

# Statement & Evidence

By

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Of

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Re: Dacorum Borough Council  
Core Strategy Examination  
Issue 16.4 – The Countryside  
(Provision of Moorings on the Grand Union Canal)



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Cover Picture: The Grand Union Canal and Cow Roast marina in Dacorum

## **1.0 INTRODUCTION**

## **2.0 BACKGROUND & THE GRAND UNION CANAL WITHIN DACORUM**

### **3.0 WHY PARA 26.11 OF THE CORE STRATEGY IS NOT SOUND:**

#### **3.1: HOW IT IS NOT POSITIVELY PREPARED**

#### **3.2: HOW IT IS NOT JUSTIFIED**

#### **3.3: HOW IT IS NOT EFFECTIVE**

#### **3.4: HOW IT IS NOT CONSISTENT WITH NATIONAL POLICY**

#### **3.5: OTHER CONSIDERATIONS**

### **4.0 A SUGGESTED EVIDENCE BASE FOR MOORING POLICY**

## **5.0 CONCLUSIONS & RECOMMENDATIONS**

## **6.0 LIST OF ANNEXES**

1. PROPOSED POLICY FOR LOCATION OF RECREATIONAL MOORINGS ON THE GRAND UNION CANAL
2. LETTER FROM CANAL & RIVER TRUST DATED 14 SEPT 2012.
3. NORTHCHURCH PARISH COUNCIL MINUTES DATED 24 OCTOBER 2011.
4. MAP OF GRAND UNION CANAL IN DACORUM BY GEO & BWB
5. RESULTS OF BOAT COUNT SURVEY IN DACORUM – SEPT 2012
6. PHOTOGRAPHS TAKEN DURING BOAT COUNT SURVEY – SEPT 2012
7. SURVEY OF CANAL IN DACORUM & NEARBY UNDERTAKEN IN 1996.
8. LOCAL PLAN INQUIRY INSPECTORS REPORT 1997
9. FURTHER BACKGROUND TO CANAL INC. CRT INFO ON MOORING & GUIDANCE FOR BOATS WITHOUT A MOORING.
10. EXTRACT FROM AYLESBURY VALE DISTRICT COUNCIL LOCAL PLAN
11. EXTRACT FROM THREE RIVER DISTRICT COUNCIL LOCAL PLAN      Word count V3.0 – 7,937

## 1.0 INTRODUCTION

1.1 I am Phillip John Plato and I am a Chartered Planning & Development Surveyor and Managing Director of Plato Estates Limited. I have worked for this company and its associated businesses since 1977. I am a Fellow of the Institute of Directors and I have a Diploma in Surveying (with distinction) from the College of Estate Management in Reading where I was also awarded the Land Securities Prize in 1998. I have been a Member of the Royal Institution of Chartered Surveyors since 1999.

1.2 In this Statement & Evidence, I intend to explain the pre-submission representations that I made in late 2011 regarding Dacorum Borough Council's proposed Core Strategy insofar as they relate to Paragraph 26.11 (on Page 209) of their Countryside Place Strategy. More specifically, I will explain why the assertion within the Core Strategy that "*a number of boating facilities are available in the area and additional mooring basins will not be supported*", is unsound. For such an import historic recreational asset, the canal seems to only get passing mention elsewhere in the Core Strategy. If the wording of paragraph 26.11 were to be adopted, it will inevitably bring about injurious affects to the canal and those who derive enjoyment from it. For reasons that will also become apparent within this Statement & Evidence, this matter will also have implications for policies related to tourism, public open space & outdoor recreation generally and may also frustrate other mixed use development within Dacorum both in Urban areas as well as the Countryside.

1.3 I intend to demonstrate that the prevailing situation regarding moorings on the Grand Union Canal warrants somewhat more thoughtful consideration than it gets in the proposed Core Strategy both in paragraph 26.11 as well as by the various other passing references elsewhere, notably;

- paragraph 14.46 (CS21 - Existing Accommodation & Travelling Communities), &
- paragraph 17.1 (- Historic Environment).

These & other aforementioned passing references seem to be either mis-informed, or incompatible with the other assertions in paragraphs 18.37 & 19.2 of the Core Strategy where the Council variously asserts it will "*...work with partners to help...support the*

*Grand Union Canal*” and in terms of Place Strategies; “*Safeguard existing leisure assets such as open space, outdoor leisure space, rivers & the Grand Union Canal and create stronger green links in the borough.*” .

1.4 I feel qualified to comment of such matters because I have been a boat owner and I lived in Dacorum between 1988 & 1999, residing initially in Tring & then Berkhamsted before later moving to Chesham, just outside of Dacorum where I still live today.

1.5 My company, Plato Estates Limited is a commercial property development and investment company. The business & its associated companies together with Plato Property Investments LLP & our family trust, has a long association with the Dacorum area where it continues to have property holdings. I am responsible for the management of these property interests, which includes a site of over 2 acres near Cow Roast which lies between the A4251 and the Grand Union Canal. Consequently my business is a potential provider of canal boat moorings in the area.

1.6 Through an associated company, over the last 15 years, I have conducted considerable research into the use of canal waterways & the Grand Union Canal, as part of efforts I made in the mid 1990’s to secure development consent for a marina on the aforementioned land near Cow Roast. I also gave evidence at a previous Local Plan Inquiry in 1996 that gave rise to the prevailing adopted Dacorum Borough Local Plan policy (DBLP # 84) regarding mooring provision in the borough. I have summarised my involvement in such matters together with the previous Local Plan Inspector’s Report on the earlier Local Plan Inquiry & the prevailing DBLP policy #84 in the annexes to this Statement & Evidence. My survey report of the canal from 1996 together with a recital of more recent observations is also attached in the Annexes.

1.7 In view of my company’s canal side property interests, I have endeavoured to keep up to date on waterways matters ever since then. Furthermore, my company has considerable experience in general property development as well as local knowledge. As such, I

believe that I can provide informed comment on issues affecting the location, type and demand for mooring development on the Grand Union Canal in this Borough.

1.8 Having read the LPA's proposed Core Strategy, I have concluded that the proposals relating to the Countryside & the provision of moorings on the Grand Union Canal are "unsound". Whilst only passing reference is made to the canal within the Core Strategy, I am concerned that such references as a whole & specifically the wording of paragraph 26.11, will injuriously affect this important historical & recreational asset. I am also concerned that the Core Strategy as drafted in respect of future new canal moorings is inconsistent with other important policies relating to tourism in the Borough. My reasons for all these conclusions are outlined herein:

## **2.0 BACKGROUND & THE GRAND UNION CANAL WITHIN DACORUM**

2.1 In order to assess the full implications of the Core Strategy, it is necessary to first explain how the canal features within the borough and to understand how it is used & managed. It is also necessary to understand the differing types of boat use & mooring facilities. I have summarised the key issues regarding such matters below but a more detailed explanation is included in the annexes to this Statement & Evidence.

2.2 **HISTORY & SETTING:** There are approximately 17½ miles of navigable waterway in Dacorum forming part of the Grand Union Canal. This includes 2 miles of canal along the Aylesbury Arm and approximately 1½ miles along the somewhat narrower and partly disused Wendover Arm.

2.3 Over 70% of the canal in Dacorum is in the Countryside with only approx 5 miles going through urban areas or land that is not subject to Green Belt designation.

2.4 Nearly a quarter of the total length of canal in Dacorum is also located with the Chilterns Area of Outstanding Natural Beauty (AONB).

2.5 The Grand Union Canal is by far, the longest canal in the country. Those parts that were built in Dacorum were constructed between 1797 & 1799 & the principal engineers were William Jessop and John Barnes. The canal is therefore a heritage asset of historical interest and is also a significant feat of engineering. It rises from sea level in London, to over 380ft at its summit just north of Cow Roast Lock within Dacorum. The Tring reservoirs were constructed primarily to provide water to the canal. To the south east of Tring there is a section of approximately 2.5 miles from Bulbourne to New Ground Bridge which is known as the Tring Cutting, where construction of the canal could only be accommodated by extensive engineering into the landscape by hand. On either side of the canal in this cutting, the banks are tall and steep and any off line mooring basin for boats on this stretch is impractical. A detailed map of the canal covering the Dacorum area published by Geo Projects & British Waterways is attached in the annexes.

2.6 **THE CANAL & RIVER TRUST:** The canal network in England & Wales is administered by the Canal and River Trust (CRT) which assumed responsibility for over 2,000 miles of inland waterways from the former British Waterways Board (BWB) in July 2012. It is expected that any inland waterways currently managed by the Environment Agency, will also transfer to the trust in 2015. BWB was formerly a government statutory organisation or quango. The creation of this new authority with charitable status was announced 2 years ago in September 2010.

2.7 The CRT have a wide range of responsibilities relating to the waterways and these are described in their website; - <http://canalrivertrust.org.uk> . They have 6 key objectives which are recited in greater detail both on their website & in my annexes but they include managing & maintaining the waterway and administering all uses of the waterways including the licensing of boats and ensuring that canals and rivers are open, accessible and safe.

2.8 I have noted within the Sustainable Development Strategy Section of the Core Strategy that paragraph 9.10 on page 68 identifies partners with transport responsibilities. This

paragraph asserts that new development & infrastructure will be coordinated with those organizations listed in Table 3. However, Table 3 incorrectly lists “British Waterways” (BWB) rather than CRT as the relevant authority with responsibility for “*Maintaining & developing the Grand Union Canal, its public towpaths and waterway access points*”. Clearly all references to BWB in the Core Strategy should be updated to reflect the new authority for waterway administration. Whilst it is appreciated that the aforementioned Table 3 is only a short resume, it also understates CRT’s role as it makes no mention of boat licensing or their responsibility for administering the general use of the canal. Furthermore, it implies that CRT undertake development of the canal and as will be shown, whilst CRT can have development interests, they are generally reliant on third party developers, particular in respect of provision of new moorings. This is illustrated by the fact that in 2011/12, CRT issued a total of 34,683 boat licences but only 5,276 mooring licences for moorings that they own (mainly via their subsidiary company, BWBM Ltd).

2.9 Part of the CRT role is managing the use of boats on the waterways. This is done by requiring all boats to have a registration licence renewed annually. This is a statutory requirement under Section 17(c) of the British Waterways Act 1995. If a mooring space is not specified, the licence can only be issued if the boat owner declares that his boat is “continuously cruising”. This term means that the boat must not stay moored in the same neighbourhood or locality for more than 14 days. (CRT guidance on boats without a permanent mooring is also included in the Annexes.)

2.10 Aside from traditional canal narrow boats, the canal is also used by other local schools & youth groups. Berkhamsted Collegiate have a rowing & sculling boathouse near bridge 138 where they train on the canal for national & regional rowing regattas. Other schools & clubs use the canal for outward bound canoeing & the Duke of Edinburgh award scheme.

- 2.11        **NON BOATING USES:** Given that 47 % of the national population live within 5 miles of a waterway in Great Britain, the canal network has become an important recreational resource for non boat users too.
- 2.12        The canal towpath is open for public use and forms part of the Grand Union Canal Walk which was Britain's first national waterway walk from London to Birmingham. Within Dacorum the towpath provides access to numerous public footpaths & bridleways. These include some famous ancient roads & local footpaths within the Chiltern AONB, notably The Ridgeway, & The Chiltern Way.
- 2.13        Unsurprisingly, due to the level nature of the canal, the towpath is also a popular running & jogging trail too.
- 2.14        The towpath is also used by cyclists (subject to certain minor restrictions) again providing opportunities for outdoor recreational use by non-boaters seeking to access the countryside & the Chiltern AONB in particular.
- 2.15        Angling is very popular along the canal towpath both for informal occasional use but with various fishing clubs periodically holding fishing competitions in the Dacorum area too.
- 2.16        Unfortunately, these various different recreational uses sometimes conflict with boat users. For example; boats that are moored on the towpath side, particularly where the mooring is permanent or of a residential nature, can result in a proliferation of items beside the boats that impinge on the towpath being used by walkers, cyclists or fishermen. Conversely, the security of any boat on a linear mooring is compromised as well. CRT utilise policies to manage the canals in the public interest with the aim that all members of the public can derive enjoyment from the waterway. Their policies are attached as Annexes to this Statement & Evidence

2.17        **TYPES OF BOAT USE:** Canals were originally used for commercial purposes.

This use declined with the growth of rail & road freight & although some freight is still carried by canal narrow boat, most boats are now for non-commercial uses. These uses place slightly different demands upon the waterway & are as follows:

- **Holiday Hire** – Self-evidently this is a use appealing to tourists. Such hire boats normally operate from a base such as a marina or lay by though the boats tend to travel extensively, mainly through the countryside. Boats are hired by the day or the week & whilst away from the base, hirers will tend to utilise either formal “visitor moorings” provided in certain locations where there may be only basic facilities such as a water point & rubbish disposal. Alternatively, they may moor at any safe point on the canal for up to 14 days.
- **Residential Use** – A growing number of people choose to live on boats either out of lifestyle choice or through economic necessity. If a suitable approved mooring can be found, they offer an alternative form of low cost housing. This issue is mentioned, if only in passing within the Dacorum Pre Submission Core Strategy document 4 – Providing Homes & Community Services paragraph 14.46. Residential boats owners either have to find a mooring with a specific residential planning consent or declare themselves to be “continuously cruising” (as defined earlier) otherwise they risk enforcement from either CRT or the LPA. Problems can arise when residential boats are moored on the canal itself due to the tendency for household paraphernalia to accumulate on the canal edge & on the towpath. Vehicle parking & collection of refuse are other problems that arise with residential moorings.
- **Recreational / Leisure Use** – This is by far the largest use for boats on the canal. Such boats are used by their owners for their own holidays or weekend cruising or as opportunity to indulge in a hobby of boat ownership. According to CRT, this use has been growing and the average number of days that each leisure boat spends cruising each year has increased from 58 in 2007 to 65 in 2012. Recreational/Leisure boat owners, under the terms of their registration licence, are required to have a permanent mooring or to declare themselves as “continuously cruising”. Some such owners also own a home that backs onto the canal & they can apply for an “end of garden mooring” though this is at the discretion of CRT & is rarely available by right of

owning property beside the canal. According to the latest National CRT Boat Owners survey, there has been a marked increase in the number of boats declaring themselves as “continuously cruising” – up from 3,200 boats in 2007 to 4,300 in 2012 (+34%). Significantly, only 31% of that group stated they sought a residential mooring.

2.18        **TYPES OF MOORING FACILITY:** Mooring facilities are defined as either “Online” (often merely a linear mooring along the canal edge itself) or “Offline” (involving boats navigating into a separate engineered basin or larger marina) which will be distinctly separate to the canal itself. A lay by is where the canal is effectively widened into land adjoining the canal. As such lay byes are often considered as “off line” facilities. The distinction between a marina & a basin is somewhat more obscure but tends to indicate differences in size & services offered.

- Marinas tend to be large (50 to 200+ boats) and offer a comprehensive range of facilities including chandlery, boat repair/slipway, dry dock, fuel, showers, laundry, café, Elsan pump out, car parking & obviously toilet, water & electrical supplies.
- Basins tend to be smaller offering little more than pump out, toilet, water & electrical supplies with some modest car parking & lay byes likewise offer similar.

2.19        Offline mooring facilities within Dacorum include:

- an offline marina at **Cow Roast** with more than 100 berths, a slipway, dry dock and chandlery.
- a boat yard at **Winkwell** known as Middlesex and Herts Boat Services where there is a sizeable lay-by mooring with minor facilities such as sanitary station and water point.
- A further offline marina basin known as **Apsley Marina** near Nash Mills on the outskirts of the urban area of Hemel Hempstead which has been developed within the last 10 years as part of a much larger development and which formed part of regeneration of an industrial area that now provides not only a mooring basin but some attractive residential apartments together with some retail premises at ground level around three sides of the basin.

2.20 These are the only three offline mooring facilities along the canal within Dacorum. They are popular & are almost always full. Mooring spaces become available at these locations only infrequently.

2.21 There are also a number of online linear moorings in Dacorum, where provisions of facilities are minimal and vehicular access can be problematic. These are used either for the permanent mooring of boats or for visitor moorings. CRT administers some of the permanent linear moorings in the borough. They used to operate a waiting list for such moorings. This was abandoned recently and I know some people had been on the waiting list for many years. They now operate an on-line auction bidding system for available moorings. Since it was introduced I have not been aware one mooring in Dacorum being offered through this system.

2.22 The Canal and Rivers Trust (CRT) have confirmed that they continue to support the policy of their predecessors (BWB). Namely that other than in very special circumstances, any new mooring facilities on the canal network (not just in Dacorum) should be offline, namely within either basins, marinas, or lay byes, to preserve the integrity of the waterway by avoiding congestion, navigation hazards and injurious effects on the other uses of the canal such as anglers, runners, cyclists and walkers.

2.23 Off line mooring also offers better security for the boats and improved management of the waterway in that any water leak within a basin or marina is more easily contained & thereby minimises the risk of a breach which might otherwise drain the water from the main line of the canal.

### **3.0: WHY THE CORE STRATEGY IS NOT SOUND:**

The proposed Core Strategy document will be an important component of the Local Plan for Dacorum. The National Planning Policy Framework (NPPF- published in March 2012) specifies the four criteria in Paragraph 182, for assessing whether a Local Plan is “*sound*”. Namely;

- Whether the plan is “*positively prepared*” to meet objectively assessed development requirements etc.
- Whether it is “*justified*” as providing the most appropriate strategy after considering reasonable alternatives, based on evidence.
- Whether it is “*effective*” in terms of being deliverable based on effective joint working & cross boundary strategy.
- Whether it is “*consistent with national policy*”, mainly in terms of delivery of sustainable development.

I contend that in respect of paragraph 26.11, the Core Strategy fails the test of soundness under all four criteria:

### **3.1: HOW THE CORE STRATEGY IS NOT POSITIVELY PREPARED:**

3.1.1 The NPPF explains this criteria by stating that, “*the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.*”

3.1.2 In terms of meeting objectively assessed requirements, I can see no evidence in the Core Strategy or within the list of published documents that support it, or of any assessment of existing mooring facilities on the canal in Dacorum or elsewhere to support paragraph 26.11.

3.1.3 Similarly, there has been no attempt to assess whether existing mooring facilities both in terms of numbers of berths or services offered accommodate the existing boats in the area. Neither does there appear to have been any assessment of how these boat numbers might change over the plan period either within Dacorum or within the neighbouring authorities.

3.1.4 However, the Core Strategy has adopted a position that by implication means that any new moorings in Dacorum both in rural and urban areas, must now only be provided through on line/linear mooring. This is inconsistent with previous local policy & is in direct conflict with the policies of the authority responsible for managing the waterway, namely CRT. Given that linear moorings can conflict with other non-boating recreational uses as well as compromise navigation of the waterway itself, together with the obvious fact that the canal has a finite length, this policy is unsustainable.

### **3.2: HOW THE CORE STRATEGY IS NOT JUSTIFIED**

3.2.1 Again I have been unable to find any credible evidence base within the Core Strategy or the published documents that support it, to justify the proposals of paragraph 26.11 in respect of moorings in the Countryside.

3.2.2 The schedule of supporting documents dated October 2011 relating to the Pre Submission Core Strategy, runs to a list of over 4 pages of reports, research & evidence base papers for other policies yet I can find no research of the Grand Union Canal or the provision of moorings within any of the technical studies or other documents relating to the drafting of the Proposed Core Strategy.

3.2.3 On the basis that such information may have been contained within the text of other studies relating to say Outdoor Sport, Recreation or Tourism, I have read any paper supporting the Core Strategy that covers such topics in its title or heading, but I have been unable to find any detailed reference to the canal or moorings within these supporting documents either.

3.2.4 For the Core Strategy to be sound it must be justified and I contend that there should be a robust and credible evidence base involving evidence of participation of the local community or others having a stake in the area as well as research or fact finding. I

contend that before making a policy such as this, it is necessary to establish answers to at least some basic questions such as;

- What are the numbers of boats permanently moored in the area?
- How are these boat numbers likely to change over the plan period?
- How many official moorings currently exist & is there a shortfall?
- What uses are these boats put to (ie: Leisure/Recreation, Holiday Hire or Residential)?
- What factors determine the location of moorings? (Physical, geotechnical, use type etc?)
- What are the different types of mooring developments (ie: Marina, Basin, Lay-By or Linear)?

