

**22 DCSE2000/0881/F - COMMERCIAL USE FOR CANOEING. RIVERSIDE HOUSE, KERNE BRIDGE, NR ROSS-ON-WYE, HEREFORDSHIRE****For: Mr. G. Smith per Phillip Clifford Designs,  
36 Hotwell Road, Hotwell, Bristol, BS8 4UD**

**Date Received: 11th April 2000    Ward: Kerne Bridge    Grid Ref: 5823 1876**  
Local Member:    Councillor Mrs. R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 This application was first considered by the Committee in September 2000. The Committee decided that subject to a Section 106 Agreement being entered into to restrict the scale of the business that planning permission should be approved. Partly due to the changes in the requirements of the business a Section 106 Agreement has not been made. The most recent draft has been commented on by both English Nature (as required by Committee resolution) and the Environment Agency. However as the intensity of use is greater than that envisaged in the report to Committee and further representations have been received which raise new issues the application is being reported back to Committee.
- 1.2 The application property, Riverside House, comprises a detached house and garden located on the south side of the B4220 immediately to the east of the public car park and canoe launch at Kerne Bridge. The original proposal was to provide canoeing activities based at Riverside House. Clients would canoe from Hay-on-Wye or Hereford, on longer trips, and Hoarwithy or Ross-on-Wye, on single day trips. All trips would end at Riverside House. Canoes would be stored at Riverside House and taken with clients to the starting point. On average 10 people occupying 5 canoes would be catered for each day. No additional car parking would be provided as clients would use the adjoining public car park and be taken upstream in a 12-seater Landrover towing a trailer capable of carrying 6 canoes. Under the revised proposals the use of the public canoe launch would be restricted to 25 canoe launches or landings per day plus supervised special needs training for children with a maximum number of canoe launches and landings not exceeding 12 per day.

**2. Policies****2.1 Planning Policy Guidance**

PPS.7                    -            Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC1        -            Area of Outstanding Natural Beauty  
Policy CTC2        -            Area of Great Landscape Value  
Policy CTC9        -            Development Criteria  
Policy TSM1        -            Tourism Development  
Policy LR1          -            Leisure and Recreation Development  
Policy LR2          -            Leisure and Recreation Development

Policy LR3 - Low-key Recreational Facilities

### 2.3 South Herefordshire District Local Plan

Policy C5 - Development within Area of Outstanding Natural Beauty  
 Policy C8 - Development within Area of Great Landscape Value  
 Policy TM1 - General Tourism Provision  
 Policy TM10 - Proposals within Wye Valley Area of Outstanding Natural Beauty  
 Policy R1 - Provision of new recreational facilities  
 Policy R9 - Recreational Use of Natural Features  
 Policy GD1 - General Development Criteria

### 3. Planning History

3.1 SS990381PF Two storey extension - Permitted 05.05.99  
 SE2000/0074/F Two storey extension - Permitted 08.01.01

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environment Agency has no objection but advises that all the land south of Riverside House lies in the floodplain of the River Wye and existing ground levels should not be raised.

4.2 English Nature advises as follows:-

“We discussed mechanisms to achieve these necessary safeguards. Because the application involves the business use of a public launch site outside the site boundary, a planning agreement would be needed to prevent a more intensive use of the launch site and the section of river bordering the launch site.

We suggest that the main points are:-

- The business operated from the premises should not use the public launch site for business purposes other than those specified in the planning agreement.
- The planning agreement should incorporate the description of the use of the launch site and public car park set out in the application (or other agreed description).
- Use of the premises and public launch site need to be linked and to prevent canoe launches for daily or hourly hire.
- An upper limit on the number of canoes to be operated from the site to be established to prevent excessive exploitation of the River Wye. (This would also have the benefit of safeguarding the car park as an amenity for the use of the public).

We suggest that the upper limit for number of canoes operated from the site should be established with the applicant. We do not see the need to restrict the timing of the use of the site on nature conservation grounds.

