

From: David Pearson
Sent: 23 January 2014 17:15
To: leys@parliament.uk
Cc: Emma Fuller; Alan Law; Gary Lugg
Subject: RE: Consuta Trust

Dear Mr Benyon,

Thank you for your letter concerning the Consuta Trust received on the 13th January 2014.

I am somewhat surprised that this issue has surfaced again at this time because the Consuta Trust has exercised its right to appeal against refusal of its last application and the appeal will be heard at the Council's Market Street Offices on Tuesday 15th April 2014 by way of an informal hearing. I would have expected them to await the outcome of this appeal before deciding what to do next. If their appeal is allowed their problem will have disappeared and if it is dismissed I would suggest that it would be a waste of their resources to continue trying to obtain planning permission for the boat and associated development to be located at this site. I note the support the Trust has from yourself and a number of interested parties and as the end date for written submissions in respect of this appeal is the 31st January 2014 there is still time for supporting statements to be submitted and of course interested parties may also attend the hearing and ask to speak.

As you are no doubt aware 'Beale Park' is located in a prominent position within a particularly attractive part of the North Wessex Downs Area of Outstanding Natural Beauty. I believe it is fair to say that the stretch of the Thames between Pangbourne and Streatley is one of the jewels in the crown in terms of the landscapes within this Council's boundaries and it is the outstanding character of this landscape which attracts many visitors to this area to enjoy boating or to walk along the Thames Long Distance Footpath and other rights of way in the area. This authority takes its duty to protect this area from inappropriate development that would harm its character very seriously and can demonstrate a consistent approach in respect of the way it has dealt with planning applications in this locality. It is particularly important to note that the government's recently published National Planning Policy Framework restates previous longstanding guidance that National Parks, the Broads and Areas of Outstanding Natural Beauty should have '...the highest status of protection in relation to landscape and scenic beauty' and this aim is also enshrined in Policy ADPP 5 of WBC's Core Strategy adopted in July 2012.

It is against these contextual issues that planning applications at the Beale Park site have been assessed over the years. I think it fair to say that the current level of development and activity at the site has arisen incrementally over a long period of time. My understanding is that the site was initially used in a low key way by an animal charity for many years with the gradual introduction of a range of low key buildings and other facilities to enable visitors to use the site for educational purposes, or for recreation, to raise some funds to enable the charity to keep the site open and look after the animals. In recent years the planning service has become concerned that the current operators of the site would like to significantly intensify the use of the site and the lake. It is our view that any significant intensification of the use of the site, increase in built form, or increased use of the lake would be inappropriate in this location being contrary to the guidance on AONBs in the NPPF and Policy ADPP 5 of the Core Strategy. If the site were greenfield an application to use it as a leisure park and/or marina would stand very little chance of success and I suspect would engender a host of objections on the grounds of its impact on the AONB, on the amenity of those who use the Thames and on the traffic that would be generated in an unsustainable location.

The advice given to the Consuta Trust over recent years and the decisions made on their applications have been made against this background. Account has been taken of their aim to preserve and operate a heritage asset but this has not been judged as being sufficient to

outweigh the harm their proposals would have on the character of the AONB in this area. If you wish to consider the Councils' decisions on these applications in more detail I have attached the planning officer report and the decision notice in respect of both them which I hope you will agree indicates a thorough assessment of the issues has been made even if you disagree with the conclusions. I would particularly draw your attention to the appeal decision attached in relation to application 07/01717/FUL in which the Trust sought to remove conditions attached to a previous planning permission on the lake which restricted its use in a way that would prevent the Trust from keeping the Consuta on the lake as they would like. Apart from making a very minor alteration to one condition the Inspector basically found in the Council's favour concluding that the special historic interest of the boat did not outweigh the harm that it and the structure designed to protect it would have on the AONB [paragraphs 25 to 30 are particularly relevant]. The Inspector also dismissed an application for a costs award against the Council by Consuta concluding that the Council had acted reasonably in the way it had dealt with the proposed development and that decision is also attached. The latest application for a heritage boat museum, which is the subject of the current appeal, is for a much greater level of development than that refused before and in my view is even more obviously contrary to the guidance on development in AONBs in the NPPF and the provisions Policy ADDP 5 of the Core Strategy than the previous application, but clearly the matter is now in the hands of an Inspector to decide.

Finally turning to the advice given by Emma Fuller to Consuta in respect of how they might stand the best chance of convincing the Council that its concerns were unfounded if they were to make a further planning application I agree with her advice that, as the previous outline application fell significantly short of achieving that aim, a full application with all the necessary detail included would be the better way forward. Alternatively they could test the Council's attitude to revised proposals by using its pre-application service which would be a cheaper option initially. Emma also supplied a lot of detail on what would need to be included in an application by way of supporting information. These are the only two options available and the response would be the same whether or not the applicant is a charity as the Council has a duty to provide the correct technical advice and it is for applicants to decide if they can afford to act on that advice or not. In any event given that Consuta have appealed and the hearing is imminent I fail to understand why they might want to consider making a further application until they know the result.

I apologise for the length of this reply but it is not possible to reduce this complex planning history to a few bullet points and give you the clarity on the Council's position you seek. I hope this reply, and the attachments, enable you to understand the stance taken by the Council in respect of these applications even if you do not agree with it. Officers in this service will always attempt to work with applicants to achieve positive solutions so far as limited resources and the deadlines in respect of determining applications allow, but there are some cases where the applicant is clearly proposing the wrong development in the wrong location and in our view this is one of them. Accordingly I feel it unlikely that further negotiation will provide a solution that officers could support and therefore Consuta's best hope is to convince the Inspector to take a different view.

Yours sincerely,

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From: LEY, Susan [mailto:leys@parliament.uk]
Sent: 13 January 2014 10:53
To: David Pearson
Cc: Emma Fuller; Alan Law; Gary Lugg
Subject: Consuta Trust

Dear David

I would be very grateful if you could give me some information concerning the application by the Consuta Trust for a Thames Heritage Boat Museum at Beale Park. I have always been at a loss to see what the problem with this application has been and perhaps you might be able to give me more details of why you feel this would be very intrusive and the wrong development for this site.

My understanding from the Trust is that the only advice they have received as to how to take this matter further was a response from Emma Fuller to say that they should re-apply as a full application, with all details finalised for pre-application planning advice. They have assessed the costs of this at between £30K - £40K which, of course, the Trust cannot justify for only obtaining planning permission in principle for the development at Beale Park. My understanding is that the Trust had been previously informed by Emma Fuller of the limited funds available to the Trust. My frustration with this matter is that I believe this to be a very useful part of this area's heritage and such a development would be a wonderful addition to the tourism potential offered by Beale Park, and a major economic benefit to the area. The application for this development has support from the National Maritime Museum, National Historic Ships, the MLA, the River Thames Society and many other bodies. So many of them are at a loss to understand why the Local Authority should be so obstructive in their response.

This application has received widespread publicity amongst members of Parliament and a variety of organisations in addition to those listed above who are incredulous that something like this is opposed by the Council. I very much welcome your views and offer any services I can give to finding a resolution to this matter.

I am copying this e-mail to the Local Councillor, Alan Law, to Gary Lugg and Emma Fuller.

With best wishes

Yours sincerely

Richard Benyon MP
Member of Parliament for Newbury

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