



Friday 8<sup>th</sup> September 2017

Helen Martin  
Chief Officer – Regeneration and Enterprise  
Dudley Council  
Council house  
Priory Road  
Dudley  
DY1 1HL

**Our Ref**      Black Country CS review  
**Your Ref**

Dear Ms Martin,

**Re:** Black Country Core Strategy Review

Thank you for your consultation on the above document.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”.

Following consideration of the document we have the following comments to make:

The waterways can be used as tools in place making and place shaping, and contribute to the creation of sustainable communities. We seek for any development to relate appropriately to the waterway, minimise the ecological impacts and optimise the benefits such a location can generate for all parts of the community.

The waterways span several local authority boundaries and it is therefore important to ensure that there is a clear and consistent approach to development. There is a recognised need to strengthen existing planning policy at all the different spatial levels in order to provide robust planning policy frameworks that supports canals, rivers and docks as a cross-cutting policy theme; acknowledging the value of canals, rivers and docks/wharves, in terms of:

- being a form of strategic and local infrastructure performing multiple functions (including sustainable transport, open space and green infrastructure, land drainage and water supply as well as flood alleviation), which is likely to be affected by all scales and types of development;
- their roles in improving the physical environment, opportunities for people and the wider economy;

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- their contribution to supporting climate change, carbon reduction and environmental sustainability;
- the public benefits that can be and are being generated by our canals, rivers and docks/wharves;
- support future development, regeneration and improvement of canals, rivers and docks/wharves;
- protect the heritage, environmental and recreational value of canals, rivers and docks and to safeguard them against inappropriate development;
- support their ability to deliver economic, social and environmental benefits to local communities and the nation, (currently valued at in excess of £500 million per annum);
- secure the long-term sustainability of inland waterway network, their corridors and adjoining communities; and
- their contribution to promoting Health and Wellbeing

The Core Strategy is therefore a key document in setting the overarching planning and regeneration policies across the area and ensuring a co-ordinated approach to the waterways across the Black Country.

The Trust therefore welcome continued support and recognition for the waterways but consider opportunities exist to strengthen Policies and further highlight the importance of the canal network to the Black Country.

#### Key Issue 6 (Question 5) – Reviewing the role and extent of the green belt

Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances.

Whilst a significant proportion of the canal network within the Black Country is within an urban setting the canal network does pass through the more rural parts of the area. These rural sections do add to the overall experience of the waterways and are important in providing relief from the urban environment.

The proposal to review Green Belt boundaries across the Housing Market Area and in conjunction with South Staffordshire will provide a strategic overview. However, the impact at a local level will be critical to fully assessing the value of existing Green Belt and determining if 'exceptional circumstances' do exist. The review should clearly demonstrate that proposed development cannot be accommodated within the existing urban fringe.

#### Key issue 7 – Keeping the Black Country connected

The canal network can play an important role in providing safe, pleasant, traffic free off-road walking and cycling routes right into the centre of many of the Black Country's most developed centres.

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Significant work has been done to improve canal towpaths across the area, but there are further opportunities to make more improvements and promote this network to local communities and visitors. The review should acknowledge the role of the canals and highlight the potential of this existing network, including opportunities to integrate with the wider transport network.

The Trust generally seeks to maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage we consider that it is reasonable to request a financial contribution from developers to mitigate this impact by, for example upgrading an access / towpath surface to a standard which is more durable and thus able to accommodate increased usage. The delivery mechanisms eg. CIL / S106 for such works should be identified within the review.

### Question 10 – Regeneration Corridors

Canals have played a significant part in the development of the Black Country and in particular the regeneration agenda.

They can be a catalyst for economic and social regeneration and the regeneration of waterside corridors can produce many benefits which could include: the creation of a more attractive and secure environment in which existing communities can live, work and play; the attraction of new residents, business and visitors (both land and water based) thereby generating income for the area; attracting new housing and new housing types; encouraging good design; and assistance in attaining goals for more pedestrian / cycle friendly routes.

