



**DACORUM BOROUGH LOCAL PLAN
ALTERATIONS PACKAGE 1996**

**PUBLIC LOCAL INQUIRY
INSPECTOR'S REPORT**

August 1997

**INSPECTOR'S REPORT INTO THE PUBLIC LOCAL INQUIRY
ON THE DEPOSIT DRAFT OF THE
DACORUM BOROUGH LOCAL PLAN ALTERATIONS
PACKAGE 1996**

INTRODUCTION BY THE BOROUGH COUNCIL

1. This Introduction describes the availability of the Inspector's Report and helps explain how to use it. The Introduction also explains what will happen next.

Availability of the Inspector's Report

2. The Borough Council acknowledges the general public interest in the Inspector's conclusions and recommendations and has made his Report available as soon as possible. Council Officers have checked the report for serious ambiguities and errors. No significant errors have been found, and the Inspector's Report has been printed - complete with typographical errors - as it was received. For the benefit of the reader, the following minor errors may be noted:

Objection 7 from the Government Office for Eastern Region relating to para 2.1.6 has been missed from the main list of objections on page 19.

Objection 98 (Berkhamsted Town Council) concerning para 2.3.13 has been omitted from the list of objections.

The list of objections on page 35 should exclude reference to objection 71 and 72 from Mr and Mrs Hillier and objection 23 should read 24.

The objection from Mrs E J Nyboer on page 39 should read 137D.

The list of objections concerning paras 3.14 - 3.21 should include objections 70 and 73 (Mr and Mrs Hillier) and objection 136 (Mr C M Clapham).

Objection 23 (HCC Land and Movement Planning) has been omitted from the list of objections on page 45.

3. The Report may be inspected during normal office hours at:
 - The Borough Council's office in the Civic Centre, High Street, Berkhamsted.

- The Borough Council's office in Victoria Hall, Akeman Street, Tring.
- The Planning Reception office in the Civic Centre, Marlowes, Hemel Hempstead.

Copies may be purchased at these places or by writing to the Director of Planning, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, Herts HP1 1HH - price £2.00 per copy.

4. The Report is also available for inspection in public libraries in Dacorum.

The Inspector's Report

5. The Report is clearly set out and has an important covering letter which summarises key issues arising from the consideration of objections to the Dacorum Borough Local Plan Alterations Package 1996 (Alterations Package 1996). There then follows three sections in which the Inspector considers all objections and gives his conclusions and recommendations.
6. The Inspector's Report makes recommendations to the Borough Council on whether it should change the Alterations Package 1996 or not.
7. The Council will, in due course, decide what action to take in respect of each recommendation and give its reasons. The decisions will be published in a Statement of Decisions.
8. The Council must decide exactly how to modify the Alterations Package 1996 and will publish a List of Modifications.
9. By law, the Inspector's Report, the Council's Statement of Decisions and the List of Modifications must be formally advertised and made available at the same time.
10. A timetable has not yet been set to achieve all these tasks but they are likely to take several months. This is because of the issues arising from the Inspector's Report and because of the practical arrangements needed to amend the documents which make up the Alterations Package 1996.
11. Representations, including objections, may be made to the List of Modifications during the period when they are formally 'on deposit'. *Objections should not therefore be made directly to the Inspector's Report or to the Council's Statement of Decisions.*

12. In the light of the representations received, the Council will, taking the advice of the Department of the Environment, Transport and the Regions, decide whether a second public local inquiry is necessary. If held, such an inquiry would consider new issues that have arisen from the Modifications themselves. If no inquiry is necessary, the Council may proceed to adopt the Alterations Package 1996.

N.B

Status of this Introduction

13. This Introduction forms no part whatsoever of the Inspector's Report and is only intended to help the reader in understanding the planning process.

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Issued August 1997

ins-rep

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INSPECTOR'S REPORT

DACORUM BOROUGH LOCAL PLAN

ALTERATIONS PACKAGE 1996

INSPECTOR: RICHARD E HOLLOX
BA(Hons) BSc(Econ) MPhil FRICS FRTPI

INQUIRY: 8, 9 & 10 April and 14 May 1997

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Date: 22nd JULY 1997.

