

Comments by P. J. Plato of Plato Estates Limited (Representor ID 626200)

Regarding response by Dacorum Borough Council to Inspector's Queries on issues raised during the Core Strategy Hearing Sessions as at 1st November 2012.

Reference: Issue 16 : Countryside – Question 16A – MC97

Dacorum Borough Council has listed six points in response to the issues raised at the Hearing Session. I hereby offer the following comments on each point of which an Executive Summary is given below, with more substantive responses to the Council's six responses listed thereafter:

EXECUTIVE SUMMARY-

- a. The Council has not presented any verifiable evidence to justify their proposals and any evidence that has been presented was provided late in the day, and then only verbally at the Hearing Session itself.
- b. The Council's reliance on the BWB letter is now superseded anyway by further comments from CRT annexed to my Statement & Evidence.
- c. The BWB letter referred to by the Council is also not presenting the full picture & is mainly in response to another issue.
- d. The Council's comments imply a misunderstanding between the different types & uses of canal boats for which there are distinctly different planning considerations. I refer the Inspector to my Statement & Evidence paragraphs 2.17 & 2.18 which explains the distinctions. Applying the same policies for residential boat moorings in the countryside to the larger numbers of boats that are used purely for leisure use as well, would be inappropriate, unnecessary & unhelpful.
- e. The Council's reference to new mooring provision is vague with no evidence to support it. However, the Council does not contest the factual evidence of the growth in numbers of boats currently mooring in Dacorum that I have presented. However, the Council fails to explain how any potential new mooring provision in the next few years will cater for the 359 boats currently moored on line within Dacorum, of which nearly 200 do not appear to be on a formalised mooring.
- f. The Council's reference to the NPPF ignores many other substantial comments in the NPPF relating amongst other things, to the rural economy & encouragement of leisure and informal recreational uses in the countryside (inc Green Belt) for which, in respect of small scale canal boat basins there is further encouragement given in various appeal decisions too.

SPECIFICALLY:

1. The Council refer to the "*expressed views*" of British Waterways Board (BWB - now Canal and River Trust/CRT) and to what they describe as "*implicit support*" from them. However, the BWB letter was read out at the Hearing Session, and as confirmed by the Council's response, actually relates to paragraph 14.46 and the somewhat narrower issues concerning residential boats & visitor moorings. The issue of concern is rather CS paragraph 26.11 which has implications for

mooring provision of all boats, including the recreational & leisure boat user who represent the vast majority of boat owners (72%*). (*Source CRT national boat owner survey 2012.) Only 28% of all boat owners primarily use their boat for residential purposes* and although it is acknowledged that this sector of boat ownership has grown recently, it is not the most pressing issue in view of the needs of the even larger sector of recreational boat ownership. This leisure boat sector is also growing in line with national demographics (- two thirds of boat owners are aged 55 or over of which three quarters are couples, but almost half have annual household incomes of under £30k per annum*. Such recreational use of boats involves on average 15 trips per annum, travelling up to a maximum of 15 miles per day with boat owners now using their boats for on average 65 days per annum (up from 58 days per annum in 2009).*) At the Hearing Session, I pointed out that the letter from British Waterways (BWB) to which the Council now refers, is clearly at least several months old as BWB became CRT in June 2012 & the letter does not refer to paragraph 26.11 at all. The BWB letter had not previously been made public. Indeed, no database of research into the use and needs of the canal that would support the Council's wording of CS paragraph 26.11 have yet been made public which suggests that none has been undertaken. In contrast, the more recent letter that I received from CRT (formerly BWB) is dated 14 Sept 2012, is annexed to my Statement & Evidence, and makes it clear in the opening sentence that their attention had not previously been brought to paragraph 26.11 to which they then address their own concerns. As they are the authority responsible for administration & management of the waterway, I contend that their concerns regarding paragraph 26.11 must carry weight.