Many of the current regeneration corridors include sections of the canal network and these are enabling improvements to be made in these areas. To further develop these and promote growth the regeneration area of Wolverhampton should be extended to cover the whole of Canalside Quarter and Horsley Fields Junction.

### Social Infrastructure - Questions 24 & 25

The canal network is a form of strategic and local infrastructure and performs multiple functions, including sustainable transport, open space, green infrastructure, land drainage and water supply as well as flood alleviation, which is likely to be affected by all scales and types of development.

70% of the population in the Black Country live within 1km of a canal. This makes them easily accessible to large numbers of people and presents a key asset and opportunity for the development / regeneration of the Black Country.

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Many new developments adjacent to the canals reference the canal corridor / towpath in their application submissions, but there is often little investment from the developer to improve these routes.

Local Growth Fund has enabled significant improvements of towpaths in some areas, which have seen up to a 60% increase in use, but further investment is necessary if the opportunities for improving sustainable access around areas of redevelopment are to be realised.

### Physical infrastructure – Questions 27 & 28

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Local Growth Fund has enabled significant improvements of towpaths in some areas, which have seen up to a 60% increase in use, but further investment is necessary if the opportunities for improving sustainable access around areas of redevelopment are to be realised.

The Trust wish to highlight the potential of the canal to provide / contribute to provision of other physical infrastructure. The potential for inland waterways to contribute to the low carbon economy and build resilience should also consider new energy technologies such as biomass capacity, and the identification of waste streams such as from the operation and maintenance of waterway management for recycling, reuse and energy from waste markets.

The canal network provides readily available opportunities for developments to incorporate innovative technologies to make use of its water such as the abstraction of canal water for cooling purposes and/or for heating purposes where there is a sufficient flow of water to sustain this use and the canal towpath for the running of pipelines etc. which need to be more greatly encouraged.

The water flowing through the Trust's waterways which pass through most major cities in England contains enough thermal energy to produce approximately 640 MW of energy. This has attracted a number of businesses which now utilise this low carbon source to heat and

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cool their buildings. DECC too have acknowledged this potential in their Heat Map which includes a specific canal layer. The energy is extracted using water sourced heat pumps which are very efficient compared to conventional forms of heating and cooling. These efficiency improvements will help reduce the electricity demand and assist in balancing electricity supply.

The Document should be amended to include reference to the potential of the canal network to contribute to low carbon technologies.

There is also potential for surface water drainage to the canal which could be referenced in the document. The waterway network presents a number of opportunities to support and enhance urban development, with particular reference to water management. Water levels in the canal network are managed by the Trust using control structures such as weirs and sluices to maintain a suitable depth for navigation by boats, but also to try to avoid water levels becoming too high in periods of heavy rainfall where runoff from hard surfaces can lead to excess water passing into the canals.

With careful design and assessment, canals may be able to receive runoff from future development sites, providing sustainable options for site drainage (although mitigation works to the canal infrastructure may be necessary to cope with this.) This may allow development of sites that would otherwise not be viable due to flood risk concerns with alternative site drainage options. The ability of canals to accept surface water run-off may also assist in wider consideration of flood mitigation measures given the managed nature of canal water levels.

In addition, there may be potential for the canal to be used for the installation of services, pipes/cables etc which could be highlighted.

With the increasing importance of digital connectivity the waterways provide established corridors through the heart of urban areas with the potential to accommodate infrastructure with relatively little disturbance in comparison to, for example, digging up main roads and pavements in busy locations. There is a real opportunity to maximise the use of the Trusts existing fibre optic networks and the canal corridor and Trusts land holdings for the provision of new and improved infrastructure around densely populated areas, such as the routing of infrastructure for district heating schemes and increasing mobile cell density to create 4G and 5G towns and cities.

#### Delivery and Viability - Question 29 &30

The provision of funds towards the canals via S106 agreements appears to have been more successful than other mechanisms such as CIL. The Trust wish to work with Authorities more in developing a list of improvements within the Local Authority areas that would be required to support the development proposed.

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This would set out the authorities in principle support for these improvements and provide developers with a clear outline of the likely infrastructure requirements that developments will need to provide. It would also provide a clear outline of supported canal improvements should other opportunities arise.

The positive impacts of the canals for developments, in terms of higher property values, better quality, better designed homes in waterside locations needs to be clearly set out to demonstrate the benefits to developers. This could be particularly key in promoting the development of brownfield sites and ensuring the current regeneration strategy is not undermined. The Trust are happy to engage further on this.

Local Growth Fund has been useful and beneficial, though it may be that developers could be asked to match this in certain areas to provide a larger funding pot. In order to maintain the urban regeneration focus better knowledge of the grants that are available for brownfield reclamation should be provided to developers.

#### Policy Area A – Health and Wellbeing

The canal corridors offer opportunities for leisure, recreation and sporting activities as part of the 'natural health service' acting as 'blue gyms' and supporting physical and healthy outdoor activity as well as reducing stress, making a positive contribution to mental wellbeing.

They can also provide traffic free routes for commuters and also aid in providing a safe, convenient and attractive walking and cycling network to promote health and well-being, consistent with the aims of the NPPF.

The canal network passes through each local authority area within the Black Country and in many areas, is an untapped resource in terms of its benefits for health and wellbeing. The canal falls within at least 3no. of the themes identified, which embody the link between planning & health, though they are not mentioned. The Plan could therefore include greater reference to existing green infrastructure, such as the canal network

#### Policy TRAN4 – Networks for cycling and walking

The canal network can play an important role in providing safe, pleasant, traffic free off-road walking and cycling routes right into the centre of many of the Black Country's most developed centres.

Significant work has been done to improve canal towpaths across the area, but there are further opportunities to make more improvements and promote this network to local communities and visitors. The review should acknowledge the role of the canals and highlight the potential of this existing network.

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The Canal & River Trust generally seeks to maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage we consider that it is reasonable to request a financial contribution from developers to mitigate this impact by, for example upgrading an access / towpath surface to a standard which is more durable and thus able to accommodate increased usage. The Trust will continue to work with the Local Authorities to identify design requirements and sources of funding to support a coherent network for walking and cycling.

## **Policy Area F – BC Environment**

Potential focus on incorporating ‘Garden City’ principles

### **Questions 95a and 95b – Garden City Principles**

The application of ‘Garden City’ principles to development in the Black County is a positive recommendation. The overarching principles for development would be consistent across both brownfield and greenfield sites though there may need to be some variation in how strongly these principles are applied between them.

This will be dependent upon the status of the site and its relationship to existing development or the wider landscape. All developments though should be required to make use of existing infrastructure and build on existing networks, such as the canals.

The Strategy should clearly set out the Garden City principles and identify any variations that may affect how they are applied to greenfield /brownfield sites.

The strategy should include mechanisms to ensure the overarching principles are applied consistently across the Black Country and throughout the planning process. This would ensure the level of design required is clear and the Garden City Principles are not watered down through the planning process or lost due to viability issues.

## **ENV1 – Nature conservation**

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The Trust therefore welcome the continued support for this policy and proposals to require new developments to incorporate biodiversity enhancements/features.

Brownfield sites provide important habitat for wildlife and with the Strategy promoting an urban regeneration focus this needs to be considered and incorporated in any new developments, particularly where these sites are adjacent to the canal.

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Brownfield sites can be highly valuable for biodiversity and providing public access to high quality greenspace and the canal network can play a vital role in helping to link otherwise fragmented habitat, providing greater connectivity for wildlife and people.

## **ENV4 – Canals**

### **Introduction**

The Issues and Options Report proposes that the overall approach set out in Policy ENV4 remain unchanged but that references to specific canal schemes could be removed.

