

DRAFT NEW LONDON PLAN - EXAMINATION IN PUBLIC

WATERWAYS: MATTER NUMBER 86

WRITTEN STATEMENT FROM BRYAN CAVE LEIGHTON PAISNER LLP

Date: 28 February 2019

Introduction

We are a law firm with a market leading London based planning practice. We have set out below our written statement on certain policies within the draft New London Plan. In this statement, we have focussed our comments on policies relating to enhancement of waterway transport facilities and waterway related development.

Relevant Draft Waterway Policies

We note the suggested changes from the Mayor of London following a review of consultation responses (shown as track changes below).

Policy SI15A – Water transport

"Development proposals should protect and enhance existing passenger transport piers and their capacity. New piers will be supported in line with the Port of London Authority and Transport for London's Pier Strategy. The necessary provision of moorings, waste and sewage facilities for passenger vessels should be provided".

Policy SI17 – Protecting and enhancing London's waterways

"C *Development proposals into the waterways, including permanently moored vessels ~~and development into the waterways~~ should generally only be supported for water-related uses or to support enhancements of water-related purposes".*

"D *Development proposals along London's canal network, docks, other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character, ~~and~~ environment and biodiversity and should contribute to their accessibility and active water-related uses. Development Plans should identify opportunities for increasing local distinctiveness and recognise these water spaces as environmental, social and economic assets".*

"Generally, permanently-moored vessels and development into waterways should only be permitted for water-related uses. However, uses such as bars and restaurants (for example ancillary to a passenger pier), and improved access to or along waterways and related public realm, can add to the diversity, vibrancy and regeneration of waterways, in particular in basins or docks. The specific siting of such facilities requires careful consideration so that navigation, hydrology, biodiversity and the character and use of waterways are not compromised. The waterways should not be used as an extension of developable land in London nor should parts be a continuous line of moored craft" (paragraph 9.17.2).

Panel's questions

We note that the Panel identified the following overarching questions concerning Waterways policies:

"(a) Does the Plan contain justified and effective policies to promote and encourage the use of the River Thames and other waterways for the provision of passenger transport services and the transportation of freight?"

"(b) Are all of the requirements of policies SI14 to SI17 necessary to address the strategic priorities of London, or do they extend to detailed matters that would be more appropriately dealt with through local plans or neighbourhood plans?"

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BCLP Representations

A central strategic theme of the existing London Plan and the draft New London Plan is the protection and enhancement of the use of the River Thames as part of London's passenger transport network. We support this policy objective and the Mayor's target (paragraph 9.15.1) of increasing the number of people travelling by river on passenger services to 20 million by 2035.

Upgrading and expansion of the existing passenger pier network is essential to achieve the Mayor's target. TfL's River Action Plan (2013) provides further strategic guidance on the opportunity presented by the pier network for place-making as part of the enhancement of existing piers. The River Action Plan recognises that encouraging investment in piers leads to (a) improved waterway transport capacity and services and (b) realisation of opportunities to create interesting destinations in their own right which encourage public access to the waterways.

The River Action Plan set a target to increase passenger journeys on the Thames to 12 million a year by 2020 (which will be superseded by the Mayor's ambitious 2035 target). It also includes plans for *"improvement in the quality of public realm integrating the river pier to the city and other transport interchanges"* (page 9); *"enhancing place value of piers for tourists as well as locals"* (page 9); *"infrastructure improvements to piers"* (page 20); *"promotion of piers as destinations"* (page 21) and the opportunity to explore provision of *"high quality public realm"*. Reference is also made to the need to seek financial contributions from a joint developer or sponsor.

This 'win-win' scenario provides conditions to encourage private sector investment in upgrading or creation of new pier facilities alongside high quality wider uses such as leisure or certain commercial uses which, as part of a high quality fully integrated scheme, would be complementary to place making objectives.

We note that the Mayor's Transport Strategy (March 2018) provides for the Mayor, through TfL, to work with the Port of London Authority to produce a London Passenger Pier Strategy which will *"promote new piers and additional capacity at strategic piers"*. We understand that draft London Passenger Pier Strategy is not available at this time, however, we trust this will seek to build on the principles and objectives of the River Action Plan.

We explained in our initial consultation response dated 2 March 2018 that we considered the draft waterways policies proposed in the Draft New London Plan to be unduly restrictive in respect of the precise form of development and blend of uses which could come forward to unlock the full potential of the waterway pier and transport network.

Against the above background, we welcome the Mayor's latest consideration and proposed changes (shown above) in the draft New London Plan policies on Waterways. We consider that the Mayor is right to recognise that a degree of flexibility for development proposals into the waterways which support enhancements of water related purposes (see Mayor's proposed amends to Policy SI17 paragraph C as set out above). This is a point which the Panel also rightly identify as requiring consideration in their questions (see above).

We also commend the Mayor's proposed approach of requiring Development Plans to properly acknowledge water spaces as environmental, social and economic assets. We consider that this element of the policy will help facilitate the promotion of multifaceted proposals which both support water-related uses, whilst also helping to achieve place making objectives along the waterway network (see Mayor's proposed amends to Policy SI17 paragraph D as set out above).

The range of locations piers are situated in, from Central London tourist areas to more commercial and industrial sites to the East, militates against a "one size fits all" policy approach. In our view, the planning harm from an overly narrow policy approach would be to deter potential investment in the pier network.

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Private sector investment, as recognised in the River Action Plan, is fundamental to achieving the Mayor's objectives for enhancement of the river passenger transport.

Bringing our representations together, we therefore consider that there is much to commend in the Mayor's proposed amendments to the relevant policies and supporting text in the draft New London Plan. We have set out below some further amendments (shown as track changes) which we consider would increase the effectiveness of the policy towards achieving the overall objective of promoting and encouraging the use of the River Thames and other waterways for the provision of passenger transport services and the transportation of freight.

Proposed BCLP amendments (shown as track changes to the amendments proposed by the Mayor)

Policy SI15 – Water transport

"A *Development proposals should protect and enhance existing passenger transport piers and their capacity. New piers and proposals to enhance existing piers and promote place-making opportunities through such proposals will be supported in line with the Port of London Authority and Transport for London's Pier Strategy. The necessary provision of moorings, waste and sewage facilities for passenger vessels should be provided*".

Policy SI17 – Protecting and enhancing London's waterways

"C *Development proposals into the waterways, including permanently moored vessels should generally only be supported for water-related uses or other uses that ~~to~~ support and complement the enhancements of water-related purposes*".

"Generally, permanently-moored vessels and development into waterways should only be permitted for water-related uses or to support enhancements of water-related purposes. However, uses such as bars and restaurants (for example ancillary to a passenger pier), or in certain cases other uses if compatible with the wider location and integrated with the waterways-related uses, and improved access to or along waterways and related public realm, can add to the diversity, vibrancy and regeneration of waterways, in particular in basins, or docks, or pier locations with high levels of accessibility and wider amenities. The specific siting of such facilities requires careful consideration so that navigation, hydrology, biodiversity and the character and use of waterways are not compromised. The waterways should not be used as an extension of developable land in London nor should parts be a continuous line of moored craft" (paragraph 9.17.2).