

Broads Local Plan - Examination Stage

Hearing Statement in respect of Policy PUBTSA2

Thorpe Island (page 183)

1. This policy was introduced very late in the process, due to planning enforcement issues at the western end of the island, resulting in extremely limited consultation. Information provided to support the proposed policy was materially incorrect and misleading (as summarised below), resulting in a policy which seeks to extinguish historic mooring rights on the river without any objective justification and without consulting the navigation committee who would probably have objected to this proposal. Planning committee members could reasonably be expected to have arrived at a different conclusion had they been in possession of these material facts and considerations, which are:
 - 1.1. An assertion that there had never been any mooring on the river at the western end of the island, when, in fact, this stretch of river was intensively used for mooring boats throughout most of the 20th century.
 - 1.2. The misrepresenting of a planning appeal decision relating to the adjacent mooring basin. It was claimed that the river bank moorings had been “proven” abandoned and that the inspector allegedly raised concerns over river width and the amenity of residents which should preclude any such mooring. In fact, this decision did not relate to the river moorings and, instead, the inspector stated that any reasonable person would expect to see boats moored on this section of river.
 - 1.3. An assertion that there was no means of accessing the mainland from the island other than by boat, which ignored the existence of a vehicular and pedestrian bridge in the same ownership as the island. A member of the planning committee specifically asked whether visitor moorings were feasible on this stretch of riverbank and the assertion that there was no means of reaching the mainland from the island was the deciding factor in rejecting this proposition.
 - 1.4. A claim that the Broads Authority had no choice but to create a policy in respect of the western end of the island which exactly mirrored an appeal decision. In fact, the Authority should base its planning policies on all material factors, which may include any relevant inspector’s decisions but not to the exclusion of other considerations.
 - 1.5. It was also stated that there would be no point in making planning policy which conflicts with the wishes of the current landowner - when in fact planning policy should be aspirational and in the public interest, even if that sometimes involves taking a longer term view which is contrary to the wishes of owners.

- 1.6. The proposed policy also ignores the clear suitability of the marina at the western end of the island as a location for residential moorings in accordance with the objectives of policy PUBDM36 - in fact it may be the only readily identifiable mooring site which complies with that policy. The Accommodation Needs Assessment for houseboats identifies an objectively assessed need for 63 residential moorings over the plan period, whilst the Broads Authority's own research indicates that there are as many as 100 households **already** living on boats "under the radar. The inclusion of this marina could allow the objectively assessed need to be fulfilled in a sustainable location with excellent facilities and transport links, close to the city of Norwich - were it not explicitly excluded from consideration.

2. Conclusion:

- 2.1. The policy is not positively prepared, because:
 - a) it ignores the obvious suitability of this location as a site capable of fulfilling the need for residential moorings, as identified by the Authority and the objectively assessed needs report;
 - b) it arbitrarily removes pre-existing mooring rights on a navigable waterway without justification.
- 2.2. The policy is not justified because it is not founded on a robust or credible information base - indeed the information base is factually incorrect. In particular, there is no objective basis on which to claim that the amenity of residents would be affected by boats moored on the river.
- 2.3. The policy is not effective because it is not sufficiently flexible to deal with changing circumstances - such as a change in land ownership.
- 2.4. The policy does not meet the legal or procedural requirements because it did not go through a robust consultation process; navigation committee were not consulted and members of the planning committee (and others) were misled as to the salient facts underpinning the policy.