We agreed that English Nature should comment on a draft agreement to be prepared by the applicant and your Council. English Nature's holding objection stands until a satisfactory planning obligations have been concluded".

- 4.3 Herefordshire Wildlife Trust points out that the proposal is in line with the 1992 Wye Challenge Report to make optional use of existing launch sites. However, canoeing can disturb wildlife and cumulatively cause long term harm. The impact is difficult to quantify and assess. Recommend refusal but may re-consider if total numbers could be limited and restriction on times when in use - both to be agreed by English Nature.

#### Internal Council Advice

- 4.4 The Traffic Manager advises as follows:-

"Given the fact that the application site fronts onto a classified highway carrying light to medium flow of traffic and no provision exists on the road for a storage lane for right turning traffic at the access to the site, it is considered that the proposed commercial use of the site for canoeing would constitute a potential danger to the through traffic and therefore not acceptable from a highways safety point of view.

The applicant has been requested many a time to submit a traffic profile likely to be associated with the proposal for my assessment and I am still waiting for it to arrive".

- 4.5 The Conservation Manager advises that an appropriate assessment may be needed.

### **5. Representations**

- 5.1 The application included details of the proposals, including a summary of the following:-

- (i) The applicants qualifications, experience and current aims.
- (ii) The proposed use would involve clients canoeing from Hay-on-Wye or Hereford, on a pre-planned route over a number of days, or a days canoeing from Hoarwithy or Ross-on-Wye. All journeys will end at Riverside House.
- (iii) Clients will be encouraged to use the local bed and breakfasts, hotels and campsites, further supporting the local rural economy.
- (iv) Riverside House is ideally situated with a self-contained parking area (there will be no need for additional parking facilities/access). Riverside House will offer an excellent opportunity for controlled management of the area, whilst also enhancing the opportunities for access into the countryside. The river and existing canoe launch is easily accessible via the existing gate at the rear of Riverside House. No negative impacts will be caused to the natural environment.
- (v) The centre would encourage sustainable regeneration, and improve local job opportunities. The rural economy and environment will be further enhanced by educating clients in environmental awareness and the preservation of the countryside.

- (vi) The opportunities for access into the countryside will be improved for people of all ages and abilities, including people with special needs who greatly benefit from licensed outdoor activities.
- 5.2 The Walford Parish Council has no objections to the commercial use at Riverside House as it will lead to more constant supervision of the site. Verification of support from the Countryside Commission should have been included with the application. If new signage is proposed, Walford Parish Council would like to see it included in that for canoe site, picnic site and Village Hall. The suggestion was made that vehicles for Riverside House should use the same entrance off B4234 as for the Canoe Launch site on this dangerous bend.
- 5.3 Goodrich and Welsh Bicknor Parish Council objects to a change of use of a private residence to take advantage of the public facilities which are already provided.
- 5.4 20 letters of support have been received. The following points are made:-
- (i) Personal qualities and exemplary business and professional practices;
  - (ii) Applicant's concern for safety and care for environment are particularly noted and his work with the under-privileged;
  - (iii) Benefits to tourists and locals from the use but also spin-off benefits to local businesses and the community;
  - (iv) Ideal location next to car park and canoe launch and would have no adverse environmental effects;
  - (v) Buildings would be improved;
  - (vi) Accords with Local Plan policies regarding small businesses.
  - (vii) One angler states that applicant respects other river users
- 5.5 Six letters of objection has been received making the following points:-
- (i) As in Area of Outstanding Natural Beauty appears to conflict with Policy CTC1 of County Structure Plan and C5 and TSM10 of Local Plan;
  - (ii) Intensify use in heavily canoed region of lower Wye and interests of other legitimate users have not been addressed;
  - (iii) No independent environmental impact assessment addressing effects on river environment locally and up and down stream - site already used for launching canoes downstream creating potential for increasing activity downstream with further traffic congestion;
  - (iv) Concern that disturbance to wildlife and amenity of this SSSI and AONB
  - (v) Opposed by Goodrich and Welsh Bicknor Group Parish Council - apparently as would initiate a precedent for commercialisation of the river (a major objection to a proposal at Huntsham Bridge).