In brief, the Trust welcomes the recognition of the benefits of the current policy in the Issues and Options Report and confirmation that the policy remains appropriate but considers that the existing policy would benefit from additional reference to some of the wider opportunities provided by a waterside location, as detailed below. The Trust does not consider that reference to specific canal projects should be deleted from the Strategy and would recommend that the supporting text be amended to include reference to other such projects currently underway in the Black Country.

### **Background**

Paragraph 156 of the NPPF states that the strategic priorities for the area should be set out within the Local Plan. These should include strategic policies to deliver on areas such as leisure development, provision of health, community and cultural infrastructure and conservation and enhancement of the natural and historic environment, including landscape.

Paragraph 178 of the NPPF identifies that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities.

The existing Black Country Core Strategy states that it is visionary and transformational, setting out how the Black Country should look in to the future and establishing clear directions for change in order to achieve this transformation. This is further emphasised in the current consultation document which states, *'The Core Strategy is a key part of the Local Plan for the Black Country Authorities forming the overarching planning and regeneration document for the whole of the area.'*

The waterways span several local authority boundaries and it is therefore important to ensure that there is a clear and consistent strategic policy approach to development that affects existing waterways or proposals for restoration.

Canals have played a significant part in the development of the Black Country and continue to do so. They are multi-functional assets providing multiple economic, social and

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environmental benefits. In addition to being a source of green and blue infrastructure, important for their heritage value and leisure, recreation and tourism uses, they can provide local and strategic sustainable transport routes, and are increasingly being used in association with new technologies, contributing to the creation of 'Information Superhighways' and are a potential source for thermal energy generation and cooling. They can act as catalysts for regeneration and a focus for development, vital for many local small or medium sized enterprises (SMEs) whilst also supporting and adding value to larger companies. They form a valuable part of the nation's visitor and green economies – engaging local communities and visitors alike and laying the foundations for future health, well-being and prosperity.

It is therefore vitally important that planning policy recognises the multi-functional nature of waterways and the contribution they can make to wider economic and social objectives such as public health, renewable energy and sustainable development, future proofing our urban areas by strengthening their resilience and creating conditions suitable for growth.

## **Policy Wording**

The Trust welcomes the recognition of the benefits of the current policy in the Issues and Options Report and confirmation that the policy remains appropriate. It is however considered that the existing policy would benefit from additional reference to some of the wider opportunities provided by a waterside location, such as:

- **Health and Wellbeing:** waterways have a significant role to play, particularly in tackling physical inactivity, obesity and reducing stress in the many disadvantaged communities with waterways on their doorstep. Evidence suggests that simply being near to water makes people more content and relaxed and over half the UK population lives within five miles of a canal or river. Within the Black Country 70% of the population live within 1km of the canal. It should be recognised that underperforming waterways and areas of market failure and high deprivation quite often go hand in hand. Over the last twenty years, waterways have been both the catalyst and the focus for an immense amount of regeneration and development which has acted to build developer and investor confidence, particularly in disadvantaged areas, contributing to social inclusion. Waterways and towpaths provide a range of outdoor space for cultural, civic, learning and community activity and local heritage. With waterways on many disadvantaged local communities' doorsteps they have an important role to play in skills development and youth social action. Learning outside the classroom is proven to tackle social mobility and be of particular help to young people from disadvantaged backgrounds, increasing self-esteem, raising levels of attainment and improving mental health and wellbeing
- **Infrastructure provision,** for example digital technology, fibre optic networks, etc in towpath:

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With the increasing importance of digital connectivity the waterways provide established corridors through the heart of urban areas with the potential to accommodate infrastructure with relatively little disturbance in comparison to, for example, digging up main roads and pavements in busy locations. There is a real opportunity to maximise the use of the Trusts existing fibre optic networks and the canal corridor and Trusts land holdings for the provision of new and improved infrastructure around densely populated areas, such as the routing of infrastructure for district heating schemes and increasing mobile cell density to create 4G and 5G towns and cities.