Chief Executive
Dacorum Borough Council
Civic Centre
HEMEL HEMPSTEAD
Herts HP1 1HH

Dear Sir

REPORT ON OBJECTIONS TO THE DACORUM BOROUGH LOCAL PLAN -
ALTERATIONS PACKAGE 1996

1. As you know, I was appointed by the Secretary of State for the Environment to consider all the duly made objections to the Dacorum Borough Local Plan - Alterations Package 1996. On Tuesday 8 April 1997 I opened a public local inquiry for this purpose at the Civic Centre, Hemel Hempstead. I closed it on Wednesday 14 May 1997 on its 4th day. I had held a pre-inquiry meeting on Thursday 20 February 1997 for procedural and administrative matters relating to the inquiry to be explained and discussed, and for a draft programme to be considered. Before the inquiry, during it and since closing it, I have undertaken a number of site visits, all on an unaccompanied basis. I now have the honour of presenting to you my report, of which this letter is part.
2. The Plan was placed on deposit on 30 September to 8 November 1996 for objections to be made to it during this 6 weeks statutory period, and 143 objections were received. In addition, your Council received and accepted one late representation from Town Councillor Mr I Johnston and, as your staff requested, I have taken it into account. Of these objections, 38 were considered at the inquiry, many of them being pursued by Mr Bull on behalf of residents of Bovington. The remainder were in the form of written representations, and I have accorded them the same weight as those examined at the inquiry.
3. As a result of the consideration of objections, your Council suggested changes to the Plan (Proposed Changes). They are described in Mr Francis Whittaker's letter to me of

25 February 1997 as being few in number, minor, and not raising any new issues. They are set out in Document 19 - Representations on Deposit Draft, Statement of Intent and Pre-Inquiry Suggested Changes February 1997, which was made available for public comment. During the course of the inquiry, the Council stated that they would be content with a limited number of further changes to the Plan, mainly concerning the policies for the Grand Union Canal. They asked me to take into account all these representations, and I have done so. I was assured that your Council abided by all the relevant statutory requirements in the preparation of the Plan; nobody was of a contrary opinion, and I accept that this is so.

4. My Report is arranged in the same order as were the matters examined at the inquiry. I have started my consideration of each of the 3 topics on a new page, as this will assist in the copying of extracts for particular objectors. I identify main issues which are then discussed in my Conclusions, but there may be other points which, although not set out, I have taken into account. The various parties will be well aware of the cases which they make and so I see no need to repeat them. The main points are, however, subsumed under my Conclusions. I then recommend whether, as a direct consequence of the objection(s) being considered, the Alterations should be modified.

5. The Alterations concern 3 matters. The first is a Policy and its reasoned justification for the location of recreational and residential moorings on the Grand Union Canal, the objections to which are mostly on the basis that it should be more flexible, especially in the Chilterns Area of Outstanding Natural Beauty. The second concerns proposals for the guidance of development, especially retail, as well as conservation policies and traffic management measures, in Berkhamsted Town Centre. The third comprises policies for Bovington Airfield which are put forward in the context of the Metropolitan Green Belt; a significant element here is a proposal for a by-pass for the village, which I recommend should be deleted from the Alterations.

6. Throughout the Report, changes to the Policies are shown in UPPER CASE, whether suggested by the Council, by Objectors, or recommended by me. Changes put forward to the supporting text (reasoned justification), and which I usually record, are shown in *italics*. In general, I do not report statements of support for the Plan unless they are of special significance, but I have examined them thoroughly and they have greatly assisted me in making my recommendations. I note especially the support which the Council have received in their commitment to the Green Belt.

7. In some instances, I recommend that policies be modified, or their contents included in the supporting text, because I

do not consider that they accord with national advice in Planning Policy Guidance (PPG) 12 and Development Plans - A Good Practice Guide page 87 on the nature and function of development plan policies. The use of such phrases as "the Council will encourage" and "investigate" should be avoided as this indicates a statement of aims or objectives rather than a land use policy. To ensure consistency, I urge your staff to re-examine all policies in the Alterations in the light of this advice.

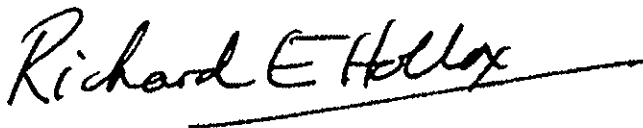
8. Especial thanks are due to Mrs Julie Foulsham, the Programme Officer, who has been of great help to me in ensuring the smooth and efficient running of the Inquiry, and subsequently in checking documents. I am grateful to your staff, especially Mr Francis Whittaker and Mrs Lorna Clark, for their unfailing courtesy and assistance to the inquiry in general and to me in particular. It was also a pleasure to meet the Objectors who appeared at the Inquiry; I much appreciated their good humour and their cheerful readiness to assist all concerned in any way possible.

9. I understand from Mr Whittaker that the 3 parts of the Package will be bound together in their modified form to comprise one Alteration document to the Dacorum Borough Local Plan, which was adopted on 12 April 1995. This appears to me to be a sensible approach, and I commend it. The 2 documents should then be clearly cross-referenced to ensure, for example, that any proposals for the Green Belt are considered in the context of the adopted Local Plan and its adopted Alterations, a point made by your Council in their response to a number of objections.