- (vi) Small development such as this may be harmless but set precedent for environmentally damaging development thereafter – critical that this internationally important River is preserved for future generations to enjoy.
- (vii) Full range of consultations with environmental and other interest groups have not been undertaken – Environment Agency after became navigation authority and fishery interests are mentioned.
- (viii) Fishery interests should be part to Section 106 as of right as own bed of river and thereby strictly speaking control all landing/land rights.
- (ix) Conflict between canoers and anglers is referred to : very great increase in canoe traffic especially between Kerne Bridge and Symonds Yat West make salmon fishing non-productive in terms of catch and recreation between 10.00 am and 5.00 pm Easter – September.
- (x) Wye Salmon Fishery owners are taking up question of canoe density with Environment Agency which now has responsibility for regulating and providing policy on navigation as well as fishing, recreation, environment and decision should be withheld until navigation regulations have been determined.
- (xi) Very serious concern expressed that use allowed to continue and Section 106 has not been concluded and that it would not be enforceable.
- (xii) No confidence that Council would effectively control this development – planning creep has been allowed and the co-ordinated action necessary (with Gloucester county Council and Environment Agency) has not been arranged.

## 6. Officers Appraisal

- 6.1 There are three main issues raised by this proposal: firstly the effect on the nature conservation interest of the River Wye cSAC – SSSI, secondly the effect on other users of the River Wye in particular anglers and thirdly whether restrictions on the level of activity would be enforceable.
- 6.2 On the first issue the key question is the scale of activities which could have an adverse effect on the water quality of the River Wye and hence would require an appropriate assessment. English Nature advises that the level of activity proposed is not significant in this regard and there would be no appreciable effect on the River Wye's nature conservation value.
- 6.3 The representations refer to the conflicting interests of canoeists and other boaters on the River Wye and anglers. The stretch of river adjoining the public canoe launch may well be relatively heavily used by canoeists and although the additions now proposed would intensify this use it is unlikely to sterilise long sections of the river, as far as angling is concerned. The other trips would start or finish at Kerne Bridge as they would involve canoeing reasonable distances by more experienced canoeists are much less likely to give rise to activities that would make fishing a fruitless and frustrating experience. Consequently although this proposal would add to existing problems it is not thought that this would be so serious as to justify refusal of planning permission. The Environment Agency which has responsibilities for use of rivers states that it wishes to encourage canoeing on the River Wye.

6.4 The third issue relates to the problem of whether it is practicable to restrict the scale of the business operated from Riverside House. The property adjoins the canoe launch and would be the base from which the trips originate and the storage area for the canoes. It is intended that canoes would be stored in existing buildings and open storage of canoes could be restricted by planning condition. Any new buildings would require planning permission. The canoe launch is open to the public but it would be practicable through a planning agreement to restrict its use by the business operated from Riverside House. The terms of the draft Section 106 agreement limit the scale of the business and require submission of reports certifying the number of canoe launches and landings. These could be checked by surveillance as is sometimes necessary for enforcing planning conditions. Both English Nature and the Environment Agency are satisfied with the terms of the Agreement. It is considered therefore that the business could be restricted to the level of activity now proposed and that as this would not have a significant adverse impact on nature conservation or other users of the River there are no cogent grounds to refuse permission.

**RECOMMENDATION**

**That :**

- (i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to restrict the scale of the business operated at this canoe centre within 3 months of the date of this Committee meeting and deal with any other appropriate and incidental terms, matters or issues.**
- (ii) Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission subject to the following condition and any other conditions considered necessary by officers:**
  - 1. No canoes shall be stored in the open at Riverside House but in accordance with the details which have been submitted to and approved in writing by the local planning authority.**

**Reason: To protect the visual amenities of this part of the Wye Valley AONB.**

**Informative:**

**1 N15 – Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies