Development Frameworks), Development Control Systems are included. Specific details are discussed in Chapter 5.

PPG13 TRANSPORT⁶

Paragraph 45 Freight

The Government has set out its policy framework on freight in its Sustainable Distribution Strategy (March 1999). While road transport is likely to remain the main mode for many freight movements, land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail and water. In preparing their Development Plans and in determining planning applications, Local Authorities should:

- Identify and, where appropriate, protect sites and routes, both existing and potential, which could be critical in developing infrastructure for the movement of freight (such as major freight interchanges including facilities allowing road to rail transfer or for water transport) and ensure that any such disused transport sites and routes are not

unnecessarily severed by new developments or transport infrastructure. In relation to rail use, this should be done in liaison with the SRA which is best placed to advise on the sites and routes that are important to delivering wider transport objectives;

- Where possible, locate developments generating substantial freight movements such as distribution and warehousing, particularly of bulk goods, away from congested central areas and residential areas, and ensure adequate access to trunk roads;
- Promote opportunities for freight generating development to be served by rail or waterways by influencing the location of development and by identifying and where appropriate protecting realistic opportunities for rail or waterway connections to existing manufacturing, distribution and warehousing

sites adjacent or close to the rail network, waterways or coastal/estuarial ports;

- On disused transport sites consider uses related to sustainable transport first, before other uses.

Paragraph 47

Minerals can only be worked where they are found and the transport of minerals and spoil as well as material for landfill sites can have significant environmental impacts. Local Authorities should seek to enable

the carrying of material by rail or water wherever possible, through partnership with extractors and rail and water operators, appropriate planning conditions and obligations, the use of DETR freight grants and promoting facilities for landing of aggregates by sea and distribution by rail or water. Mineral Planning Authorities should encourage the establishment of voluntary mineral site transport plans in consultation with local communities.

Implications for Waterborne Freight

- Wharves and infrastructure can (and should) be protected from detrimental development.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- PPG13 gives specific policy guidance justifying the protection and retention of wharves and infrastructure for waterborne freight carriage.

Annex B Paragraph 10 Ports and shipping

Government policy on ports and shipping is set out in the Transport White Paper, with more detail in Modern Ports and in British Shipping: Charting a New Course. Local Authorities should, where appropriate, work with the ports and shipping industries when preparing Development

Plans and dealing with development proposals, taking account of RTS. They should aim to promote the role of ports in sustainable distribution, by encouraging good access by rail, shipping and waterways as well as road where possible, and by promoting interchange facilities and wharves and harbours where viable.

Implications for Waterborne Freight

- To achieve these policy objectives it is crucial that RPBs and LPAs work in partnership with ports and Navigation Authorities, Freight Quality Partnerships and freight operators.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG/Development Plans should include policies that encourage intermodal linkages that include inland waterway carriage.

Annex B Paragraphs 12 and 13

Inland waterways

Government policy on the transport use of inland waterways is set out in the Transport White Paper and is developed in the Governments policy document Waterways for Tomorrow (June 2000). Local Authorities should work with all those concerned in the inland waterways industry – British Waterways (BW) and other Navigation Authorities, private operators and the voluntary sector concerned with restoring currently disused waterways – to develop the potential of inland waterways. In drawing up Development Plans and determining planning applications, they should seek to re-use disused wharves and basins, to retain boatyards and other services used in connection

with water-based recreation, and to protect and enhance the waterway environment, where these are viable options. BW, the Environment Agency and the Association of Inland Navigation Authorities can provide Local Authorities with information on waterways.

In general, proposals for waterside development should seek to enhance the use, enjoyment and setting of the adjacent waterway. Development proposals, Local Plan policies, or new and improved infrastructure, such as road proposals, should not adversely affect inland waterways. Where this may happen, Local Authorities should consult BW or other Navigation Authorities, the Environment Agency in its regulatory capacity, the Inland Waterways Association and local waterway organisations.

In liaison with these bodies, Local Authorities should identify and where appropriate protect disused waterways (by allocating the land in Development Plans and ensuring sites and routes are not severed by new development

or transport infrastructure) where there is a reasonable degree of certainty of a restoration project proceeding, in whole or in part, within the Development Plan period.

Implications for Waterborne Freight

- This is encouragement to work with Navigation Authorities to explore waterborne freight transport opportunities of specific waterway networks and to undertake wharf audits in order to identify “strategically important wharves”. This Guide gives guidance on the suitability of each type of inland waterway for different traffics in Table 1 (page 4).

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG/Development Plans to include policies that protect wharves and infrastructure that are either in use or have been subject to an audit that finds there is a reasonable prospect of use.

Annex C Transport Infrastructure

Mitigating the impact of new transport infrastructure

1. Care must be taken to avoid or minimise the environmental impact of any new transport infrastructure projects, or improvements to existing infrastructure; this includes the impacts which may be caused during construction (including

the need to transport materials to and from the site, and dispose of spoil).

Wherever possible, appropriate measures should be implemented to mitigate the impacts of transport infrastructure. Further guidance is given in the Transport White Paper (CM 3950) and Minerals and Planning Policy Guidance Notes.

Implications for Waterborne Freight

- This could apply to any development project. Opportunities to transport materials on and off site by water during construction period should be explored.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Determination of planning applications – help define the conditions attached to planning permission.

Annex C Paragraphs 8 – 10 Planning for new railways, tramways and inland waterways

The RTS provides a strategic steer on the role and future development of new railways, tramways and inland waterways. The construction of railway, tramway and other guided transport systems, is normally authorised by means of

Ministerial Orders made under sections 1 and 3 of the Transport and Works Act 1992. Such Orders can also authorise inland waterway schemes and works interfering with navigation rights, although they cannot be made where the primary objective could be achieved by means of an Order under the Harbours Act 1964.

Implications for Waterborne Freight

- Identifies mechanisms for promotion of new waterways

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG/Development Plan to be guided by RTS and include new waterways and new waterway infrastructure in policy as per other transport infrastructure.

Paragraph 6.3

Main aims of Regional Transport Strategy

6.3 The RTS should provide:

- regional priorities for transport investment and management, across all modes, to support the regional strategy, including the role of trunk roads and local highway authority roads of regional or sub-regional significance;

- a strategic steer on the role and future development of railways, airports, ports and inland waterways in the region, for both passenger and freight, consistent with national policy;

Implications for Waterborne Freight

- Encouragement of waterborne freight and increased protection of facilities.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- The Regional Transport Strategy can be used as a tool to promote carriage of freight by water, by identifying waterways for either improvement or protection. This will strengthen policies to protect waterside facilities in Development Plans and LTP.

Paragraph 6.5

Stakeholder involvement in preparing the RTS

In preparing the RTS, therefore, it is important that the RPB (including the local planning and highway authorities represented on it) works closely with a wide range of relevant bodies. These will include the airport and port

authorities, freight associations, inland water transport bodies including British Waterways, and transport user committees. These bodies should be invited to outline their current transport plans and proposals for the region and to discuss how these support the sustainable development objectives for the region.

Implications for Waterborne Freight

- Define list of inland water transport bodies & port authorities.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Recommendation that navigation & port authorities should contribute to policy/strategy development to explore the opportunities to transport by water. This will include carriers and Navigation Authorities.

Paragraph 16.5

Contextual Indicators

RPBs should also consider identifying contextual indicators which help to assess the performance of the strategies in achieving changes in regional outcomes which will only to a limited extent have been influenced by RPG. These indicators may also assist understanding of the evolving context in which the strategies

operate. Examples of these contextual indicators include modal split, particularly proportions of trips by foot, cycle, cars and public transport; road, rail and waterborne freight.

Implications for Waterborne Freight

Recommended other Contextual Indicators:

- transport e.g. increase proportion of waterborne freight transport;
- minerals e.g. proportion of transport of minerals by water;
- waste e.g. proportion of use of water transport for waste transfer.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG may include performance indicators for increases in the modal share of water transport.

Annex B Paragraph 25 Freight and ports

With the close involvement of the freight operators and other relevant interests, including the SRA, RPBs should ensure that the RTS provides regional strategic advice on an integrated freight distribution network. In particular it should look at the siting of rail/road terminals and port and

airport links to rail and inland waterways. In doing so it should help promote the carriage of freight by rail and water.

Implications for Waterborne Freight

- Carriage of freight by water should be incorporated and promoted by RPB and RTS

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG – Recommendation that navigation & port authorities and representatives of freight operators should contribute to policy / strategy development to explore the opportunities to transport by water.

Draft PPSI 1⁹

1.2 The RSS, incorporating a Regional Transport Strategy, provides a spatial framework to inform the preparation of local development documents, Local Transport Plans and regional and sub-regional strategies and programmes that have a bearing on land-use activities. It is a two-way relationship since the RSS should also take account of those strategies and programmes as they evolve. Information on the relationship with the regional sustainable development framework (RSDF) and the regional

cultural, economic and housing strategies is set out in chapter 2. Other relevant strategies and programmes at national, regional or sub-regional level include sustainable development, air quality, education, energy, health, soil use, and climate change strategies.

1.3 The RSS should provide a broad development strategy for the region for at least a fifteen year period and, amongst other things, identify the scale and distribution of provision for new housing and priorities for the environment,

transport, infrastructure, economic development, agriculture, minerals

extraction and waste treatment and disposal...

Implications for Waterborne Freight

- RSS will be statutory rather than for guidance, therefore policies included in RSS carry more weight. The implications for water freight depend on the policies included in each RSS.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG will be replaced by RSS, which will be statutory rather than for guidance. LDF will need to be in general conformity with RSS. If RSS includes policies promoting water freight LDF policies must be in conformity with these RSS policies. This gives greater weight to RSS policies. LDF policies will be required to enlarge upon RSS policies and carry forward strategic proposals, including transport proposals, in RSS.

PPSI 1 Annex D

Table 1: Potential participants in the RSS revision process

38. Although much more extensive than the list provided in the draft regulations, this list is intended as guidance on the range of bodies that are likely to need to be involved. It cannot be comprehensive since there are different bodies in each region. An asterisk indicates that the RPB is required under the draft regulations to consult, both prior to the submission of the draft

RSS and on its publication, to the extent that it thinks the revision affects the body.