10. The Appendices include a list of appearances and schedules of representations and documents. I understand that the documents are available for public inspection at the Civic Centre at all reasonable times, but preferably by prior appointment with the Planning Department (tel 01442 228383).

11. I have arranged for a copy of this letter to be sent today to the Government Office for Eastern Region and to the Department of the Environment, Transport and the Regions.

Yours faithfully



RICHARD E HOLLOX BA(Hons) BSc(Econ) MPhil FRICS FRTPI
(Inspector)

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1 LOCATION OF RECREATIONAL MARINAS OR MOORING BASINS AND RESIDENTIAL MOORINGS ON THE GRAND UNION CANAL

Objections

5, 15, 16 Government Office for Eastern Region
20 Hertfordshire County Council
25 Tring Rural Parish Council
27 English Nature
28-31 Residential Boat Owners Association
33 Environment Agency
34-37 Cougar Enterprises Ltd
38-67 & 135 British Waterways

Main Issues

- * Whether the text is presented in sufficient clarity
- * Whether the Policy and its reasoned justification generally accord with Government advice, especially with regard to the protection of the Green Belt and Areas of Outstanding Natural Beauty (AONB); and if not, whether there are any local circumstances of such force that they warrant such differences
- * Whether the supporting text should specify a normal maximum of 30 boats at any one rural location
- * Whether any car parking standards should be set
- * Whether the text should be updated and a glossary of terms included

Conclusions

*

1.1 To ensure greater clarity, the 3 aspects of the Policy, recreational moorings, residential moorings and car parking requirements, should be set out in 3 distinct sections. I agree with the Government Office on this point, as do the Council, and it would make the Policy more understandable. I see nothing wrong or confusing with the reasoned justification of reasons and background following the Policy rather than preceding it. This approach is not unusual, and here it clearly propounds the Policy and then the reasons for it.

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1.2 In dealing with the second issue, I have kept in mind that much of the Borough is either in the Metropolitan Green Belt or the Chilterns AONB; some parts of its countryside carry both designations. I have been impressed in my travels by the openness of the former and the natural beauty of the latter, and I support the Council's general stance in their protection of both. At the same time, however, the Grand Union Canal, including its Arms, is a valuable resource for leisure uses. I have walked along extensive stretches of it and noticed the opportunities which it provides for fishing, strolling, studying the natural and built environment and, of course, boating. British Waterways should be congratulated on their information boards, which I am sure are appreciated by the many visitors to the Canal.

1.3 It is part of the function of the planning system, as Planning Policy Guidance (PPG) 17 advises, to ensure through the preparation of development plans that adequate land and water resources are allocated both for organised sport and informal recreation. Green Belt land has a positive role to play in providing opportunities for outdoor recreation near urban areas. These policies do not mean that moorings, the Policy for which should include lay-bys, must be provided to meet all existing and likely future leisure and residential demands made upon it, even if they could be precisely estimated. An attractive feature of much of the course of the Canal and its surroundings is the tranquillity, and a balance must be struck between the objectives of conservation and development. This, in my opinion, would be in line with Government policies including those in PPGs 1, 2, 7 and 17, and it has been my approach.

1.4 Whether or not moorings of various forms and descriptions are an appropriate form of development in the Green Belt is a relevant matter, as is whether they should be treated as buildings. Advice in PPG2 is that the construction of new buildings in the Green Belt is inappropriate unless it falls within a limited number of categories, including essential facilities for outdoor recreation and for other uses which preserve its openness and do not conflict with the purposes of including land in it. In their letter of 14 April 1997 to British Waterways, the Department of the Environment suggest helpful considerations (Document 21). These are whether the facilities offered by a recreational marina are genuinely required for a use which would preserve that openness, whether they are essential for that use and are of a scale which is in line with the examples set out in PPG2 paragraph 3.5, which are described as small or unobtrusive.

1.5 The Department say that the test in PPG2 paragraph 3.15 must be applied. The visual amenities of the Green Belt

should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. Much would depend upon the scale and nature of a particular proposal and each one should be judged on its merits. This advice has greatly assisted me, as it did the parties at the inquiry; it can be applied to mooring basins and lay-bys, and I respectfully associate myself with it. I have borne it in mind in the framing of the criteria-based policy which, for reasons to be explained, would be more in line with national advice than is the deposited policy.