2. The Council refer to the aforementioned letter that they have received from British Waterways and state that this letter shows that BWB (now CRT) accepts that restrictive policies should always apply to development in the countryside too. I also acknowledge this approach but feel it is inappropriate to apply it to all types of off line moorings & boat uses. As explained above, the aforementioned letter from BWB is actually addressing issues (principally regarding residential

boat moorings) that are different to the issue raised by myself in respect of paragraph 26.11 that affects all types of boats. I suggest that Council's response implies that they have misunderstood the BWB letter & that consequently paragraph 26.11 is confused in that whilst it tries to address legitimate concerns regarding residential boat use in the Green Belt & AONB, it is so worded that recreational & leisure boat mooring development in the countryside, which may otherwise be potentially acceptable in such locations depending on scale & facilities proposed, will also now be either discouraged or directed towards urban areas too. In view of the many and varied demands of other developments in such areas, such an approach will seriously jeopardise future provision of off line leisure mooring facilities. My Statement & Evidence explains the consequential injurious affects to the historical & recreational value of the canal. It is simply incorrect to imply from the BWB letter, that the same criteria & restrictions that are appropriate to any proposed residential boat mooring facilities in the countryside should also apply to leisure boats moorings in the rural area too. This view seems to be implied within the NPPF by its support of encouraging recreational uses in the countryside & requirements for LPA's to promote the rural economy & to meet the needs of their area too. Whilst I acknowledge that it may be appropriate for the Council to restrict the size of any off line moorings/basins in the countryside and in the case of AONB locations, to seek an even higher standard of landscaping & screening too, it is too restrictive to simply direct all basins away from open countryside where I contend leisure moorings might reasonably be expected to be and unrealistic of paragraph 26.11 to expect the needs of leisure boats to be accommodated outside of countryside areas as well, given that the Council acknowledge the countryside represents 85% of the Dacorum area.

3. The Council refer to the unequivocal support of the Chilterns Conservation Board responsible for the promotion and management of the Chilterns A.O.N.B. I have not had sight of this support but again would refer the Inspector to my Statement and Evidence drawing the distinction

between both the different types of moorings and the differing uses of a canal boat and the lack of any published research or evidence to support the Council's proposals.

4. The Council state that positive encouragement will be given to offline moorings "*in the right places*" in Dacorum. They also refer to around 80 new off line berths as having been created in the last 15 years. However, these berths were themselves rapidly occupied once built and remain so. Therefore they do not cater for the substantially larger numbers of boats having to moor on the canal today, many at informal & inappropriate locations. The Council also refer to potential provision of an unspecified number of moorings at the "Sappi site". Again I have seen no evidence relating to this site and my Statement and Evidence refers to the fact that there is lamentable lack of any evidence base to support the Council's proposed policy for provision of moorings. The recent references to the Sappi site appear to suggest that at present this site is only part of a larger mixed use proposal. No planning application can be found for this site yet and I have seen no details of the type of mooring or the type of boat use they would be proposing to accommodate there (i.e. residential, commercial or recreational/leisure). As such there must be uncertainty regarding whether these moorings will be realised or what use they will address. Even if a further 80 new berths for recreational boats in this urban area near Nash Mills were to be created, self-evidently these would not cater for all the 359 boats currently moored online in Dacorum of which nearly 200 are not on formalised moorings. If the Sappi site is realised in the near future, & it can provide in one place the same number of offline moorings that were created in the last 15 years, that would still leave approximately 279 boats moored on line in Dacorum before considering any further growth over the lifetime of this Plan. Canal boat ownership has increased by over 63% in the last 18 years and in view of the proximity to London and the affluent area that Dacorum represents, demand for recreational/leisure boat moorings locally is unlikely to change its growth pattern in the foreseeable future. Accordingly, the provision of 80 new berths will not only fail to address the needs for the existing boats moored

on the canal but over the Plan period it will also not cater for the further anticipated growth in leisure/recreational boat ownership. Unfortunately, due to the lack of any evidence base presented by the Council to support their proposals, it is impossible to see how they intend to cater for the growth in local boat ownership that has occurred, which in all likelihood is set to prevail for the lifetime of this Plan. The Council has merely suggested that offline moorings in the “*right places*” will be encouraged. The Council have implied that the “*right places*” will be in the urban area or “*less open rural areas*” (as they suggested at the Hearing Session). I respectfully suggest that the Council’s proposal is unrealistic, vague & unnecessary. It seems odd that the Council preclude all moorings & do not attempt to consider the option of there being any “*right type*” of moorings in the “*right places*”. I contend that small scale basins to accommodate leisure moorings in the Green Belt are not in themselves “*inappropriate*” development in the Green Belt and could be appropriate subject to consideration of design & landscaping. Given that offline mooring facilities self-evidently can only be located beside the canal, it is unrealistic to introduce any further constraint on basin development, particularly when other policies addressing Green Belt & AONB constraints already prevail elsewhere & also given the many geotechnical, physical and navigational constraints limiting where such moorings can be developed anyway. I suggest that there are sites located both in the Green Belt or the AONB where offline mooring provision could be incorporated either on a small scale or subject to careful design or other criteria. Appeal decisions both locally and at other locations within Green Belt or other sensitive locations have confirmed this approach for recreational basins and that it is only when larger and more comprehensive facilities are proposed in sensitive rural locations incorporating not only a greater number of boats but also large buildings, slipways, internal roadways, extensive areas of hard standing and parking provision, etc that such larger proposed marinas then become “*inappropriate*” (Ref: Comments within appeal decision(s) APP/H1840/A/11/2162708 dated 2012, APP/Q4615/A/10/2126516 dated 2011, and within the Dacorum area. APP/A1910/A/95/254161 dated 1996.) The local appeal decision APP/A1910/A/95/254161 gave rise to the

