

## **THE HARBOUR SAVED FROM UNCONTROLLED HOUSEBOAT DEVELOPMENT AFTER BHT'S SUSTAINED EFFORTS FOR THE PROPER APPLICATION OF PLANNING LAW:**

**It is now absolutely clear from documents on the planning files that Bembridge Harbour Trust's fears were well-founded, and our planning submissions were entirely valid and in the interests of the Harbour, its users and the community:**

### **Our concerns:**

**Far from just confirming the 25 legitimate plots as Mr Thorpe has often protested, The Harbour's planning agents confirm "*the original intent of the application*" included seeking to establish that the "*harbour use*" beyond the 25 longstanding plots "*include[d] the mooring of houseboats*"**

That would have meant no requirement for planning consent, nor any limit on the total number or location of houseboats on virgin sites. This would not only apply within the site, but Harbour-wide.

Advice from IWC legal department and their independent Counsel exactly reflects the consistent advice BHT received and presented to the Council in our efforts to see the proper application of planning law. The Planners have advised the applicants that residential uses are not what they consider a normal "*harbour use*" and would require separate planning consent.

### **Why this is important:**

**Because any Harbour owner could have filled the harbour with houseboats with no need to apply for planning consent and there would be very limited practical control over what happened to the proceeds.**

There would have been no chance for any public consultation or consideration of the impacts. We believe this is why the original application included some 9 acres of harbour that had never previously been used for houseboats, and the "*original intent*" included trying to secure unfettered development over this area.

### **Where would the money have gone?**

The '63 harbour Act requires that all Harbour trading surplus is reinvested (bar a return on the £4,000 share capital). On Mr Thorpe's own evidence some £50,000 per plot sold at £100,000 was destined elsewhere than the Harbour. It is very difficult to see any justification for this, particularly when the Harbour only paid £1 for the long leasehold interest in of the strip of land the houseboats occupy.

**The Harbour Company has wasted money in planning and legal fees that could have gone to maintenance, as well as 2½ years seeking to manipulate the LDC planning process to achieve goals that were not openly disclosed or in the informed view of the IWC planning Authority, valid.**

The harbour owner's approach has also caused unnecessary uncertainty for the homeowners in existing, lawfully sited, houseboats as to their legal status - causing some to submit their own applications.

In the event the application had been successful, there would have been no opportunity to consider the impacts of new houseboats on the Conservation area, Bembridge Neighbourhood Plan policy, fire risk, provision of services, effect on the RAMSA and SSSI sites, parking and public amenity, the sort of considerations normal to a planning application for the protection of the public interest.

**What will happen now:**

The planning officer has proposed, and the applicant agreed “*with some misgivings*” that the application will be re-advertised under another new description;

*“The use of those parts of the land within the areas numbered 1-25 on the plan numbered 14:1977:11D attached to this certificate for the mooring and /or stationing of 25 traditional and non-traditional houseboats for permanent residential use as detailed in the submitted plans and documents together with the use of the remaining land for Harbour use (revised description) (revised plans).”*

BHT look forward to being able to support this amended application.

BHT anticipate that the separate planning application for 34 houseboat sites, two years old and frozen by Mr Thorpe, will now be reviewed and amended or re-submitted. We had speculated that Mr Thorpe perhaps believed, as his planning agent now seems to confirm, that he could bypass this planning application stage altogether and proceed with 34 or unrestricted numbers of houseboat sites based on the flawed LDC decision he sought.

Thankfully it now seems clear that the IWC will continue to insist on the proper lawful planning approach. BHT look forward to reviewing the proposals for what we hope will be moderate numbers, properly supported by an irrevocable undertaking to reinvest the proceeds in line with the '63 Harbour Act - not just a small proportion as previously suggested by the Mr Thorpe.

The Trustees would like to thank the many BHT members old and new, as well as members of the community at large, who have encouraged and supported us in achieving this positive resolution.

There is still more work to be done on other matters if we are to ensure the Harbour gets a fair deal and can continue to serve the community that both contributes to, and relies on, its success.

The Trustees of Bembridge Harbour Trust 16.08.2018