1.6 The objections lodged by British Waterways coincide a good deal with those made by Cougar Enterprises Limited. The former object to the term "small scale" in the text but agree that "appropriate" be retained. It would be unfortunate, however, if any implication were created that large moorings, substantially eroding the openness of the Green Belt and the natural beauty of the Chilterns AONB, would be acceptable. It is right, however, to qualify "small scale" with "generally" as there may be opportunities for larger developments, especially in the urban areas, subject to suitable criteria. A marina is defined as a yacht etc station prepared with every kind of facility for a sailing holiday, and the deletion of this type of facility from the Policy would assist in ensuring a suitable scale of development.

1.7 The Objectors consider that the Policy should state that:

Sites should normally:.....,

but this would be contrary to advice in the Good Practice Guide - Development Plans which advocates criteria-based policies. Any exceptions should be permitted on the basis of material considerations outweighing the development plan, as provided by Section 54A of the main Act. This would be a more certain basis for the Policy and I commend it.

1.8 British Waterways object to the requirement that moorings must be close to existing services, and say that it should instead be a preference. In my view moorings should, in general, be close to a basic range of services, however that term might be defined, if only to minimise the number and impact of new buildings. The Council's later stance that this criterion should be treated as a guideline is more realistic, enabling each proposal to be assessed against the range and proximity of existing and proposed services and amenities.

1.9 The Objectors further suggest:

in the Green Belt, proposals should seek to re-use existing buildings.....or damaged sites where possible.

I agree with the Council that the conversion and re-use of existing buildings should generally be encouraged in the Green Belt, but this may not always be possible or viable. The Council's suggested distinction in the Policy between those criteria which are requirements and those which are expectations should assist in this regard. The retention of "seek to" would be superfluous and it should be deleted.

1.10 Cougar Enterprises Limited say that Criterion (c) is too demanding. British Waterways suggest that it be re-cast as:

integrate satisfactorily into the surrounding landscape and include measures to mitigate against damage to the nature and quality of that landscape. In particular,...

✓ The emphasis should, however, be on avoiding material damage to acknowledged interests, as PPG1 advises, rather than on insisting that proposals must enhance, or similar, the character and quality of the landscape. I have taken these points into account in my recommendation which, if accepted and re-inforced by the Council's attachment of appropriate conditions to any permission, should meet all reasonable concerns.

1.11 As a general principle, those proposals which would result in serious inconvenience or danger on local roads and country lanes should not be permitted. I agree with the Council that where such development would require the construction of new, or the substantial improvement of existing, roads, it would be likely to result in material damage to the countryside. These are further considerations which imply that any proposals should generally be modest or small in scale and suitably located. Minor road improvements and/or limited additions to serve a scheme may be acceptable, and I recommend accordingly.

1.12 In their objection to Criterion (e), British Waterways state that sites should not automatically be required to include provision for relocating on-line boats as this would be unreasonable and could affect the viability of a scheme. I consider that the Criterion should be retained in some form, however, especially where there is an opportunity to relocate boats from an unsatisfactory towpath mooring. The greater flexibility of the Council's Proposed Change, including the treatment of the Criterion as a guideline, and the terms of my recommendation, would meet this valid point.

1.13. The Council accept English Nature's suggestion that the Policy should include a criterion concerning the nature conservation value of both the Canal and its vicinity. Canals and their surroundings can be important resources in this respect and their wildlife and its habitats should generally be protected. A change to this criterion on these lines would

accord with the general objective in PPG9 of affording this protection. British Waterways consider that this Criterion (g) should limit, rather than avoid, any adverse effect. It is, however, material rather than trivial harm which must be avoided, and I recommend on that basis.

1.14 Like British Waterways and Cougar Enterprises Limited, I am doubtful about the term "proliferation", however that might be defined. The Council should, I think, be more concerned about any damaging effect(s) arising from too great a number of moorings and/or lay-bys being located close to each other. In that context, and recalling the tranquillity of much of the Canal, I accept that the word could stay. I therefore recommend criteria based upon the Council's reasonable fears in this regard, as explored at the inquiry.

1.15 The County Council suggest an additional criterion relating to archaeological remains. In view, however, of Policy 108 in the Local Plan, the generality of my recommended Criterion A) and the importance of PPG16 which would remain a material consideration, I am not persuaded that this would be necessary.

1.16 Turning now to the AONB, the Council's stance at the inquiry was that recreational moorings in this Area would not be acceptable in any circumstances. This is an even more restrictive policy than is proposed for the Green Belt and it is of concern to the Government Office and other Objectors. The objectives of these 2 designations are different, however, the primary objective of designating an AONB being the conservation of the natural beauty of the landscape. National advice in PPG7 is that, consistent with that objective and others, these Areas should be used to meet the demand for recreation. The Hertfordshire Structure Plan Policy 26 promotes the management of recreation and tourism within the capacities of each area and the overriding needs of conservation, and Policy 90 (b) in the Local Plan is in similar vein. These policies provide a useful context.

1.17 In devising a policy for recreational moorings in the Chilterns, the Council's starting point was its status as an AONB and this designation led them to their view. But a more positive approach would have been to examine the Canal throughout the AONB, and indeed elsewhere, and to consider whether any parts of it had the potential to accommodate moorings and/or lay-bys. The Joint Assessment which they carried out with British Waterways should be a useful basis. Consideration must be given to the objectives of designation and such matters as the limited width of the Wendover Arm, the steepness of the Tring Cutting and other relevant technical and operational constraints. On the evidence available, however, I do not discount the possibility of locations being found where a mooring basin(s) and/or lay-by(s) of suitable

✓ scale, design and landscaping would not materially detract from the natural beauty of the Area. Nor need any such moorings be of such orderliness to give a "regimented appearance", an unfortunate term which should be deleted. ✕

1.18 Objection is raised to the treatment of residential moorings as buildings. There are obvious differences between boats and more conventional dwellings, and the visual impact of the former in a canal environment is likely to be less. There are significant similarities, however, in terms of suitable access and services required, and Policy 24 in the Local Plan states that "proposals for residential moorings.....will be treated as though they were for residential buildings.....". I agree with the Council on this point, and note that the Policy does give some scope for reasonable exceptions to be made, as does Section 54A of the main Act. This is more by way of explanation, however, and it should be in the supporting text, not part of the Policy.

1.19 British Waterways object to the qualification applied to residential moorings as "limited". It is difficult to estimate with any precision the demand for this type of development, especially from newcomers. And, given the balance to be struck between the 2 main objectives of conservation and development, as well as the material considerations arising in each case, it is impossible to predict the number of moorings which might eventually be suitable. I endorse the comment of a previous Inspector in April 1996 that the "reasonable efforts" which British Waterways will make to secure suitable residential moorings for "moratorium" boats must be within the limits of planning legislation and policies (T/APP/A1910/A/95/254161/P2). In view of the planning and other constraints outlined, I would expect numbers to be small rather than great. The retention of the word, coupled with the recommended criteria, would ensure the right context.

1.20 British Waterways object to any requirement that linear residential moorings must be in off-side locations, on the opposite side to the towpath. Generally, however, such an arrangement would offer clear advantages, including avoidance of obstruction to the towpath, but I accept that there might be circumstances where moorings alongside the towpath would cause no great inconvenience to its users. The Council's use of "should" rather than "must" supports my view that this criterion would be better expressed as an expectation rather than a requirement.

1.21 For residential moorings, British Waterways say that it may not always be necessary to provide certain facilities on site as required by Criterion (i) as they might be available nearby. But the Council are right to stipulate a reasonable requirement of essential facilities. Where warranted, it

might be possible to relax the requirements as an exception, but the Policy should not be diluted. Refuse and sewage disposal facilities must be suitably located, arranged and constructed and, as the Council say, the Environment Agency would be consulted at the stage of detailed proposals. I see no need for change in this respect.

1.22 Moorings for security purposes may be required, but I would regard them as usually part of a scheme for recreational purposes. And I see no insurmountable problem in principle with the occasional inclusion of one or 2 or so residential moorings within a recreational scheme. Any proposals for such residential moorings would, therefore, be subsumed within a larger development and hence considered in the context of the Policy. In other circumstances, I would expect any proposal for residential moorings, for security or otherwise, to be determined on its merits, taking account of all material considerations.

1.23 To conclude on this issue, I can identify no local circumstances of sufficient importance to outweigh the thrust of Government advice. In my judgement, and bearing in mind national guidance on the framing of land use policies, a criteria based approach should form the basis of a policy for recreational mooring basins, lay-bys and residential moorings. In the case of proposals for recreational moorings in the AONB, it would be better than a complete embargo, an approach which would run counter to national policies and cannot be substantiated.

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1.24 The supporting text states that in rural locations there should normally be a maximum of 30 boats. This does not have the force of policy, but when read with "generally small scale" developments, it is bound to sway the Council in their deliberations. Certainly, moorings should not be so big and accommodate so many boats that they would result in serious intrusion or other harm in the surroundings. But boats vary greatly in size, from 15 to up to 72 feet in length, and it would be better to gauge the effect of a proposal in its entirety, taking into especial account its location, scale and design, rather than to accept or fail it on account of the number of boats which could be moored within it. And so, according to circumstances, more than 30 might be acceptable, fewer might be unacceptable. And the viability of a proposal is likely to depend upon the number of boats which could be accommodated, although site characteristics will also play their part, as Cougar Enterprises Limited explain. The figure of 30 is arbitrary, would provide little assistance, and should be deleted.

