

ENFORCEMENT NOTICE

LADIES BRIDGE MOORINGS, KENNET AND AVON CANAL

WILCOT, PEWSEY, WILTSHIRE

APP/E3905/C/06/2019638

EVIDENCE OF **NIGEL IAN JOHNSON** ON BEHALF OF THE APPELLANT, BRITISH WATERWAYS BOARD

STATUTORY AND OTHER LEGAL ISSUES

1. My name is Nigel Ian Johnson. I am a solicitor and am the Legal Director and Secretary to the British Waterways Board ("BW"), having held this position since April 2001.
2. The purpose of my evidence given in this statement is
 - to explain the legal powers under which the Kennet & Avon Canal was built and how BW has succeeded to those powers;
 - to describe the wider duties and powers of BW as navigation authority for the Kennet & Avon Canal;
 - to described certain legal provisions that enable BW to regulate the use and mooring of boats on the Canal;
 - to consider the treatment of moorings on canals under planning legislation in the context of those legal provisions and historical patterns of use.

The succession of British Waterways Board as statutory undertaker of the Kennet and Avon Canal

3. BW is a statutory public corporation and the navigation authority for the majority of inland waterways in Great Britain (in total 2,200 miles of waterway). It was established by section 1 of the Transport Act 1962. It took over the inland waterway operations (and certain docks and harbours) of the former British Transport Commission ('BTC') under the auspices of which the nationalisation of the main British transport infrastructure took place in 1947/8.
4. The nation's canals were mostly built in the late 18th and early 19th century by 'Companies of Proprietors' set up for that purpose by private Acts of Parliament. Those Acts (commonly called 'enabling Acts') contained extensive powers enabling canal construction and subsequent management and operation. I give further background information about the development of canals in the Historical Appendix to this statement.

5. The first enabling Act that authorised and enabled the construction of the Kennet and Avon Canal was the Kennet and Avon Canal Act 1794 ('the 1794 Act'). This authorised the construction of a canal to link the River Kennet (which had been modified and made navigable under powers given by Acts of 1714, 1721, and 1730) with the navigable River Avon at Bath (which had been improved under statutory powers given by an Act of 1712). A further six enabling Acts were passed between 1796 and 1813. Under powers contained in the Act of 1813, the River Kennet Navigation was purchased by The Company of Proprietors of the Kennet and Avon Canal Navigation ('the Company of Proprietors').
6. The entire undertaking of the Company of Proprietors was transferred to The Great Western Railway Company by the Great Western Railway Act 1852. On 1 January 1948 the undertaking and property of the Great Western Railway Company was vested in the British Transport Commission by the Transport Act 1947.
7. On 1 January 1963 the property rights and liabilities comprised in the part of the undertaking of the British Transport Commission constituted (inter alia) by their inland waterways (other than the Lower Ouse Improvement) was vested in BW by the Transport Act 1962 and Statutory Instrument 1962 No. 2634. Accordingly BW is the statutory successor to the original Company of Proprietors and has inherited all property, rights and liabilities arising under the various enabling Acts. By that succession BW is the statutory undertaker for the Kennet & Avon Canal.

Powers and Duties of British Waterways Board under general legislation

8. In addition to the inherited powers arising under the enabling Acts, BW has an extensive range of powers and duties arising under modern legislation, particularly the Transport Acts 1962 and 1968; and the British Waterways Acts 1971 and 1995. The primary duty of the BW is set out in section 10 of the Transport Act 1962 which provides that:

"It shall be the duty of the British Waterways Board in exercise of their powers under this Act to provide to such extent as they may think expedient - (a) services and facilities on the inland waterways owned or managed by them....."
9. When the inland waterways were nationalised their primary function was as a commercial freight facility (although pleasure boat usage had existed as an ancillary use from the outset, as I shall demonstrate later in this statement). The Transport Act 1968 however supplemented and modified the powers and duties of BW so that greater emphasis was placed on the amenity value of the waterways and their use for leisure purposes.
10. Waterways were classified under the Transport Act 1968 as either Commercial, Cruising or 'remainder' waterways. In addition to the primary duty under section 10

Transport Act 1962 (as set out above) BW was, by the 1968 Act, placed under a duty to maintain Cruising waterways in a condition suitable for use by cruising craft with a view *"to securing their general availability for public use."*¹