CATEGORY/ORGANISATION

(Executive Agencies and Non-Departmental Public Bodies and Public Corporations)

- British Waterways
- Canal owners
- Navigation Authorities

AREAS FOR CONSULTATION

- On all issues relating to inland waterways and land adjacent to inland waterways.

Implications for Waterborne Freight

- Navigation Authorities are invited to input into RSS revisions and influence RSS policy with respect to freight and other waterway uses.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Regional Assemblies need to seek views of Navigation Authorities and canal owners when preparing RSS. This will input in LDF as LDF must be in conformity with RSS.

PPG12 DEVELOPMENT PLANS⁵

Paragraph 5.16 Transport policies in Development Plans

Development Plans should include specific policies and proposals on the overall development of the transport network and related services, such as public transport interchange facilities, rail depots, roads, inland waterways, harbours and airports (including safeguarding zones).

Local Transport Plan issues with possible land use implications:

- overall objectives including targets, for example on traffic

reduction, increased use of public transport, cycling and walking, and improvements to local air quality;

- how the Local Transport Plan relates to the Regional Transport Strategy, including links to trunk road planning issues, route management, and Railtrack investment plans;
- quality freight partnerships, including any strategy on lorry routing;
- surface access to airports and ports (freight and passenger).

Implications for Waterborne Freight

- DETR Full Guidance on Local Transport Plans, Table 27 "Sustainable Distribution" (in full below) sets out the criteria to be used in the assessment of freight elements of the LTPs. One of the criteria listed is "Evidence that opportunities for the greater use of rail and water freight are being taken into account on land use planning decisions".

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Recommendation that LPAs should fully reflect the freight elements of the LTP within their respective Development Plans and in the determination of planning applications.

Table 27
Sustainable distribution

Minimum Requirements:

- Description of policy for the development of an integrated, sustainable distribution system which takes into account the dominant role of road freight and the potential for modal transfer to rail or inland waterways
- Evidence that the strategic role of freight distribution in the growth or regeneration of the local and regional economy has been assessed

- Evidence that efforts have been made to bring freight transport operators, businesses and the local community into the strategic thinking and planning processes
- Clear evidence of effective partnership with Navigation Authorities, rail infrastructure providers and freight operating companies to promote greater use of alternative modes for freight distribution
- Evidence that opportunities for the greater use of rail and water freight are being taken into account in land use planning decisions.

Characteristics of a good LTP:

- Evidence of progress in establishing freight quality partnerships, identifying key organizations and companies involved
- Clear strategies to help industry develop and implement best practice
- Comprehensive assessments of existing operational and non-operational freight facilities within the area, evidence of consideration of potential for freight grants
- Clear strategies and identification of flows that could be transferred to alternative modes, including an assessment of the lorry journeys to be saved
- Strategy to balance the requirement for efficient goods distribution with the social and environmental effects, particularly in an urban environment
- Clear evidence of lorry routing strategies

Paragraphs 5.22 and 5.23
Safeguarding transport routes

5.22 Where Planning Authorities wish to safeguard land for a future transport scheme (e.g. a new road, rail link or restored canal), they should do so through a proposal in the Local Plan. When the precise route of a particular proposal is known at the time of preparation of the plan, this should be clearly shown on the proposals map as the route to be safeguarded. Where the precise route is not known but where the proposals are sufficiently advanced, the authority may define on the proposals map the area over which it intends

to apply a safeguarding policy. However, in safeguarding land Local Authorities will need to be realistic about the prospects for the start of the project in the plan period and sensitive to the implications of blight (see paragraphs 6.24 – 6.26). They should consult with appropriate transport infrastructure authorities e.g. the Strategic Rail Authority for rail schemes) to ensure the feasibility of a scheme commencing within the lifetime of a plan. For the sake of clarity plans should list any transport schemes which have previously been safeguarded and are now to be abandoned.

5.23 The Government's White Paper on Transport makes it clear that Development Plans should give better protection to those sites and routes (both existing and potential) which could be critical in developing infrastructure to widen transport choices. Similar protective policies are appropriate for rail and waterway connections to existing or proposed manufacturing, distribution,

and warehousing sites adjacent or close to the rail and inland waterway networks and to coastal ports. Local Authorities may also wish to safeguard sites for transport related development which might otherwise be lost to other development, such as sites adjoining railway sidings or wharves alongside waterways and ports.

Implications for Waterborne Freight

- Possibility of protecting corridors for new waterways or for enlargement/improvement of existing waterways.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Need to identify waterway corridors and links to existing waterways where development could threaten future enhancement/improvement.

Annex C
Consultees for Development Plans

In addition, Local Authorities should consider the need to consult the following agencies and organisations in respect of the issues outlined below...

British Waterways, canal owners and Navigation Authorities -
On all issues relating to inland waterways and land adjacent to inland waterways.

Implications for Waterborne Freight

- Navigation Authorities to be consulted.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Navigation Authorities to be consulted on ANY proposal that may affect waterway operation.

Development Plan documents

2.2.1 The Development Plan documents which Local Planning Authorities must prepare include the following elements: i. Core strategy; ii. Site specific allocations of land; iii. Area action plans (where needed); and iv. Proposals map (with inset maps, where necessary)

THE CORE STRATEGY

2.2.2 The core strategy should set out the key elements of the planning framework for the area. It should comprise a vision and strategic objectives for the area, along with a spatial strategy, a number of core policies and a monitoring and implementation framework. It must be kept up-to-date and, once adopted, all other Development Plan documents must be in conformity with it.