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1.25 Objections are raised to the car parking requirements, particularly to the lack of clarity for spaces for permanent non-residential mooring proposals. In some cases, the guideline of one space for every 5 boats as British Waterways suggest might be suitable, but there is little evidence to support this provision as a consistently realistic standard. Such factors as the availability of public transport and car ownership are likely to vary, and in my experience it is not unusual for parking requirements for some types of development to be assessed on an individual basis. On the evidence, the Council's more flexible approach is preferable.

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1.26 There is scope for updating the text, and I mention the main points. The Background should acknowledge the completed scheme at Pitstone Wharf, located just outside the Borough. It should note that the number of craft licences issued by British Waterways increased by 31% between 1991 and 1996, and that the British Waterways Act received Royal Assent in January 1995. It should include the corrected numbers of moratorium and unauthorised boats in the Borough. The moorings at Winkwell will have to be offered to all moratorium boats, not just those in Dacorum, and it is British Waterways Southern Region's current policy not to increase the number of moored boats on the towpath. The Council accept these points, and I recommend accordingly.

1.27 The Background includes a factual statement concerning the number of unregistered boats. There is a distinction between unregistered and moratorium boats and the Council are right to make it; the last 2 sentences, amended as the Council propose, should stay.

1.28 A Glossary of Terms would be a helpful addition and meet a number of useful points made by the Objectors. My recommended glossary is almost the same as that agreed at the inquiry by the Council, British Waterways and Cougar Enterprises Ltd.

Review

1.29 It would be impossible to anticipate every type of proposal, and some terms in my recommended Policy are not amenable to precise definition. My recommendation includes a re-casting of the criteria and their re-ordering into requirements and expectations, thus ensuring the greater flexibility in the Policy which Objectors rightly urge and, in principle, the Council accept.

1.30 I hope that my recommendation will provide a useful basis for the Council and prospective developers alike. It is founded upon the helpful points made by the parties, relevant advice in PPGs and Development Plans - A Good Practice Guide, and my studies of all those parts of the Canal, and others, which I was asked to inspect.

Recommendation

1.31 I recommend that the Alterations be modified as follows:

LOCATION OF RECREATIONAL MOORING BASINS, LAY-BYS AND RESIDENTIAL MOORINGS ON THE GRAND UNION CANAL

RECREATIONAL MOORINGS

APPROPRIATE, GENERALLY SMALL SCALE, RECREATIONAL MOORING BASINS AND LAY-BYS WILL BE PERMITTED IN URBAN AREAS AND IN THE GREEN BELT OUTSIDE THE CHILTERN AREA OF OUTSTANDING NATURAL BEAUTY, SUBJECT TO THE FOLLOWING CRITERIA. PROPOSALS MUST:

- A) CAUSE NO DEMONSTRABLE HARM TO ACKNOWLEDGED INTERESTS ON NEARBY LAND,
- B) INTEGRATE SATISFACTORILY INTO THE LANDSCAPE IN SUCH A WAY THAT SERIOUS DAMAGE IS NOT CAUSED TO ITS CHARACTER OR APPEARANCE,
- C) BE SERVED BY AN ADEQUATE EXISTING ROAD ACCESS AND NOT REQUIRE, APART FROM ANY MINOR IMPROVEMENT AND/OR ADDITION, THE CREATION OF NEW ROADS OR SUBSTANTIAL CHANGE TO THE CHARACTER OF COUNTRY ROADS AND/OR LANES,
- D) CAUSE NO SERIOUSLY ADVERSE EFFECT ON THE VALUE OF THE CANAL AND NEARBY LAND FOR NATURE CONSERVATION,
- E) NOT RESULT IN THE PROLIFERATION OF BASINS AND/OR LAY-BYS WHERE THIS WOULD CAUSE:
 - 1) THE OVERLOADING OF THE LOCAL ROAD SYSTEM AND CONSEQUENT INCONVENIENCE AND DANGER UPON IT, OR ✓
 - 2) DAMAGE TO THE LANDSCAPE AND/OR COUNTRYSIDE, OR ✓
 - 3) LOSS OF CHARACTER OF THE GRAND UNION CANAL AS AN IMPORTANT HISTORIC AND VISUAL FEATURE AND AS A SOURCE OF TRANQUILLITY IN THE URBAN AND RURAL SCENE. ✓ ?

