

## **Concluding written comments by The Consuta Trust.**

**Planning Appeal ref:- APP/W0340/A/08/2064920/NWF**

### **Comment on the West Berkshire District Council statement**

The Council's statement declares the main issues for refusal as:-

- \* the impact of unmonitored use of the cut and
- \* The impact of the permanent mooring of a floating boathouse on Beale Lake.

A detailed response on these is in our statement but the key points are restated here:-

- We have never asked for unmonitored use of the cut.
- We never have, and there is no intention of making intensified use of the cut.
- The impact of mooring the boathouse on the lake would be a positive enhancement and is not intended to be permanent.

Other points in the Council's statement that invite comment:-

On the question of intensity of use and unmonitored use of the cut by Consuta. We contacted the council after the refusal to explain that their assumptions on these points were quite wrong; however they were not prepared to meet us to get the facts right. Their appeal statement still persists in promoting these erroneous assumptions.

The Council's description of the lake is somewhat disingenuous. The lake certainly is in a most attractive setting, but it is not natural, being formed following gravel extraction in the 1980's. Since then the lake has been used for a variety of recreational purposes under the careful management of the Beale Park Trust, to which credit is due for its present condition.

The description fails to mention that there is a substantial slipway at the north end of the lake, used to provide boat access long before the construction of the navigation cut to the Thames. Also that there are other man made stages around the waters edge. None of these features are shown on the Council's site map ND1. The line of trees separating the lake from the River Thames was an earlier planning requirement to screen the lake and car park from the river; and not for the purpose suggested in the council's statement. It is the River valley which is the natural feature, and not the lake, which is artificial.

The council suggest that the "*The permanent presence of a floating structure on the lake would significantly impact the attractive visual qualities of the area, to the detriment of its character .....*". This opinion is not supported by anyone else; not even in a letter from the council's own case officer in 2006.

The word "permanent" was put in our application at a very late stage by request of the council officers themselves. In hind sight we were naive to agree to this change, especially as permanency has never been our intention. The floating boathouse can be moved to various locations on the Thames when required; and has been designed with this in mind. Beale Park Trust may wish to move our boathouse during events on the lake. The boathouse will need to be occasionally moved to a boatyard for hull maintenance purposes or to other locations for special river events.

The Council's statement emphasises the importance of "monitoring" to prevent the intensification of use of the cut. However to ensure compliance with the 20 day limit requires a monitoring procedure to cover all days of the year. Condition 5 was well intended, but this condition itself does not meet the government guidelines on setting conditions.

Our proposal does conform with planning policy DP6; please refer to section 2 (ii).

### **Brief summary of the Third Party response letters**

There have been 47 third party response letters, all of which support our appeal.

Some are from Boating and River organisations who are making representations on behalf of their members or their organisations; listed here:-

Mr. Heighton, Director of The National Historic Ships Committee, part of the DCMS.  
Mr. Reynolds chairman The River Thames Society (one of the Council's own consultees)  
Mr. Kinnaird, Chairman of The Thames Vintage Boat Trust  
Mr. Henwood of Henwood & Dean a respected restorer of classic Thames craft  
Mr. Mains, The Director of the Henley River & Rowing Museum  
Mr. Dunn, Chairman of the Steam Boat Association (SBA) of GB  
Mr. Trout, Secretary of the Berkshire Industrial Archaeology Group  
Mr. Bailey, Director of the Beale Park Trust  
Mr. Monkhouse, Vice President of the SBA, Trustee of the Lydia Eva Trust and a retired director of planning.

The local Basildon Parish Council supported our application.

The Consuta Trust supporters organised and submitted a petition with 109 names.

There have been no objections to our application, either via the West Berkshire Planning consultation nor during the Planning Appeal consultation procedures.

### **Some important points raised by these letters**

Every third party letter is important and worthy of close inspection, but we would like to commend that the following be examined in detail:-

- The letter from Mr. Heighton, Director of NHSC gives authoritative advice on the historical importance of Consuta.
- The letter from Mr. Guinnell and Mr. Eager provides a more accurate description of Beale Park than that in the council's own statement.
- The letter from Mr. Reynolds Chairman of the River Thames Society gives the wider view of a society whose aims are to protect the river and surrounding land in this AONB.
- The Letter from Mr. Monkhouse a retired director of planning provides constructive advice for the appeal.
- The letter from Mr. Douglas questions in some detail, whether the present Condition 5 meets government guidelines on setting conditions, and also examines the policy reasons given for the council's refusal.
- The letters from Mr. King, Mr. Snowdon, Mr. Dunlap and others suggest that the council are exceeding their powers by seeking to apply planning policies to boats.
- The letter from Mr. Henwood explains as a expert, why our proposal is necessary to keep Consuta in good condition for public benefit.
- The letter from Mr. Kinnaird on behalf of the Thames Vintage Boat Club and as the chief judge for the Henley Thames Traditional Boat Rally points out that Consuta is a unique example of Victorian boat building at its best.
- The letter from Mr. Porter and others highlights the public interest in Consuta when ever she is steamed on the River Thames.

### **Missing from the Council's statement**

The council's defence statement does not cover three important facts raised by ourselves and also by many of the third party letters:-

- a) Consuta is a listed historic vessel:-

The council have not explained why they have dismissed this case without taking account of the historical value of Consuta which is part of the history and cultural heritage of the local area. Many letters from third parties have queried this. The council's statement lists the various planning policies which are used to assess applications. They state that if an application is not in accord with the development plan they are obliged to consider if there are any other material considerations; but how they have discharged this planning obligation is not covered in their statement.

- b) Planning policies do not apply to boats.

During our application the council asked for case law evidence to support our view that the mooring of boats is not subject to planning control. This was provided by ourselves showing that they were not, and was accepted by council officers. However there is no explanation in their statement as to why they have chosen to disregard this case law evidence when making the decision.

- c) Consuta is an attraction for visitors and tourists to this part of the River Thames valley.

Several third party letters have suggested that the council should take these considerations into account when making a decision about Consuta. The council have a duty under national planning policy PPG7 to support tourism and leisure activities, and our proposal is intended to enhance the contribution already being made by Consuta.

### **Conclusion**

Our application does not involve any land development.

Planning officers never informed us at any stage that our application was considered unacceptable, if the Trust had known this, we would have requested that the application be referred to the planning committee rather than taken by delegated decision.

The council's statement says that the floating boathouse would have an unacceptable impact on the character of the lake. This opinion is not supported by anyone else, not even the council's first case officer.

Richard Benyon, local MP, is keen to assist our initiative in any way possible, but his letter came too late to be included. He says "*The Heritage of the River Thames is a much undervalued resource*". This is a sentiment echoed in several of the third party submissions.

The Consuta Trust proposal is intended wholly for public benefit; seeking to help preserve and display a unique part of the River Thames boating history. West Berkshire Council planners have a duty under planning policies to preserve the history and cultural heritage of West Berkshire; the rejection of our application is inconsistent with these responsibilities.

We hope that the inspector will approve our appeal.

*BWS 7th April 2008*