- Sustainable Energy Source for heating and cooling:

The potential for inland waterways to contribute to the low carbon economy and build resilience should also consider new energy technologies such as biomass capacity, and the identification of waste streams such as from the operation and maintenance of waterway management for recycling, reuse and energy from waste markets.

The canal network provides readily available opportunities for developments to incorporate innovative technologies to make use of its water such as the abstraction of canal water for cooling purposes and/or for heating purposes where there is a sufficient flow of water to sustain this use and the canal towpath for the running of pipelines etc. which need to be more greatly encouraged.

The water flowing through the Trust's waterways which pass through most major cities in England contains enough thermal energy to produce approximately 640 MW of energy. This has attracted a number of businesses which now utilise this low carbon source to heat and cool their buildings. DECC too have acknowledged this potential in their Heat Map which includes a specific canal layer. The energy is extracted using water sourced heat pumps which are very efficient compared to conventional forms of heating and cooling. These efficiency improvements will help reduce the electricity demand and assist in balancing electricity supply.

- Reducing Flood Risk to Development

The waterway network presents a number of opportunities to support and enhance urban development, with particular reference to water management. Water levels in the canal network are managed by the Trust using control structures such as weirs and sluices to maintain a suitable depth for navigation by boats, but also to try to avoid water levels becoming too high in periods of heavy rainfall where runoff from hard surfaces can lead to excess water passing into the canals. With careful design and assessment, canals may be able to receive runoff from future development sites, providing sustainable options for site drainage (although mitigation works to the canal infrastructure may be necessary to cope with this.) This may allow development of sites that would otherwise not be viable due to flood risk concerns with alternative site drainage options. The ability

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of canals to accept surface water run-off may also assist in wider consideration of flood mitigation measures given the managed nature of canal water levels.

The Trust would welcome the opportunity to work with you on any amended wording to Policy ENV4.

### Supporting Text and Specific Projects

The Trust does not support the removal of the reference to canal projects from the Strategy.

The current Core Strategy states:

*'The Black Country's canal network is one of its most defining historical and environmental assets and the preservation and enhancement is a major objective in the Vision for environmental transformation and the delivery of Spatial Objective 6.'*

***Spatial objective 6 - high quality environment fit for the future, and a strong Urban Park focussed on beacons, corridors and communities; respecting, protecting and enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.'***

The canal projects are a key part of the enhancement of the canal network and therefore a major objective in the vision and delivery of Spatial objective 6 of the Core Strategy which should be continued.

Canal restoration projects have a number of benefits for a local community and can be a catalyst for redevelopment and regeneration. In addition to the environmental benefits, as identified above, canal restoration can also have positive economic and social impacts and therefore aid in achieving other key objectives of the Core Strategy.

Para 6.18 &19 of the Core Strategy further outline the importance of canal projects and, with particular reference to the Hatherton Branch Canal, confirms support for canal restoration as *'a strategic addition to the region's canal network.'*

Canal projects are typically strategic, cross boundary proposals and as such more appropriate for inclusion in an overarching strategic policy document such as the Core Strategy than left to individual Local Plans where inconsistency of approach may be an issue

Policy ENV4 states only that "Development will not be permitted which would sever the route of a disused canal or prevent the restoration of a canal link where there is a realistic possibility of restoration, wholly or in part." Canals and the line of the disused Hatherton

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Branch Canal are identified on the Black Country Core Strategy Key Diagram. The policy is therefore seeking only to safeguard the line of the restorations. It is not allocating the line as a completed/connected waterway nor does it indicate a presumption in favour of any future planning application for such as use, which would be subject to the usual statutory planning and other processes, including HRA. Such an approach is considered both desirable for the protection of the line of the former canal and wholly appropriate.

The supporting justification to Policy ENV4 explains progress to date in respect of the restoration of the Hatherton Canal and, notwithstanding delays caused by past/present economic conditions, the importance of safeguarding the route in the longer term. Again, such an approach is considered wholly appropriate and necessary to support the wording of Policy ENV4.