11. At the time of the passing of the 1968 Act 'remainder' waterways were those waterways that were either little used or their condition was such they were incapable of use for navigation. For those waterways BW was by the 1968 Act given a wide discretion to retain and manage the waterway, to develop it, to eliminate it or to dispose of it.² That discretion was modified by section 22(2) of the British Waterways Act 1995 which requires BW to take into account the desirability of protecting for future use as cruising waterways, remainder waterways with potential for such use.
12. The 1968 Act provides a process for reclassification of waterways and indeed a number of remainder waterways have, since the passing of the 1968 Act, been reclassified as cruising waterways following their restoration to full through navigation.

Statutory and contractual provisions concerning the Kennet and Avon Canal

13. Although traffic on the Kennet and Avon Canal had much declined during the first half of the 20th century, through navigation only finally ceased (pre-restoration) in the 1950's. Nevertheless some pleasure boating and some commercial traffic remained on certain lengths of the Canal and in British Transport Commission Acts of the late 1950's, and in the Transport Act 1962, special statutory provisions were passed preventing elimination of the canal so that, notwithstanding its dilapidation, it would remain available for restoration and renewal once funding was available. Under the classification scheme introduced by the Transport Act 1968 certain lengths of the canal were classified as 'cruising waterway' though not the central portion of the Canal that includes the length at Ladies Bridge – this part of the canal is still 'remainder waterway'.
14. I provide some brief background information on the restoration of the Kennet and Avon Canal in the Historical Appendix to this statement. It has been the subject of a number of publications. The final phase of major restoration was a substantial programme of around £29 million of works between 1997 and 2002 funded by a grant of some £21.5 million from the Heritage Lottery Fund (its largest ever) and almost £7.5 million of match funding. Some of that was provided in the form of 25 year maintenance funding agreements entered into by County and District Councils (including Kennet District Council) through whose areas the Canal passed.

¹ Section 105 Transport Act 1968.

² Section 107(2) Transport Act 1968

15. It is a contractual term of both the Heritage Lottery Fund grant, and the local authority funding (including that provided by Kennet District Council), that BW maintain and operate the entire length of the Canal as if it were a cruising waterway and to use its best endeavours to obtain the necessary ministerial order (under the Transport Act 1968) for reclassification of all the remainder lengths of the canal as cruising waterway. The process of obtaining such an order is currently in hand.
16. Accordingly, the combined effect of statutory duties and contractual obligations is that BW is required:
 - a. to secure the general availability to the public of the Canal for use as a cruising waterway; and
 - b. to provide for that purpose services and facilities to such extent as it thinks expedient.
17. It is a requirement of section 17 of the British Waterways Act 1995, that any boat (with minor exceptions) used on a waterway owned or managed by BW must have a 'home mooring', that is "*a mooring or other place where the vessel can reasonably be kept and may be lawfully left...*"
18. My colleague Madge Bailey in her statement of evidence describes the types of moorings that may be found on waterways owned or managed by BW. As she explains a 'home mooring' is a place where a boat may be lawfully 'parked' when not being used for navigation. It is the 'home' of the boat and does not relate to any residential use of the boat.
19. Given the statutory requirement in the 1995 Act, BW has treated 'home' moorings as one of the key facilities that it has a duty, under section 10 Transport Act 1962, to provide on the Kennet and Avon Canal "to such extent as it thinks expedient".

Mooring on canals generally

20. Most non-tidal rivers are subject to the common law rule of riparian ownership – that is that the bed of a river, up to the centre line of the river, is in the ownership of the proprietor of the adjacent riverbank. Notwithstanding that ownership, certain rivers were and are subject to common law public rights of navigation - which includes the right to moor temporarily whilst in the course of navigation. Longer term mooring however requires the consent of the riparian owner – that is the consent of the owner of the land comprising the riverbank adjacent to which the boat is moored.
21. On a canal however, the bed and channel of the canal is in the ownership of the canal proprietor along its entire length. Accordingly the presence of any vessel on a canal requires the consent of the canal proprietor or must be authorised by statute.

22. A very important distinction between navigable rivers and canals is that canals were specifically created (with parliamentary authority) as transport infrastructure – to provide a route for boats to navigate; whereas on rivers, navigation is often seen as an incidental activity (though many river improvement Acts provide otherwise). The need to provide facilities for the mooring of boats when not being used for navigation is an inevitable consequence of the creation of a manmade canal navigation – in practical terms, they cannot go anywhere else.

