

Miscellaneous Matters, Conservation and Design, Basements

Addendum to Core Strategy SA/SEA

RBKC April 2014

Although RBKC is not a coastal authority, there is no distinction made within the Marine and Coastal Access Act (MCAA) (2009) between public authorities that have a coastal area of responsibility or tidal watercourse/s and those who do not. S58 (1) of the Act requires that 'A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise'. An authorisation or decision is further defined under S58 (3). Even local authorities that are far from the sea can affect and be affected by the marine area e.g. developments on land can affect rivers which eventually discharge into the sea. All public authorities therefore need to be aware of the MPS and adhere to the requirements of S.58 of the Act. The Planning Advisory Service (PAS) has updated the soundness self-assessment, which forms part of the local plans checklist, to include the Marine Policy Statement (MPS). This will ensure local authorities developing or revising local plans conduct a self-assessment which takes into account soundness and legal requirements arising from the MCAA.

Under the duty to co-operate and the MCAA, landlocked as well as coastal planning authorities must take the marine planning system into account during plan preparation. As the UK marine area and marine plan area boundaries extend up to the level of mean high water spring tides while terrestrial planning boundaries generally extend to mean low water spring tides (including estuaries), the marine plan area will physically overlap with that of some terrestrial plan. Local authorities with any tidal frontage, even if far inland and not conventionally regarded as coastal, must therefore take full account of the MMO, the MPS and marine plans under S.58 of the Marine and Coastal Access Act and the Duty to Co-operate in Section 110 of the Localism Act 2011.

The south east inshore marine plan area (no. 5) overlaps with the London area and the PAS guidance confirms that the Royal Borough of Kensington and Chelsea is covered by this designation. In terms of the relationship between the submission policies and marine planning there are two policies within Conservation and Design review which have a potential impact on the designated marine area.

CL1 Context and Character

"d. require riverside and canalside development to enhance the waterside character and setting, including opening up views and securing access to the waterway;

e. require development within the Thames Policy Area to protect and improve the strategic importance and iconic role that the Thames plays in London;"

The supporting text

33.3.28 *"The River Thames forms the southern boundary, and like the Grand Union Canal to the north, the potential of the Thames as a leisure, recreation, biodiversity and transport resource remains under utilised. **The River Thames is an important transport route, and***

with its foreshore and banks is a unique open space with a special environmental character and reduce the river's potential as a navigable waterway. Permanently moored vessels or the extension of riverside sites into the river can have a detrimental effect."

CR5 Parks, Gardens, Open Spaces and Waterways

"Waterways

h. require opportunities to be taken to improve public access to, and along the Thames and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport"

In terms of the impact of these policies on marine planning, it is not considered that the relationship is sufficiently strong to have a significant impact. However, in terms of the compatibility of the marine planning policy and terrestrial policy documents and guidance, consistency is considered to be achieved and the soundness criteria met.