3.2.5 During the course of my own research into the preparation of this Statement and Evidence, I have been concerned that the statutory consultee responsible for the canal, namely the Canal and Rivers Trust, do not appear to have been consulted. This not only indicates that the proposals in so far as they relate to the canal are not justified but it may also suggest that this part of the Core Strategy is not legally compliant either. In my Pre Submission Representation to the Core Strategy, I had no reason to question at that time whether the Core Strategy was legally compliant as I had assumed CRT had been consulted & that they had opportunity to comment. However, I have since discovered that CRT were not aware of the emerging Core Strategy & it appears had not been consulted.

3.2.6 Consequently, CRT has lost the opportunity to comment or make representations on this Core Strategy. This is most unfortunate given their status & knowledge of waterways issues that could have answered all of the questions I posed above. However, when I brought the wording in Core Strategy to their attention, insofar as it relates to the canal, they have since written to me outlining serious concerns that they have regarding the soundness of these proposals. Their letter to me dated 14 September 2012 is included in Annex 2.

3.2.7 Even so, the absence of any evidence base is surprising given the extensive nature of discussions that were conducted at the Local Plan Inquiry to the Alterations Package of 1996 as reported by the Inspector in August 1997, which included the voluminous evidence presented by my company and also by British Waterways (now CRT). Even this has not been referred to. This evidence in 1997 resulted in the current Adopted Policy being modified to strike a balance between the objectives of conservation and development in respect of the provision of moorings. The Core Strategy, as currently worded, would see the current adopted DBLP Policy # 84 lost entirely.

3.2.8 I have noted guidance on the drafting of Development Plans that “*the Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives*”. Within the narrative surrounding paragraph 26.11, no alternative mooring types are considered and I have concluded that it does not appear as though any reasonable alternative has been considered. As such I consider that the soundness of the Councils proposals is questionable on the basis that it is not justified.

### **3.3: HOW THE CORE STRATEGY IS NOT EFFECTIVE:**

3.3.1 Effectiveness is one of the Governments tests for soundness. The guidance notes accompanying the Core Strategy form for the submission of representations states that for a Core Strategy to be effective it should have “*delivery partners who are signed up to it*” and it must have “*coherence with the strategies of neighbouring authorities*”.

3.3.2 The most significant delivery partner must be the Canal and Rivers Trust (CRT) who are responsible for the administration and management of the waterways. It has been a long standing policy, that CRT & its predecessors sought to avoid the development of new moorings that are online, preferring any new moorings to now be accommodated in offline facilities. Their reasons for this are;

- To avoid conflicts with other recreational users of the waterway,
- To avoid the proliferation of boats moored on the canal that may then impede the navigation of other boats,

- To facilitate good management of the waterway in terms of maintenance, dredging etc
- In the interests of security for boat owners &
- To ensure that boat usage can grow & that growth in boat usage is sustainable given the finite length of the waterway network.

3.3.3 The comments I have received from CRT as well as their published policies, confirm that this policy has not changed in the intervening 15 years or more. Their comments to me relating to the number of boats currently moored on the canal or those seeking a mooring combined with the growth in boat registration numbers, suggest that they cannot sign up to a planning policy that suggests that there should be no additional mooring basins within the borough. This is because it would mean that any new mooring facilities must by definition now be provided online, which is contrary to their established policy for the management of moorings on the canal network.

3.3.4 The proposal in paragraph 26.11 of the Core Strategy is unlikely to be coherent with the strategies of neighbouring authorities either.

3.3.5 To the south of Dacorum the canal runs through Three Rivers District Council (TRDC). TRDC appear to be somewhat more advanced with their Core Strategy/Local Plan and following the review of their Core Strategy in 2001, they have adopted a flexible approach to the provision of new moorings that they see requirement for over the period of their Local Plan. I have attached the relevant extract from their Local Plan in my Annexes

3.3.6 To the north of Dacorum, the canal runs through Aylesbury Vale District Council (AVDC). AVDC have their own prevailing policies for the provisions of moorings which also strive to establish a balance between the objectives of conservation and development. I have also attached the relevant extract from their Local Plan in the Annexes to this document too. The policy being proposed by Dacorum is in stark contrast in terms of inflexibility compared to these two neighbouring districts that are

considerably less prescriptive with fewer criteria than the prevailing DBCLP policy 84 yet the canal in their locality also runs through open countryside that is also either within Green Belt or subject to an area of attractive landscape designation.

3.3.7 I have noted that when considering applications for mooring provision within the Aylesbury area in recent years, that AVDC has acknowledged evidence presented by CRT that there is a general shortage of moorings. Evidence has been presented to AVDC that there is a need to provide new moorings for 385 offline moorings by the end of 2012. Although there has been some discussion by AVDC regarding these numbers, they have acknowledged that there is a substantial shortfall in the provision of moorings.

3.3.8 At the time of preparing this Statement and Evidence, only one proposal has come forward in the ADVC area for which only outline consent has been granted in May 2009. Namely to provide 100 new moorings in a proposed new marina north of Ivinghoe which is approximately 3 miles north of the Dacorum boundary. At the time of preparing this Statement and Evidence, no work has commenced on this development though the applicant has recently applied for and received consent to renew the outline planning permission which is still subject to approval of reserved matters. Even if this marina is to be built in the next couple of years, there will still be a shortfall of mooring provision of up to 285 moorings in the AVDC area. Consequently, the proposal in paragraph 26.11 of the Dacorum Core Strategy would mean that any on-going mooring requirement within the Dacorum area would either have to be accommodated by new online moorings that are contrary to CRT policy or displaced either into the AVDC area to the north of Dacorum (further adding to their mooring shortfall) or into the Three Rivers District Council area to the south, where I understand existing mooring facilities are also full.