IN ADDITION, AND WHERE APPROPRIATE, PROPOSALS SHOULD:

- i) BE CLOSE TO EXISTING SERVICES AND AMENITIES; IN THE GREEN BELT THEY SHOULD MAKE USE OF EXISTING BUILDINGS (SEE POLICY 100) AND DAMAGED SITES, ✓
- ii) MAKE A POSITIVE CONTRIBUTION TO THE CANALSIDE ENVIRONMENT, ✓
- iii) OFFER ADVANTAGES IN CANAL MANAGEMENT AND USE SUCH AS THE RELOCATION OF BOATS FROM TOWPATH MOORINGS, AND ✓
- iv) INCORPORATE LOW-KEY INFORMAL RECREATION FACILITIES WHERE APPROPRIATE (SEE POLICY 107). ✓

✓ PROPOSALS IN THE CHILTERN AREA OF OUTSTANDING NATURAL BEAUTY WILL BE JUDGED ACCORDING TO THE SAME CRITERIA, AND AGAINST THE NEED TO CONSERVE THE NATURAL BEAUTY OF THE LANDSCAPE.

RESIDENTIAL MOORINGS

✓ PROPOSALS FOR A LIMITED NUMBER OF RESIDENTIAL MOORINGS, ESPECIALLY THOSE ARISING FROM THE BRITISH WATERWAYS MORATORIUM OF 1991, WILL BE ACCEPTABLE WITHIN AND AT THE EDGE OF THE URBAN AREAS, SUBJECT TO RELEVANT DEVELOPMENT CONTROL CRITERIA. LOCATIONS IN OPEN COUNTRYSIDE WILL NOT BE ACCEPTABLE UNLESS INCORPORATED IN AN APPROPRIATELY SITED MOORING BASIN.

PROPOSALS WILL BE DETERMINED IN THE LIGHT OF CRITERIA A-E AND i-iv ABOVE AND MUST INCLUDE:

- 1) SUFFICIENT SPACE AT THE MOORINGS FOR ESSENTIAL FACILITIES INCLUDING WATER STANDPIPE(S), ELECTRICITY SUPPLY (NO OVERHEAD LINES), REFUSE AND SEWAGE DISPOSAL AND ADEQUATE LANDSCAPING, AND
- 2) ADEQUATE PEDESTRIAN AND SERVICE VEHICLE ACCESS, AND
- 3) NO MORE THAN MINIMAL, UNOBTRUSIVE LIGHTING, ESPECIALLY IN RURAL AND URBAN FRINGE AREAS
- 4) NO INDIVIDUAL GARDEN AREA(S).

LINEAR RESIDENTIAL MOORINGS SHOULD BE LOCATED ON THE OPPOSITE BANK FROM THE TOWPATH AND MUST NOT UNDULY IMPEDE NAVIGATION.

CAR PARKING STANDARDS

FOR MOORING BASINS AND LAY-BYS, CAR PARKING REQUIREMENTS WILL BE RELATED TO THE NUMBER OF BOATS AND THE ACCESSIBILITY OF THE

SITE. FOR RESIDENTIAL MOORINGS, PROVISION WILL JUDGED ACCORDING TO THE AVAILABILITY OF PUBLIC TRANSPORT USING ONE SPACE PER 2 BOATS AS A GUIDELINE.

REASONS

i The Grand Union Canal South has more private boats than any other waterway in the South East region. It is British Waterways Southern Region's current policy not to increase the number of moored boats on the towpath, but to provide additional off-navigation moorings with a range of boating services including sanitary stations and fuel and water points to meet recreational demand. Recreational mooring basin developments in Dacorum should be small in scale in rural locations and cause no material harm to the landscape. Such recreational developments could be open to other recreational uses appropriate to the Green Belt. Locations should be close to existing services to minimise the need for new buildings. The Canal forms an important part of the landscape in the Chilterns Area of Outstanding Natural Beauty and the conservation of its natural beauty will be a particularly important matter in the consideration of any proposal. Larger developments may include a security mooring and are more likely to be appropriate in urban settings.

ii Residential moorings offer an opportunity for comparatively low cost accommodation and a different lifestyle. Due to a shortage of authorised moorings, however, many boats are simply moored at locations convenient to the owner. This can lead to problems of rubbish and sewage disposal, noise from generators due to lack of mains power supply, use of solid fuel for heating with resulting smoke pollution, unauthorised occupation of visitor moorings and loss of amenity for local residents and other users of the Canal. An overall limit on numbers and carefully planned siting of permitted moorings is essential to safeguard the canal environment.

iii The Development Plan treats residential moorings as buildings (Dacorum Borough Local Plan Policy 24). This Policy assists in interpreting the Development Plan and gives some scope for justifiable exceptions being made to it.