definition of what constituted a small scale basin that may be appropriate in the Dacorum Green Belt area and which was later adopted as a guide at the Local Plan Inquiry of 1997 considering local mooring policies at that time. As I suggested at the more recent Hearing Session, it would be more appropriate & helpful for the Council to acknowledge that only small scale basins for leisure boat use may be appropriate outside of the urban area but subject to such proposals recognising the need to minimise any visual impact. Conversely, it is unhelpful for there to be an implied or an expressed restriction of all new basins, even for small scale leisure moorings, as presently proposed.

5. The Council refer to the increase in offline moorings outside Dacorum. Again I must query where is the evidence base to support this view? In contrast, I refer the Inspector to my Statement and Evidence where I draw attention to the fact that neighbouring authorities adopt a different approach to the one being proposed by Dacorum and in any event neighbouring areas have their own shortfall of moorings provision to address. I highlighted to the Inspector at the Hearing Session how the approach being adopted by Dacorum was not conforming to the guidance in the NPPF, specifically paragraphs 178 and 179 in this respect.

6. The Council assert that it is reasonable to manage demand in the interests of the countryside and they refer to paragraphs 17 of the NPPF. As I stated at the Hearing Session, I agree with this approach but in respect of boats, restricting new mooring provision does not manage demand but only compels mooring at inappropriate locations. Other parts of the NPPF are also relevant though and the wording of the Core Strategy specifically paragraph 26.11 both with and without the amendment MC97 or with the further proposed alteration put forward by the Council at the Hearing Session, is neither appropriate in the face of NPPF advice or helpful particularly in the absence of any evidence base to support either suggestion. I pointed out at the Hearing Session that paragraph 17 of the NPPF also requires authorities to promote mixed use developments

and to encourage multiple benefits from the use of land in both urban and rural areas, recognising that some open land can perform many functions (which the NPPF expands to include recreational uses, of which canal boat use seems an excellent example). The same paragraph of the NPPF also encourages the conservation of heritage assets. It is difficult to understand how a policy that tacitly promotes additional on-line moorings can achieve this. NPPF paragraph 28 "*encourages supporting the prosperous rural economy*" of which I suggest that the recreation and leisure use of canal boats can play an important part. The NPPF also goes on to state that LPA's should support the sustainable growth and expansion of all types of business and enterprise in rural areas. I would add the fact that paragraph 14 of the NPPF also requires LPA's to positively seek to meet the needs of their area. The lack of any evidence base, particularly when viewed against the evidence I have presented relating to boat numbers and the need for additional recreational/leisure moorings, suggests that paragraph 26.11 of the Core Strategy has been drafted without any credible evidence base to support it.

In conclusion, I respectfully suggest that the Council's comments on the issues raised at the hearing session in so far as they relate to issue 16, The Countryside, have not addressed the concerns I have highlighted in my Statement and Evidence. No credible evidence base has been presented by the Council to support the proposals within paragraph 26.11 or the proposed minor change MC97 or even the verbal proposal they raised at the Hearing Session. I respectfully refer the Inspector to the suggestions I have made in my evidence or that I proposed at the hearing session. Namely that paragraph 26.11 could be improved by incorporating one word, namely "large" into the prevailing sentence so that it now reads "*a number of boating facilities are available in the area and addition large mooring basins will not be supported*" if the definition of large were then to be defined as anything in excess of 30 boats.