3.3.9 This does not appear to be a coherent strategy when considering that both neighbouring authorities adopt a more thoughtful & less prescriptive approach to the provision of moorings. If the Dacorum Core Strategy were adopted, AVDC & TRDC will have to share a shortfall in the mooring provision in Dacorum as well, despite apparently

having their own shortfall of mooring provision, or for there to be a significant rise in the number of linear moorings in Dacorum or both.

### **3.4: HOW PARA 26.11 OF THE CORE STRATEGY IS NOT CONSISTENT WITH NATIONAL POLICY:**

3.4.1 Guidance on questions of legal compliance and soundness state there should be consistency with National Policy which is also a test of the soundness of the proposed Core Strategy.

3.4.2 The new National Planning Policy Framework (NPPF) states in paragraph 6 that “*The purpose of the planning system is to contribute to the achievement of sustainable development*” & it defines this by explaining three roles that the planning system has in respect of sustainable development. These roles are; economic, social & environmental. In the absence of an evidence base or research by the Council into moorings & the canal generally, it is difficult to see how they have concluded that such a restrictive approach as drafted in paragraph 26.11 could satisfy these roles?

3.4.3 More specifically, the NPPF states there should be “*a presumption in favour of sustainable development*”. If the Core Strategy is not sustainable then it is impossible for any decision made in accordance with it to be either. It is unrealistic & unsustainable that all mooring provision within the lifetime of the Local Plan should be provided on line both in the urban & rural areas, for all the reasons previously stated regarding the injurious effects on both boat users & non boat users alike.

3.4.4 I contend that with regard to paragraph 26.11, there are numerous inconsistencies with the NPPF. One of the more notable is in respect of paragraph 14 of the NPPF which states that with regard to plan making, “*local planning authorities should positively seek opportunities to meet the development needs of their area; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.*” I feel that paragraph 26.11 of the Core Strategy actually discourages opportunities to meet development needs by asserting that all such needs should be

accommodated within the canal itself rather than in appropriately designed off line marinas, basins or lay-byes.

3.4.5 Paragraph 28 of the NPPF advises that “*Planning Policies should support economic growth in rural areas...*”. It further states that policies should “*support the sustainable growth & expansion of all types of business & enterprise...*” and “*promote the development and diversification of agriculture and other land based rural businesses.*” It further advocates that planning policies should “*promote sustainable rural tourism and leisure developments.....This should include supporting the provision and expansion of tourism and visitor facilities in appropriate locations where identified needs are not met by existing facilities...*” Given the rural nature of the canal in Dacorum & the many leisure interests associated with it, it is hard to image how the Core Strategy as currently worded will satisfy this national guidance.

3.4.6 Although my comments in this Statement & Evidence are directed towards their effect on the Countryside, I contend that the Core Strategy is also injurious to the canal in the Urban area too.

3.4.7 The NPPF states in paragraph 17 that a core planning principle is “*to promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.*” By promoting only on line moorings in the Core Strategy, any opportunities for mixed use development are denied the chance to consider a mooring component that may otherwise sit comfortable beside say a new housing or leisure development in either the countryside or the urban area. A specific example would be the relatively new marina at Apsley near Nash Mills, Hemel Hempstead, which could not be repeated elsewhere in the borough on any scale if the Core Strategy is left unchanged.

3.4.8 Finally, the NPPF also advocates in paragraphs 178 to 181, that Local Authorities “*have a duty to cooperate on planning issues that cross administrative boundaries.*” Given the different approaches in the neighbouring authorities where the Grand Union

Canal is situated, the Core Strategy as drafted is in conflict with the neighbouring strategies & may “*cause cross boundary impact*”.

### **3.5: OTHER CONSIDERATIONS:**

3.5.1 The wording of paragraph 26.11 even appears inconsistent with other parts of the Council’s Core Strategy. Paragraph 26.9 within the Countryside Place Strategy states an objective to “*restore productive uses of woodland, improve farm economics, develop environmentally sustainable tourism and heritage conservation, and meet the challenges of climate change and rural community development*”. It is puzzling how tourism and heritage conservation could be assisted insofar as the Grand Union Canal is concerned, if the policy for accommodating any growth in mooring provision will be so restricted or potentially injurious to a historic asset?

3.5.2 Section 17 of Part 3 of The Core Strategy also promotes policies with aspirations for “Conserving the Historic Environment”. These are laudable aims and the Grand Union Canal is referred to as part of the borough’s diverse historic environment within the opening paragraph of that section of the Core Strategy. However, I must question how a historic asset that continues to cater for a growing & diverse range of recreational uses is conserved by a policy that only permits new linear moorings with potential for overcrowding on the waterway, as well as potential conflict with non-boating users. Yet Paragraph 18.37 states that “*The Council will work with its partners to help.... (a list of objectives including) ... to support the Grand Union Canal system.* The CRT presumably must be the most important consultee or partner on waterways matters. Given the CRT’s own management policy with regards to a preference for new mooring provision being offline, then the wording of paragraph 26.11 would appear to conflict with their partners objectives rather than working with it. As such I contend paragraph 26.11 is further flawed and inappropriate.