BACKGROUND

iv There are 17 miles of the Grand Union Canal in Dacorum, including 2 miles of the Aylesbury Arm and one mile of the Wendover Arm. Within this section are 32 locks. The main Canal and the Wendover Arm are in the Metropolitan Green Belt and a quarter (4.25 miles) of the overall length is in the Chilterns Area of Outstanding Natural Beauty. The Aylesbury

Arm is in the rural area beyond the Green Belt and may be too narrow to accommodate any additional facilities apart perhaps from lay-bys. For topographical reasons, the 2.5 miles section of the Tring Cutting from Bulbourne to Newground Bridge may also present difficulties for development.

v Facilities in Dacorum include a marina at Cow Roast with more than 100 berths, wet dock and chandlery; a boatyard and a boat hire firm at Berkhamsted; a boatyard at Winkwell (where 6 residential moorings have been approved), and other minor facilities such as sanitary stations/water points.

vi Outside the Borough the nearest major marinas are at Harefield, Hillingdon, (over 230 berths) to the south, and Milton Keynes (over 300) to the north. Potential marina sites in the vicinity of Rickmansworth and Leighton Buzzard are at early stages of consideration. A lay-by facility for up to 20 boats has been completed at Pitstone, just beyond the Borough boundary, and a boat hire venture has been established at Pitstone Wharf. At one time, British Waterways envisaged a major basin (300 boats) every 25 miles, with smaller basins every 5 miles. The number of craft licences issued nationally by British Waterways increased by 31% between 1991 and 1996. Without additional permanent off-line moorings in appropriate locations this ever growing number of boats will place increasing pressure on towpath moorings to the detriment of the canalside environment.

vii In 1991 British Waterways published a "Statement of Intent as to Unauthorised Houseboats" in connection with the British Waterways Bill which received the Royal Assent in January 1995 as the British Waterways Act. This Statement announced a moratorium under which illegal moorers would not be prosecuted for a period of 5 years provided that they applied to be registered as seeking proper permanent mooring sites. The register closed in October 1991 and 31 boaters registered on the Grand Union Canal between Hunton Bridge and Marsworth.

viii Due to sales of boats and people moving, the number of moorers registered under the moratorium in the Dacorum area (Hunton Bridge to Marsworth) has fallen from the 31 referred to above (1991) to 21 (July 1995) and 17 (August 1996). Closer examination of the figures has revealed that only 11 are actually in Dacorum, 6 of whom could be located at Winkwell. Those at Hunton Bridge could largely be accommodated as a result of a planning consent issued by Three Rivers District Council. The main demand is in Hemel Hempstead, Berkhamsted and Nash Mills, reflecting a desire to be close to amenities. In July 1995 there were a further 39 unregistered residential boats moored in the Dacorum area, 31 of which were between Kings Langley and Berkhamsted. This had fallen to a total of 29 by August 1996. British Waterways'

intention is to control and manage existing demand, not to cater for additional households.

GLOSSARY OF TERMS

1 Mooring Basin

Off-line mooring with level of facilities dependent on location and number of boats. Basic facilities need include only a sanitary station/pump-out, drinking water tap and refuse disposal. Larger basins may also offer commercial facilities. These could include a small ancillary office, boat sales, boat repair and maintenance workshop, dry or wet dock, fuel sales, chandlery, launderette etc. ✓

2 Lay-By

An on-line mooring where the canal is widened. Boats are moored either at right angles or at a slight angle to the line of the canal. The provision of facilities is similar to mooring basins, and it usually accommodates 20-30 boats.

3 Linear Mooring

Moorings located against the canal bank, preferably on the off-side (non-towpath). Level of facilities comparable with mooring basins and dependent on location and number of boats. It may be possible to share facilities provided for cruising boats.

A. APPEARANCES

FOR THE COUNCIL

Mr Francis Whittaker BSc(Hons) BTP MRTPI

who appeared as advocate and witness concerning
Berkhamsted Town Centre, Bovington and General Matters

Mrs Lorna Clarke MA(Hons) DipTRP MRTPI

who appeared as advocate and witness concerning the Grand
Union Canal

FOR THE OBJECTORS

British Waterways

Mr James Clifton, Environmental Planner

He called:

Mr Christopher Mitchell BSc MICE MIWEM

Cougar Enterprises Limited

Mr Gregory Stone, of Queen's Counsel,
instructed by Fladgate Fielder, Solicitors, Heron Place,
3 George Street, London, W1H 6AD

He called:

Mr Phillip Plato FInstD MInstP

Mr Ian Johnston

who represented himself

Mr Michael Bull

who represented himself and 28 residents of Bovington

Mrs Evelyn Nyboer

who represented herself