

**Enforcement of planning control
Update on land and former mooring basin at Thorpe Island
Report by Head of Planning**

Summary: This report provides an update on the current position on Thorpe Island.

Recommendation: That Members note the report

Location: Former Jenner's basin, Thorpe Island, Thorpe St Andrew

1 Background

1.1 The former Jenner's basin site at Thorpe Island has an extensive planning history, which can be broadly summarised as follows:

- i. An Enforcement Notice requiring, inter alia, the removal of pontoons, a green metal container and a number of motor engines, plus the cessation of associated mooring was served on 7 November 2011.
- ii. An appeal against the Enforcement Notice was submitted and, following various hearings and challenges, the Planning Inspectorate issued a split decision which part allowed and part dismissed the appeal. This was issued 20 October 2014.
- iii. A further challenge was submitted, which was dismissed by the High Court on 6 August 2015.
- iv. Following the landowner's failure to comply with the terms of the appeal decision, an Interim Injunction was granted by the High Court on 11 March 2016. This, inter alia, limited the number of vessels mooring in the basin and on the river bank and prevented any residential mooring.
- v. On 24 June 2016 the High Court granted a Permanent Injunction. This, inter alia, limited the number of vessels mooring in the basin, prevented any residential mooring and required that unless details consistent with the decision of the previous planning inspector were submitted within 3 months then the use of the basin for mooring should cease within 4 months and all pontoons and vessels removed.
- vi. The High Court also ruled that the landowner should pay 2/3 of the Broads Authority's costs in bringing the Injunction.

1.2 The matters at (v) were not resolved.

- 1.3 On 31 March 2017 the site was sold.

2 Site location and description

- 2.1 The site is located to the east of Norwich, within Thorpe St Andrew. It forms the western end of Thorpe Island and comprises an approximately triangular piece of land bounded by the River Yare to the north and the railway line to the south, beyond which is the New Cut and then Whitlingham Country Park further south. It is within the Thorpe St Andrew Conservation Area.
- 2.2 The site comprises rough grass, with trees to the rear bounding the railway line and to the west. Set centrally within it is a rectangular former mooring basin, with an entrance to the River Yare. There is a private bridge which links the site to an access to Thorpe Hall Close, with use of the bridge controlled by a locked gate.
- 2.3 Under the previous landowner, pontoons were installed in the mooring basin and rudimentary quay heading provided here and along the river frontage in order to facilitate mooring, including residential moorings. Decked areas were also provided to the rear of some of the moorings and paraphernalia associated with these uses was distributed across the site. The western part of the site, adjacent to the bridge landing, was used for parking and there were a number of vehicles and plant stored here long term. The green container referred to in the Enforcement Notice was in this part of the site.

3 Update

- 3.1 Since purchasing the site in the spring the new owners have cleared it of the vessels moored in the basin and along the river frontage. The majority of vessels were relocated by their registered owners, with a number handed over to the new landowners by agreement to be disposed of. Three vessels remain on site, all of which are sunken and one of which is Morning Flight, a former MTB. The landowners intend to remove two of the vessels and dispose of them off-site and are in discussion with contractors. They are considering retaining Morning Flight as it is well established and provides a habitat for fish.
- 3.2 The various vehicles, items of plant and the green container have also been removed from the site, as has the domestic paraphernalia. Other than the rudimentary quay heading and decking, which is proposed for removal in due course, the site is now clear.
- 3.3 The Broads Authority's ecologist has met with the landowners on site and advised them on a programme of ecological enhancement, which they intend to implement. She has also monitored the works underway to eradicate the Japanese knotweed on the site.
- 3.4 The Enforcement Notice which was served in 2011 remains extant. It is noted that with the exception of the removal of the 2 remaining vessels, all of the requirements have been complied with. The construction of the rudimentary

quay heading and decking was not covered by the Enforcement Notice as it occurred later.

4 Financial implications

4.1 There are no financial implications.

5 Recommendation

5.1 That Members note the significant progress which has been made in clearing this site.

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Appendices:	Appendix A - Site plan

APPENDIX A

Thorpe Island – Enforcement Update