3.5.3 There is already clear evidence of there being insufficient moorings in the borough which I will illustrate shortly, as well as evidence of the sensitive nature of

linear mooring on the canal, which paragraph 26.11 of the Core Strategy tacitly promotes. Northchurch Parish illustrates the prevailing situation.

3.5.4 Northchurch is located to the north of Berkhamsted in the Dacorum borough and the canal runs through that area. Under item numbered 90/11 (d) of the Northchurch Parish Council Minutes, dated 24 October 2011 (copy attached in the Annexes), it can be seen that the Parish Council are concerned about the number of boats currently mooring on the canal in their area. My enquiries reveal that they are concerned about the effects on other users of the towpath & the fact that many boats are mooring there for very long periods, apparently because they have nowhere else to go. Some are unauthorised residential boats but others are leisure boats apparently without a permanent mooring. It can be seen from the Minutes, that the Parish Council are sufficiently concerned to be initiating enforcement measures. My research suggests that the numbers of boats mooring informally or purporting to be “permanently cruising” within Northchurch is not unusual & prevails elsewhere in the borough. Accordingly, the implication within the Core Strategy that there are sufficient moorings already in Dacorum is at best optimistic as it is not based on any thoughtful study. A policy that restricts new mooring provision & even promotes a type of mooring that is already causing problems is flawed & unsustainable.

#### **4.0 A SUGGESTED EVIDENCE BASE FOR MOORINGS POLICY**

4.1 The lack of evidence presented by the Local Authority is surprising given that a considerable amount of data is available to the general public, either through the CRT website or other publications. I have attempted to collate regional or local data particularly in respect of the Grand Union Canal South or where it relates to Dacorum specifically.

4.2 I have also assembled a considerable amount of data myself over the last 15 years with regard to canal & boat usage locally and where appropriate I have referred to such earlier

data to indicate any longer term trends over the last 15 years. I have also attached my physical survey & report of the canal in Dacorum from 1996 together with updated information as Annexes.

4.3 The following facts relating to the growth in national boat registration numbers are established from this exercise;

Detail	2011/12	2010/11	2009/10		1994/5	1993/4
<b>TOTAL Powered Canal Boat Licences issued in England/Wales</b>	27,016	27,566	26,304		17,119	16,549
<b>Annual +/-%</b>	-2.00%	4.80%	2.00%		3.44%	-
<b>Increase between 2011/12 &amp; 1993/4 (18 years)</b>	10,467	-	-		-	-
<b>% change over period</b>	<b>63.25%</b>					
<b>Mean ave growth pa</b>	3.51%					

4.4 Although the canal network has not been immune to the effects of the wider economic recession, the falloff in boat registration numbers has been relatively modest at -2% in 2011/12 compared to many other recreational activities.

4.5 When viewed over the longer term (in this case over 18 years) it can be seen that boat registrations in England & Wales have grown by **over 63%** in that period equating to a mean average growth per annum of 3.51%. This is of course a national rather than a local picture.

4.6 The Grand Union Canal is located in the South East Region of CRT's administration. Accordingly the regional data is more relevant to the Dacorum area & is as follows:

SE Region Data	2011/12	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5
Number of Powered Canal Boat Licences issued in <b>South East Region</b>	4,650	4,481	3,946	3,683	3,335	3,071	2,899	2,645
Annual +/-%	3.77%	13.56%	7.14%	10.43%	8.60%	5.93%	9.60%	

4.7 It can be seen from the above figures for the SE region that boat registrations have grown every year well above the annual national rate with an average regional growth rate of **over 7% pa.**

4.8 I am advised that the Grand Union Canal South represents the largest component of the SE Region involving over 30% of all registered boat users in the region & the majority of the mileage of canal in that region too. As Dacorum is not located at the periphery of the SE region, I think it is reasonable to conclude that Dacorum is likely to have experienced growth in boat numbers at similar rates to the annual regional rates indicated in the desktop research above. This is borne out by my own physical research of the canal in Dacorum.

4.9 A base line can be established from my extensive physical survey of 23 miles of canal in Dacorum & its near environs in 1996. This survey is included in my Annexes and was primarily focused on investigating what other potential sites could accommodate either offline or linear moorings in the borough. Not only did this survey reveal that opportunities for new mooring facilities were limited in 1996 but that the total number of boats moored on the canal in Dacorum (as opposed to being in marinas or lay bys or cruising the waterway) was 192 boats.

4.10 I have regularly walked or cycled the canal towpath in subsequent years & have observed growing numbers of boats moored on the canal in Dacorum over the last 16 years. A more recent survey of the canal in Dacorum has now been undertaken to identify how many boats are currently in Dacorum & where they were moored.. This was

undertaken on 17 – 19 September 2012 by my son David Plato, who will be joining Oxford Brookes University in 2013 to study for a BSc in Real Estate Management. He cycled the canal in Dacorum & his findings reveal that the total number of boats moored on the canal in Dacorum (as opposed to being in marinas or lay bys or cruising the waterway) was now 359 boats. (A copy of his boat count is also attached in the Annexes together with photographs supporting his research. The number of boats moored online is an increase in the Dacorum area of **167** boats or a growth of **+87%** within a 16 year period. Given that Dacorum is in relatively close proximity to the London area and is a prosperous region, I am not surprised that the area has seen a growth in boat numbers above that of the national average.

