

COMMENT ID - 37

**ADDITIONAL STATEMENT IN SUPPORT OF REPRESENTATIONS TO
MEDWAY LDF**

GRAHAM SIMPKIN PLANNING ON BEHALF OF RESIDENTIAL MARINE LTD

CHAPTER 9 – RIVER MEDWAY

DAY 4 OF EXAMINATION

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INTRODUCTION

These representations are made on behalf of Residential Marine Ltd who operate the residential marina at Port Werburg which adjoins Hoo Marina.

The Company has a long association with the provision of residential moorings and many of the berths are occupied by historic vessels, that have been converted to residential use. This is a means of preserving the vessels that might otherwise be scrapped and in many cases they provide good quality and unusual homes.

CRITIQUE OF CHAPTER 9

The LDF at Chapter 9 addresses the importance of the River Medway to the area. It highlights on the one hand the need to manage the natural eco system whilst on the other hand, identifying opportunities for use and development particularly of marinas and leisure activities.

The plan refers to the importance of marine leisure and also the existence of residential house boat moorings. There are no background documents prepared in association with the LDF that provide any information about the needs or demands for marine leisure or the need or demand for residential house boat moorings. The absence of such information means that the statements made in the Plan are not based on any evidence. As such, the Plan fails to meet the criteria set out in paragraph 158 of NPPF that requires the Local Plan to be based upon; “adequate, up-to-date and relevant evidence.”

There appears to be no evidence in official records relating to residential house boats which appear to be included under the category of “caravan or other mobile or temporary structure,” in the Census, but this includes mobile homes. There is a strong demand for residential moorings experienced by Residential Marine and Port Medway Marina and this is underlined by the experience of the Residential Boat Owners Association. This is clearly a matter that needs further research to provide the basis for a robust policy.

There are 4 particular statements made in paragraph 9.14 of the C.S. as follows:

- *Existing Marinas operate at or close to full capacity.*
- *It is recognised that better co-ordination between marina operators is desirable, in order to improve Medway’s leisure boating offer.*
- *Residential house boat moorings occupy areas that could be utilised for additional marina berthing.*
- *Many of the house boats have limited facilities and are often somewhat unsightly.*

These statements are not backed up by any evidence and appear to be rather subjective statements that are completely unsupported or unsubstantiated.

It is noted that paragraph 9.14 goes onto to state:

“Therefore, proposals for upgraded or new high quality marina facilities and amenities will be supported where there will be no adverse environmental impacts. In particular, impacts on the SPA.”

In making this statement, which follows from the above statements, the Council appear to be supporting leisure boating at the expense of residential house boat moorings. The statement also fails to explain how the balance will be struck between the LPA's support for new or upgraded facilities and, any adverse environmental impacts. It is important that there is some measure introduced into the Plan so that the relative balance between promotion on the one hand and adverse impact on the other hand, can be assessed.

It might be that the Core Strategy is not the place to strike that balance but in which case, there ought to be a cross reference to the preparation of future detailed policies relating to these issues and possibly looking at individual sites.

Similarly, the policy at CS25 at bullet point 4 repeats the aspiration that leisure activities on and along the river will be supported as long as they will not harm the environment or natural eco systems. Whilst the aspiration is supported, it is considered that this does not go far enough to enable a developer to understand how the LPA will assess this balance and therefore does not provide any comfort to developers wishing to bring forward proposals for additional or improved facilities.

In addition, it is noted that there is no reference in the policy to residential house boat moorings and despite the LPA assertions that many of the house boats have limited facilities and are somewhat unsightly, there is no commitment to solve these problems other than by suggesting that these moorings could be utilised for leisure purposes. That statement is of little comfort to the many occupiers of residential house boat moorings in the area and if the Council's assertions are true, then those occupiers deserve to be accorded some support for improvements to be made.

SOUNDNESS OF PLAN

The definition of how "sound" is to be assessed in respect of the Plan is set out at paragraph 182 of NPPF.

In this case, in relation to Chapter 9, and Policy CS25, the plan is not based upon objectively assessed development and infrastructure requirements. There is no objective assessment of these issues as outlined above. On this basis, the plan has not been positively prepared and clearly falls short of what is to be expected in this regard.

In terms of justification, it is apparent that the LPA have categorised residential house boat moorings as having limited facilities and as often being somewhat unsightly, but this is not based upon any evidence. They have not therefore justified their assertion that the areas occupied by residential house boat moorings could be utilised for additional marina berthing. There is no justification for this assertion and it is at odds with evidence on the ground.

In terms of effectiveness, the aspirations in respect of leisure development are unlikely to be delivered because of the lack of guidance on how issues will be balanced between promotion of leisure activities on the one hand and harm to the environment or natural eco systems on the other hand. This lack of guidance does not give confidence to developers or investors to bring forward proposals to meet these aspirations. In addition, the Plan is silent on how residential house boat moorings can be improved to meet the criticism levied at them and to ensure that these residents are given equal status to other residents within the Council's area,

especially if the accommodation is substandard. Accordingly, it is not considered that the approach is likely to be effective in terms of delivery over the plan period.

Finally, the plan needs to be consistent with National Policy. There has been a significant shift in National Policy with the introduction of the presumption in favour of sustainable development. The approach of the LPA in Chapter 9 and Policy CS25 in particular, clearly fails to meet Government Advice in paragraph 14 of NPPF which requires that an LPA should positively seek opportunities to meet the development needs of their area. In this case, the wording of Policy CS25 is not in any way positive and nor is it seeking opportunities and as explained above, provides no guidance on how the balance is to be struck in terms of delivering marine leisure facilities and it is silent on residential house boat moorings.

The second point in paragraph 14 requires that Local Plans should meet objectively assessed needs and as explained above, there is no objective assessment of the needs in respect of these issues because no research has been undertaken and none is relied upon by the LPA in bringing forward this policy.

The Government recognise the need to balance adverse impacts against the need to promote development and it stresses that there is a need to determine whether such adverse impacts would; “significantly and demonstrably outweigh the benefits”. This is a different test to that included in CS25 at bullet point 4, which requires that development; “will not harm”. In this context, it is considered that the Plan is not consistent with National Policy because it doesn’t bring forward a positive promotion of sustainable development because it provides too great an emphasis on “harm” such that any harm could scupper the presumption in favour of sustainable development.

HOW CAN THE PLAN BE MADE SOUND

In order to make Policy C25 fit with National Policy, it is considered that “will not harm” should be replaced by “any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits”. It is therefore suggested that the Policy could be amended as follows:

“Leisure activities on and along the river will be supported as long as any adverse impacts on the environment or natural eco-systems, of doing so, would not significantly and demonstrably outweigh the benefit.”

The Plan should not make comments suggesting that residential moorings could be replaced by leisure moorings without adequate evidence to substantiate their assertions regarding the need for, or quality of residential moorings. It is therefore suggested that this issue needs to be the subject of further detailed work to be undertaken in conjunction with marina operators and representatives of residential boat owners to develop a robust strategy. It is considered that this can possibly be incorporated into a subsequent document with a cross-reference in the text of the Core Strategy requiring this further work to be carried out.

The Inspector is therefore requested to recommend that these changes are made to make the Core Strategy sound.