SITE SPECIFIC ALLOCATIONS AND POLICIES

2.2.10 Where land is allocated for specific uses (including mixed uses) this should be made in a Development Plan document. The identification of sites should be founded on a robust and credible assessment of the suitability and availability of land for particular uses or a mix of uses. Where it is not possible to identify site specific allocations to meet the identified needs of the area, criteria-based policies should be used to set the framework for assessing any unforeseen proposals, such as windfall development.

2.2.11 Policies relating to the delivery of the site specific

allocations, such as any critical access requirements, any broad design principles or any planning obligations which may be sought, must be set out in a Development Plan document. They may form part of the core strategy Development Plan document, be an area action plan or be a separate Development Plan document. Further detail, in the form, for example, of development briefs, may be included in supplementary planning documents.

AREA ACTION PLANS FOR KEY AREAS OF CHANGE OR CONSERVATION

2.2.12 Area action plans should be used to provide the planning framework for areas where significant change or conservation is needed. A key feature of area action plans will be the focus on implementation. They should:

- i. deliver planned growth areas;
- ii. Stimulate regeneration;
- iii. Protect areas sensitive to change;
- iv. Resolve conflicting objectives in areas subject to development pressures; or
- v. focus the delivery of area based regeneration initiatives.

2.2.13 Authorities may set criteria in their core strategy for identifying locations and priorities for area action plan preparation.

2.2.14 In areas of change, area action plans should identify the distribution of uses and their inter- relationships, including specific site allocations, and set the timetable for the

implementation of the proposals. Further detail, such as the layout of uses within these allocations and design requirements etc, may be provided in the relevant area action plan or in one or more supplementary planning documents. In areas of conservation, area action plans should set out the policies and proposals for action to preserve or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development.

PROPOSALS MAP

2.2.15 The proposals map should illustrate on an Ordnance Survey base map all the policies and proposals contained in Development Plan documents and saved policies. It should be a separate Development Plan document which must be revised as new Development Plan documents are prepared and it should always reflect the up-to-date planning strategy for the area. The proposals map should:

- i. identify areas of protection, such as nationally protected landscape and local nature conservation areas, Green Belt land and Conservation Areas; and
- ii. illustrate locations and define sites for particular land use and development proposals included in any Development Plan document and identify the areas to which specific policies apply (i.e. illustrate in map form all site specific policies and proposals in any adopted Development Plan document).

ANNEX A: DEFINITIONS AND ILLUSTRATIVE MATERIAL

1.1.1 The Development Plan: will consist of Regional Spatial Strategies (spatial Development Plans in London) and Development Plan documents contained within the Local Development Framework.

1.1.3 Local Development Framework (LDF): will comprise a portfolio of local development documents which will provide the framework for delivering the spatial planning strategy for the area.

Implications for Waterborne Freight

- Increased opportunity for wharf protection as part of regeneration, through use of Area Action Plans.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- LDF will identify land use patterns including wharves and infrastructure for transport. Area Action Plans likely to be used as part of regeneration schemes; wharves are especially vulnerable to these, and the use of Area Action Plans gives an enhanced opportunity for protection of wharves as part of consultation/preparation.

**Annex C: Consultees
British Waterways, canal owners and Navigation Authorities**

Implications for Waterborne Freight

- Navigation Authorities are invited to input into LDF revisions and influence LDF policy with respect to freight and other waterway uses.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Local Authorities need to seek views of Navigation Authorities and canal owners when preparing LDF. This will supplement input in RSS.

PPG10 PLANNING AND WASTE MANAGEMENT³

Transporting waste material

A10 Waste transfer facilities require sites of sufficient size and of appropriate accessibility to receive the delivery of collected waste and to transfer it to bulk transport for delivery by road, rail, or water, either to a waste processing site or to final disposal.

A14 There may be significant environmental and economic advantages when:

- c) rail or water transport can be used instead of road vehicles.

A51 There are numerous factors which may influence the location of new waste management facilities. New sites might for instance, be located, if appropriate, within or adjacent to:

- g) other suitable sites located close to railways or water transport wharves, or major junctions in the road network.

Implications for Waterborne Freight

- Waste authorities set strategic objectives on the location and number of facilities.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- Waste identified as a topic to be addressed within Regional Planning Guidance (& future Regional Spatial Strategies). Recommendation that navigation & port authorities should contribute to policy/strategy development to explore the opportunities to transport by water.

PPG4 INDUSTRIAL, COMMERCIAL DEVELOPMENT AND SMALL FIRMS²

Paragraphs 10,11 and 12

10 The locational demands of businesses are therefore a key input to the preparation of Development Plans.

Development Plan policies must take account of these needs and at the same time seek to achieve wider objectives in the public interest (see paragraph 11). Development Plans offer the opportunity to:

- encourage new development in locations which minimise the length and number of trips, especially by motor vehicles;
- encourage new development in locations that can be served by more energy efficient modes of transport...

More generally, the preparation of Development Plans is now the main mechanism by which major new development proposals can be assessed alongside the transport improvements needed to serve them; and by which transport proposals can be linked to the development opportunities they create

11 The Government's policy, set out in "This Common Inheritance" and subsequent White Papers, is to seek to control the emissions of greenhouse gases which lead to global warming. Locational policies in Development Plans can help to achieve that objective through reducing the need to travel, and encouraging development in areas that can be served by more energy efficient modes of transport – such as rail or water (including coastal shipping). ... Port authorities should be encouraged to contribute... It will be important to consider not only land adjacent to existing infrastructure which is in use but also locations next to disused facilities which have been safeguarded under arrangements described in paragraphs 5.35 and 36 of PPG12 (5.33 and 34 of PPG12 (Wales)) and which might be returned to freight use if demand increases.

Where land for such development opportunities is scarce, Planning Authorities may indicate that they will give preference to proposals from industrial and commercial

users who would benefit from efficient rail or water services rather than for retail or housing proposals which could be located elsewhere. Such policies need to be approached with flexibility and care. Their purpose is to maximise the potential use of transport infrastructure other than roads.

12 Some types of modern distribution facility have a low density of employment, and are served by a very large number of lorries. Retail distributors, for example, depend on efficient distribution systems and require strategic locations capable of serving regional, national and European markets. Extensive,

well-planned out-of-town distribution parks can offer economies of scale and consequent benefits to consumers or businesses supplied. Sites for such developments are best located away from urban areas, where the nature of the traffic is likely to cause congestion, and wherever possible should be capable of access by rail and water transport. Such sites should be reserved for those warehousing uses which require them, and not released for other uses unless there is a clear surplus of suitable sites in the area, and no realistic prospect of development for that purpose in the foreseeable future...

Implications for Waterborne Freight

- These paragraphs clearly encourage the allocation of sites served by water and rail to businesses that can benefit from access to these modes. The policy encourages uses such as retail away from waterside locations as these do not benefit from waterside access.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG and Development Plans may identify sites that have water access and promote policies which encourage proposals that make use of this access.

PPG3 HOUSING¹

Paragraph 42

Release of industrial land

Implications for Waterborne Freight

- Where Local Authorities release land allocated for industrial use there is a risk that waterside sites will be the most attractive for alternative uses, especially housing. Releasing water side industrial sites for housing while retaining industrial allocations that only have road access will inhibit the use of waterways for freight.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- When reviewing RPG and Development Plan policies it is important to consider the potential of allocated industrial sites to be served by water transport when making any decision over which sites should be released.

PPG25 DEVELOPMENT AND FLOOD RISK³

Paragraph 27

27 Local Planning Authorities should adopt a risk-based approach to proposals for development in or affecting flood-risk areas. The assessment of risk should take account of:

- the area liable to flooding;
- the probability of it occurring, both now and over time;
- the extent and standard of existing flood defences and their effectiveness over time;

- the likely depth of flooding; the rates of flow likely to be involved;
- the likelihood of impacts to other areas, properties and habitats;
- the effects of climate change;
- the nature and currently expected lifetime of the development proposed and the extent to which it is designed to deal with flood risk.

Implications for Waterborne Freight

- Many developments related to major commercial waterways will be in flood plains, as the waterways themselves are either main river (as defined by the Environment Agency) or on lateral canals adjacent to the river. PPG 25 advises on development in flood plains, and permission will also be needed for any development in floodplains under the Land Drainage Act. The guidance does not amount to a ban on floodplain development, but flooding elsewhere must not be exacerbated.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG and Development Plans must consider the nature of any development allocations within floodplains. Where these allocations relate to water freight activities, which by definition cannot be located anywhere else, RPG and Development Plans must consider floodplain implications in making any allocation.

PPG24 PLANNING AND NOISE⁷

General principles

2 The impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise

(such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Development Plans provide the policy framework within which these issues can be weighed but careful assessment of all these factors will also be required when individual applications for development are considered. Where it is not possible to achieve such a separation of

land uses, Local Planning Authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

Noise policies in Development Plans

6 The Secretary of State considers that housing, hospitals and schools should generally be regarded as noise-sensitive development, but Planning Authorities may wish

to include other developments or uses within this definition, depending on local circumstances and priorities and, if so, these should be explained in the Development Plan.

7 Where it is particularly difficult to separate noise-sensitive development from noisy activities, plans should contain an indication of any general policies which the Local Planning Authority propose to apply in respect of conditions or planning obligations.

PPG24 PLANNING AND NOISE⁷ (continued)

Development Control Noise sensitive development

12 Local Planning Authorities should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become - subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, Local Planning Authorities should

consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport. Annex 3 gives guidance on the assessment of noise from different sources. Authorities will also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night-time noise, for example from traffic, at a level which is little below the daytime level. These sites warrant particular protection:

noise-sensitive development should not normally be permitted where high levels of noise will continue throughout

the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

Implications for Waterborne Freight

- Boat Yards and Wharves should be protected from development proposals that are noise sensitive and may hinder operations. This will apply to any infrastructure identified under other policy guidance for protection.

Implications for RPG (and future RSS); Development Plans (and future LDFs); Development Control Systems

- RPG/Development Plans to include policies that protect boat yards and wharves from noise sensitive development proposals, including avoiding the allocation of such sites in Development Plans.

A3 Funding

This Section includes details of the funding opportunities available to promote freight transport by water. Although often not the direct responsibility of the Local Authority, an awareness of these opportunities will help Local Authorities and other agencies promote waterborne transport within their areas.

Freight Facilities Grant

Freight Facilities Grant (FFG) is available to assist with the extra costs generally associated with moving freight by water by offsetting the capital costs of providing water freight handling facilities. It is also available to help companies reinvest in existing water freight facilities. The grant is awarded and administered by the Freight Facilities Grant Unit at the Department for Transport.

Most capital expenditure on facilities needed to handle or carry freight by water is likely to be eligible for FFG. But, in recognition of EU State Aid rules, grant will *not* be payable for the acquisition or modification of ships i.e. self-propelled vessels which require certification to operate outside domestic smooth water limits. Changes in the grant scheme being considered currently will enable grant to be paid towards operating aid. This will follow similar lines to those proposed for the Marco Polo programme and be limited to a maximum of 30% and spread over the first three years of water operating costs.

Marco Polo

Marco Polo is the name given to the European Commission's proposed 10-year operating aid subsidy programme (from 1 January 2003 to 31 December 2010) to help achieve modal shift to environmentally friendly modes, in line with the objectives set out in its recent Transport White Paper. Marco Polo is a successor to the recently concluded Pilot Actions for Combined Transport (PACT) programme. The draft regulation sets out the way in which the Marco Polo programme would operate, including proposed financial provisions.

Marco Polo subsidy will support *commercial* actions that achieve modal shift. It therefore differs from the pre-competitive support given through the Community R&D programmes and the Trans-European Network (TEN) programme. It will apply only to international projects (intra-EU and EU-neighbouring States) normally involving the

co-operation of two or more undertakings established in different States. Responsibility for purely national projects continues to rest with Member States, subject to Commission State aid approval.

Aggregates Levy Sustainability Fund

The aim of the fund is to address the environmental and social costs of aggregate extraction by delivering environmental improvements, minimising the demand for primary aggregates, promoting environmentally friendly extraction and transport, encouraging the use of recycled and alternative materials and reducing the local effects of aggregate extraction. It should be noted that the fund may only be utilised for proposals which can not be funded through existing mechanisms.

In England, the Fund will be distributed through English Nature, the Countryside Agency, English Heritage, the Waste and Resources Action Programme (WRAP), DTI's Construction Innovation and Research Management Programme. Also, a special provision of £800,000 has been made for pilot projects for Leicestershire, Derbyshire and Somerset County Councils, and the Minerals Industry Research Organisation has been invited to take part in research into sustainable mineral extraction.

Interreg IIIB

INTERREG IIIB is a European source of funding for spatial planning projects, involving trans-national partnerships of local and regional authorities and private sector organisations. Transport projects are likely to address issues of European regional significance of cross-border relevance such as how to remove trucks from the roads on environmental grounds and how to address congestion in transport bottlenecks used for international freight. Therefore this is only likely to be of relevance where traffic is part of a European transport chain.

Local Transport Plan (LTP) Settlement

This is the only source of funding directly available to Local Authorities in respect of transport provision, and is based on an annual settlement to fund a package of proposals for transport provision. LTP funding replaced the previous Transport Policy and Programme Grant which exclusively funded road schemes. The intention of the LTP system is to avoid pure funding of road schemes and replace it with a

package where sustainable alternatives are also provided such as bus priority measures, cycle tracks and park and ride. In principle there is no reason why LTP funding should not be used to promote water transport as part of a package, and more significantly, LTP funding is likely to be available to help mitigate the road traffic effects of increased use of commercial waterways.

Private Sector Funding

It is unlikely that any major private sector funding sources will come forward except by way of Section 106 Agreements as part of planning permissions granted for development. On many occasions, where a developer is required to provide replacement facilities, that developer will also have to pay for these facilities and they may well be better than those replaced, by virtue of location or simply being more modern. The Section 106 mechanism is intended to promote the concept of planning gain and improved facilities as part of a development would fulfil this aim.

A4 Health and safety

This Section describes the relevant legislation and regulations that apply to all aspects of handling goods and navigating vessels on the inland waterways.

Public and private bodies and organisations involved in the encouragement, development and facilitation of freight transport on inland waterways need to be aware of the various Regulations that apply to all aspects of handling goods and navigating vessels on the inland waterways. The principal agencies charged with regulatory control relating to waterborne transport are the Health and Safety Executive (HSE) and the Maritime and Coastguard Agency (MCA). A Memorandum of Understanding exists between HSE and MCA .

Health and Safety Executive

The work of the marine section of the Health and Safety Executive (HSE) includes overseeing legislation dealing with the health and safety of people working in docks, shipyards and inland waterways. Under the Memorandum of Understanding with MCA, HSE's enforcement role generally ends at the gangway. However, HSE enforces *The Health and Safety at Work Act (1974)* and the *Docks Regulations (1988)* where they apply to shore based dock workers who may work on ships. HSE also enforces the *Dangerous Substances in Harbour Areas Regulations 1987*.

Following the Thames Safety Inquiry there was a review of HSE responsibilities in relation to 'inland waterway safety'. HSE policy has remained that it would have no involvement in matters concerning the design and safety standards incorporated in the construction, testing and operational use of ships and any navigation or similar issues. Matters of manning, navigation, design and structural integrity of vessels, protection of workers against navigational or other risks to health or safety arising from the marine environment would be the responsibility of the Secretary of State for Transport through MCA.

Local Authorities are also responsible for enforcing health and safety on certain activities on, or adjacent to, inland navigations which are prescribed in the *Health and Safety (Enforcing Authority) Regulations 1998*. These principally relate to leisure activities, catering services and the hiring out of pleasure craft.

Maritime and Coastguard Agency (MCA)

The MCA enforces health and safety on ships. The MCA's main functions are to develop, promote and enforce high standards of marine safety, to minimise the loss of life amongst seafarers and coastal users, and to minimise pollution from ships of the sea and coastline. The MCA's statutory powers and responsibilities derive primarily from the *Coastguard Act 1925*, the *Merchant Shipping Act 1995* and the *Merchant Shipping and Maritime Security Act 1997* and associated secondary legislation. The Director of Logistics and Maritime Transport at the Department for Transport is responsible for policy oversight and co-ordination of the MCA and the Marine Accident Investigation Branch (MAIB).

MCA is responsible for enforcing all merchant shipping regulations in respect of occupational health and safety, safety of vessels, safe navigation and operation (including manning levels and crew competency). For inland and coastal waters, a vessel is considered to be used in navigation, and therefore under the jurisdiction of MCA, if it operates on waters listed in the *Annexe to Merchant Shipping Notice MSN 1776 (M) Categorisation of Waters*, and subsequent revisions.

MCA is currently consulting on Technical Standards for Inland Waterway Vessels, the harmonisation of Boatmaster's Licences for inland waterway operations and implementation of the Working Time Directive for mobile workers on inland waterways. The Technical Standards comprise regulations regarding shipbuilding requirements; steering systems, engine design, electrical equipment, rigging/outfit, accommodation and other ancillary equipment. These will apply to newbuilds in the first instance. In the area of crew competence, Boatmaster's Licences would cover such matters as navigation rules, vessel manoeuvring and handling, knowledge of vessel construction and stability, engines, accident prevention, actions in the event of damage or danger, use of rescue and first aid equipment and prevention of fire and pollution.

The *Merchant Shipping (Working Time: Inland Waterways) Regulations 2003* will come into force in 2003 and be enforced by MCA. The Working Time Regulations, which implement the *European Working Time Directive (93/104/EC)*, provide protection for the workforce against health and safety dangers from excessive working hours.

British Waterways (BW)

British Waterways (BW) is presently implementing its own registration scheme for vessels and certificates of crew competence primarily designed to ensure safe operations on its waterways. *British Waterways Freight Vessel Conditions 2003* and *British Waterways Carriage of Freight Conditions* came into force in April 2003. The Freight Vessel Conditions require owners or operators of freight vessels operating on BW waterways to register the vessel with BW. To be able to register, the vessel is subject to an annual fitness-for-purpose safety inspection; the vessel must have adequate public liability insurance. The Conditions of Carriage of Freight require the freight contractor to agree an operational schedule with BW. This includes route, competent crew required, lock/bridge/tide times and manning, carriage of cargo risk assessment and risk assessment for load and discharge of goods where it is across BW owned or controlled property.

Other Safety Interests

Other Navigation Authorities have a safety role on their own waters, in part to fulfil their duty of care under Section 3 of the Health and Safety at Work Act. Port and Harbour Authorities may also have byelaws which cover various aspects of operational or vessel safety. The Port Marine Safety Code is an important document in this respect. It sets out a summary of the legal duties and powers of harbour authorities relating to marine safety and aims to promote good practice.

A5 Bibliography

This Bibliography contains details of all texts referred to in the preparation of this Guide.

Planning Policy Guidance Notes

- 1 Planning Policy Guidance Note 3: Housing: *DTLR, 2001*
- 2 Planning Policy Guidance Note 4: Industrial, Commercial Development and Small Firms: *Department of the Environment, 1992*
- 3 Planning Policy Guidance Note 10: Planning and Waste Management: *DETR, 1999*
- 4 Planning Policy Guidance Note 11: Regional Planning: *DTLR, 2000*
- 5 Planning Policy Guidance Note 12: Development Plans: *DTLR, 1999*
- 6 Planning Policy Guidance Note 13: Transport: *DTLR, 2001*
- 7 Planning Policy Guidance Note 24: Planning and Noise: *Department of the Environment, 1994*
- 8 Planning Policy Guidance Note 25: Development in Flood Plains: *ODPM, 2001*
- 9 Draft Planning Policy Statement 11: Regional Spatial Strategies: *ODPM, 2003*
- 10 Draft Planning Policy Statement 12: Local Development Frameworks: *ODPM, 2003*

Regional Planning Guidance Notes

- 11 Regional Planning Guidance for the North West (RPG13): *Government Office of the Northwest, 2003*
- 12 Regional Planning Guidance for the West Midlands (RPG11): *Government Office of the West Midlands, 2001*
- 13 Regional Planning Guidance for the Yorkshire & Humberside (RPG12): *Government Office for Yorkshire and the Humber, 2001*
- 14 Regional Planning Guidance for the South West (RPG10): *Government Office for the South West, 2001*