4.11 In terms of provision of moorings, only two new mooring facilities of any scale have emerged in the same period of 16 years.

4.12 The first is Apsley marina (operated by BWBM Ltd) which was built in 2003. It has capacity for approximately 65 boats. At the time of preparing this Statement & Evidence, there were just 3 vacancies.

4.13 The second was an extension to an established boat yard with layby known as Herts & Middx boats at Winkwell near Bourne End. This facility received planning consent to expand in 2005 by providing 14 more mooring spaces to the existing mooring facilities that would together provide circa 30 mooring berths. These additional moorings were completed several years ago & at the time of preparing this Statement & Evidence, there appeared to be 4 empty berths.

4.14 These two facilities have introduced approximately 79 new moorings into the borough in recent years. This represents an increase in the number of moorings within Dacorum of circa 28% since 1996. Given that the aforementioned local boat counts only related to boats moored on line & not in the offline facilities, which are in the main full or with few empty berths, it is clear that the new mooring supply has only catered for the

minority of new boats in the Dacorum area. It is apparent that the supply of new moorings is not keeping pace with the growth in boat numbers locally.

**4.15 Other Significant Findings;** - CRT have recently published their Boat Owners Survey for 2012. It involved a survey of 3,588 boat owners & was conducted between March & April 2012. The survey covers all geographical areas but the following also gives some insight into canal usage nationally & in the SE Region.

- 23% of all respondents to the survey were in the SE Region.
- 74% of all respondents had difficulty finding a vacant visitor mooring when away cruising, suggesting that visitor moorings were being utilised by other boats without a permanent mooring.
- 38% said there were too many boats moored on the waterway.
- Boat owners' **first preference for a mooring location** was expressed by 35% to be for a mooring in a basin with less than 50 boats.
- The next most popular choice was to moor in a larger marina (31%) with those happy to moor on the canal but on the non towpath side (24%) with only 5% willing to moor on the canal on the towpath side.

## 5.0 CONCLUSIONS & RECOMMENDATIONS

5.1 With regard to paragraph 26.11, the Core Strategy is unsound on the basis it is not positively prepared, justified or effective. It is also inconsistent with National Policy.

5.2 It is also inconsistent with the Council's own Countryside place strategy and is unfavourable in the context of working with the principal custodian of this country's historic waterways, namely CRT.

5.3 There is no apparent published evidence to support the notion that no new mooring basins are required. The implication that all new moorings for the Dacorum area can be accommodated on the canal itself is misinformed & naïve.

5.4 If adopted the Core Strategy would cause harm to the use & enjoyment of the waterway and could adversely affect this historic asset.

5.5 I contend that the evidence from the last 16 years suggests that the existing DBLP policy # 84 on mooring provision is already too restrictive & that the proposals in the Core Strategy will simply make matters worse. The Core Strategy as currently drafted, will further restrict any new mooring proposals coming forward thereby making the canal even more crowded with boats. This will inevitably require more enforcement action at the expense of all waterborne and land based users of the canal.

5.6 As the majority of the canal is located in open countryside within Dacorum, I recommend that the wording within the Core Strategy insofar as it relates to the provision of moorings (paragraph 26.11) is **deleted** on the basis it is flawed & inappropriate.

5.7 I further recommend that a more flexible approach is adopted & that the Core Strategy be amended so that it adopts a slightly modified version of the existing criteria based DBLP Policy # 84. I attach an amended version of this policy in Annex 1 which I feel strikes a balance between the objectives of conservation and development.

## ANNEX 1

### **PROPOSED POLICY FOR LOCATION OF RECREATIONAL MOORINGS ON THE GRAND UNION CANAL.**

Offline small scale, recreational mooring basins and lay- bays are preferred and will be permitted in urban areas and in the Green Belt, subject to the following criteria.

**Proposals must:**

- a) Integrate successfully with the surrounding landscape or townscape;
- b) be served by an adequate road access, not just for users of the facility but also for the removal of excavated material;
- c) cause no adverse effect on the nature conservation value of the canal and nearby land.
- d) Not cause:
  - i. the overloading of the local road system and consequent inconvenience and danger on it; or
  - ii. damage to the landscape and/or countryside; or
  - iii. 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.
- e) Make a positive contribution to the canalside environment and not injuriously affect other non boating recreation uses of the canal such as walking, cycling or fishing.

**In addition, and where appropriate, proposals should:**

- i. offer advantages in canal management and use, such as relocation of boats from towpath moorings; and
- ii. incorporate low-key informal recreation facilities.

**Proposals in the Chiltern Area of Outstanding Natural Beauty will also be acceptable but must be judged according to the same criteria, and against the need to conserve the natural beauty of the landscape.**

**Details will be required of the volume of material to be excavated, the method of disposal, and the formation of the new canal bank.**

**Car parking requirements will be related to the number of boats and the accessibility of the site by passenger transport using one space per three boats as a guideline.**