Consideration should also be given to including reference to other canal projects in the Black Country in the supporting justification to policy ENV4.

The supporting text currently identifies the proposals to restore the Hatherton Canal. There are however other restorations within the area. Whilst the restoration projects are at different stages feasibility studies have been undertaken and many are well established with progress being made since the adoption of the Core Strategy.

- Hatherton Canal (<http://www.lhcr.org.uk/arup.htm>)
- Bradley Arm ([https://www.waterways.org.uk/waterways/restoration/restoration\\_resources/portal/pdfs/bradley\\_locks\\_feasibility\\_study](https://www.waterways.org.uk/waterways/restoration/restoration_resources/portal/pdfs/bradley_locks_feasibility_study))
- Lapal Canal (<http://www.lapalcanal.co.uk/membership-matters/>)
- Stourbridge Canal (Fens Branch)

The feasibility study for the Bradley Arm was completed in 2015 and makes specific reference to Policy ENV4. The site spans 3no. Local Authorities and Section 3 of the Study highlights the complexities that can be involved with such cross-boundary proposals. The fact that all of 3no. Authorities involved share the Black Country Core Strategy as their strategic statutory document is seen as '*highly important*'.

The Annual Monitoring Reports for each individual Authority within the Black Country indicate that overall Policy ENV4 is working well though this focuses on development management. The references within the Bradley Arm feasibility study highlights that the policy is also working in enabling these projects to move forward and should therefore be retained.

The following amendments are therefore recommended to the supporting text:

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*“6.19 There are a number of canal restoration projects within the Black Country which cross administrative boundaries:*

- *Hatherton Canal*
- *Bradley Arm*
- *Lapal Canal*
- *Stourbridge Canal (Fens Branch)*

*It is important that these schemes, and any future schemes that may come forward, are supported as important strategic additions to the region’s canal network.”*

### **ENV5**

Reducing Flood Risk to Development: The waterway network presents a number of opportunities to support and enhance urban development, with particular reference to water management. Water levels in the canal network are managed by the Trust using control structures such as weirs and sluices to maintain a suitable depth for navigation by boats, but also to try to avoid water levels becoming too high in periods of heavy rainfall where runoff from hard surfaces can lead to excess water passing into the canals. With careful design and assessment, canals may be able to receive runoff from future development sites, providing sustainable options for site drainage (although mitigation works to the canal infrastructure may be necessary to cope with this.) This may allow development of sites that would otherwise not be viable due to flood risk concerns with alternative site drainage options. The ability of canals to accept surface water run-off may also assist in wider consideration of flood mitigation measures given the managed nature of canal water levels.

Any surface water discharge to the canal would require prior consent from the Canal & River Trust though as the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement.

### **ENV7**

The potential for inland waterways to contribute to the low carbon economy and build resilience should also consider new energy technologies such as biomass capacity, and the identification of waste streams such as from the operation and maintenance of waterway management for recycling, reuse and energy from waste markets.

The canal network provides readily available opportunities for developments to incorporate innovative technologies to make use of its water such as the abstraction of canal water for cooling purposes and/or for heating purposes where there is a sufficient flow of water to sustain this use and the canal towpath for the running of pipelines etc. which need to be more greatly encouraged.

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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB



Canal &  
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The water flowing through the Trust's waterways which pass through most major cities in England contains enough thermal energy to produce approximately 640 MW of energy. This has attracted a number of businesses which now utilise this low carbon source to heat and cool their buildings. DECC too have acknowledged this potential in their Heat Map which includes a specific canal layer. The energy is extracted using water sourced heat pumps which are very efficient compared to conventional forms of heating and cooling. These efficiency improvements will help reduce the electricity demand and assist in balancing electricity supply.

The Document should be amended to include reference to the potential of the canal network to contribute to low carbon technologies.

The Trust are happy to engage further in the development of the Core Strategy Review and are keen to meet to discuss any of the comments made. If you have any further queries please contact me, my details are below.

Yours sincerely

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