Development Plans

- 15 Trafford Borough Revised Unitary Development Plan: *Trafford Metropolitan Borough Council, 2002*
- 16 Worcestershire County Structure Plan: *Worcestershire County Council: Adopted, June 2001*
- 17 City Of Worcester Local Plan Revised Deposit Draft: *City of Worcester Council, 2002*
- 18 Somerset and Exmoor National Park Joint Structure Plan Review: *Somerset County Council and Exmoor National Park Authority: Adopted April 2000*
- 20 Sedgemoor District Local Plan-Revised Deposit Draft: *Sedgemoor District Council, 2001*
- 21 The Draft London Plan: *Mayor of London, 2001*

Other Documents

- 22 Freight on Water - A New Perspective: *The Report of the Freight Study Group: DEFRA, 2002*
The Government's Response to the Report of the Freight Study Group: DEFRA and DfT, 2002
- 23 Planning a Future for the Inland Waterways - A Good Practice Guide: *Inland Waterways Amenity Advisory Council, 2001*
- 24 North West Regional Freight Strategy: *North West Freight Advisory Group, 2003*
- 25 Good Practice Guide 335, A Guide on How to Set Up and Run Freight Quality Partnerships, and Good Practice Case Study 410: *TransportEnergy BestPractice on behalf of the Department for Transport, 2003. Free copies available from www.transportenergy.org.uk or by calling 0845 602 1425*
- 26 Freight Toolkit for the North East: *The Northern Freight Group, 2002*
- 27 Transporting Freight by Rail and Inland Waterways in West Yorkshire - A Guide for Potential Users: *West Yorkshire Partners for Quality Integrated Transport, 2000*
- 28 Waterways for Tomorrow: *DETR, 2000*
- 29 Waterways and Development Plans: *British Waterways, 2003*
- 30 The White Paper A New Deal for Transport: Better for Everyone: *DETR, 1998*
- 31 Sustainable Distribution: A Strategy: *DETR, 1999*
- 32 Modern Ports: *DETR, 2000*

- 33 Safeguarding Wharves on the Thames: Consultation
Draft: *Greater London Authority, 2003*
- 34 Port Marine Safety Code: *DETR, 2000*
- 35 Moving Freight from Road to Inland Waterway and
Maritime Transport – Post-consultation Response: *DfT,
Scottish Executive and Welsh Assembly Government, 2002*
- 36 Benchmark Report 2002: *DfT, 2003*
- 37 Waterborne Freight Statistics in the UK 2002:
DfT, 2003
- 38 Fourth Report Inland Waterways (HC 317-1):
*House of Commons Environment, Transport and Rural
Affairs Committee, 2001*
- 39 Inland Waterways and the Transport of Waste: *Resource
Recovery Forum, 2000*
- 40 Nicholson Guides, for various individual inland
waterways

A6 Useful Contacts

- > **Department for Transport**
Freight Facilities Grant Unit
Zone 2/24
Great Minster House
76 Marsham Street
London
SW1P 4DR

Tel: 020 7944 6848
freight@dft.gov.uk
www.dft.gov.uk
- > **Department for Environment,
Food and Rural Affairs**
Marine and Waterways Division
Zone 3/B5
Ashdown House
123 Victoria Street
London
SW1E 6DE

Tel: 020 7082 8177
www.defra.gov.uk
- > **Office of the Deputy Prime Minister**
Planning Directorate
Eland House
Bressenden Place
London
SW1E 5DU

Tel: 020 7944 3000
www.odpm.gov.uk
- > **Association of Inland Navigation Authorities**
Willow Grange
Church Road
Watford
WD17 4QA

Tel: 01923 201286
www.aina.org.uk
- > **Association of Inland Shipping Operators**
The Boathouse
Mersey Road
Runcorn
Cheshire
WA7 1DF

Tel: 01928 567359
- > **British Waterways**
Willow Grange
Church Road
Watford
WD17 4QA

Tel: 01923 226422
www.britishwaterways.org
- > **Commercial Boat Operators Association**
P.O. Box 7065
Milton Keynes
MK13 8YQ

Tel: 01908 236261
secretary@cboa.org.uk
www.cboa.org.uk
- > **Freight Transport Association**
Head Office
Hermes House
St John's Road
Tunbridge Wells
Kent
TN4 9UZ

Tel: 01892 526171
www.fta.co.uk
- > **Inland Shipping Group**
Inland Waterways Association
3 Norfolk Court
Norfolk Road
Rickmansworth
WD3 1LT

Tel: 01923 711114
iwa@waterways.org.uk
www.waterways.org.uk
- > **Sea and Water**
Shortsea and Waterways Solutions
202 Lambeth Road
London
SE1 7JW

Tel: 020 7928 9090
info@seaandwater.org
www.seaandwater.org

TransportEnergy BestPractice programme provides authoritative, independent information and advice to help implement sustainable transport initiatives. This information is disseminated through publications, videos and software, together with seminars, workshops and other events. For further information visit our web site at www.transportenergy.org.uk/bestpractice or contact the Helpline 0845 602 1425

Crown Copyright. April 2004. GPG2122.



Printed on paper containing 75% post-consumer waste and 25% elemental chlorine free pulp.