The regulation of mooring on canals by navigation authorities

23. Historically, as explained in the Appendix to this evidence, the main waterspace available for the 'parking' of boats when not being navigated on a canal was along the sides of the canal itself. On certain waterways, old privately owned canal arms and basins (originally associated with adjoining industrial sites) have been developed as 'off-line' long term mooring sites. Nevertheless, in most cases, vessels awaiting cargos; workboats not in use; vessels laid up during periods of downturn in trade; and pleasure boats not in use, were predominantly moored in the canal when not in use.

24. There is a history of regulation of such mooring by navigation authorities (i.e. the original canal companies and their statutory successors, including BW). In earlier years such regulation was relatively 'light touch'. The 1827 byelaws of the Kennet and Avon Canal provided, at byelaw 16:

"That every boatman or other person having the conduct of any boat, barge, or other vessel shall, when the same is not navigating upon the Canal, moor and fasten the same at both ends, close to the bank on the side of the Canal opposite to the towing-path, but not under a bridge, upon an aqueduct, in a lock or stopgate, nor within one hundred yards of the same, under penalty of twenty shillings."

25. Note that the byelaw refers to the mooring of a vessel "...when the same is not navigating upon the Canal..." and requires such mooring to be on the offside "...of the Canal..." (emphasis added).

26. By the late 19th century and early 20th century the use of canals by pleasure boats grew and navigation authorities found it necessary to increase the degree of regulation of mooring of such vessels. Although the primary purpose of most 18th century canals was as commercial freight transport infrastructure, pleasure boat usage was contemplated from the outset. Section CXXXVIII of the Kennet and Avon Canal Act 1794 provides that:

"Provided always, and be it further enacted, that it shall be lawful for the respective Owners and Occupiers of any Lands or Grounds adjoining the said Canal and Cuts respectively, to use upon the same any Pleasure Boats ..."

27. Such usage was free of charge subject to limitations on the size of vessels and provided they did not pass through any locks and were not left on the Canal when not in use. Use of pleasure boats outside those limitations and restrictions was however permitted by the Company of Proprietors (or its successors) by consent and on payment of charges. With the decline of freight traffic in the latter part of the 19th century such pleasure boat usage grew gradually and navigation authorities found a need for somewhat more prescriptive regulation and management of the use and mooring of such boats (particularly as, with the availability of mechanical propulsion, the size of pleasure boats increased).
28. Contained in the National Waterways Archive at Gloucester is a bundle of licences issued by the Great Western Railway Company (as successor to the Company of Proprietors) permitting specifically both the use and the mooring of pleasure boats on the Kennet and Avon Canal. The bundle contains licences issued between 1894 and 1948. In total there are some 130 licences in the bundle though there is no indication that these comprise all licences issued as they do not bear consecutive numbers. I do not know why this, apparently random, bundle survived when many other administrative documents appear to have been lost or destroyed.
29. A number of the licences also permit the construction by the boat owner of a landing stage or boathouse on the banks of the Canal to facilitate use of the boat. Many of the licences define pleasure boat as a rowing boat or canoe but a number also permit the use and mooring of vessels described as "steam launch"; "motor boat"; "motor pleasure boat" and "houseboat". The licences permit the licensee "to place, use and keep" the vessel on the Canal. In the case of the licences for houseboats it appears these were not static vessels but were navigated on the Canal as the licence requires the payment of lock tolls in addition to the licence fee.
30. The need for more prescriptive regulation and management of mooring was not unique to the Kennet & Avon Canal. In the 1930's the Leeds & Liverpool Canal Company became concerned about the need for better regulation of the mooring of boats on its canal when not in use for navigation and in 1932 made additional byelaws to address the issue, the principal clause of which required that :
- "No person in charge of any vessel shall allow the same when not being navigated or otherwise at work to remain on the Canal except at such places and for such periods as shall be appointed for the purpose by the Company or directed from time to time by their duly authorised Agent..."*³
31. The modern system of licensing vessels for navigation use of BW canals, with separate authorisation of mooring, evolved from the late 1960's onwards. In a publication of BW

³ Byelaw 3 of the Additional Byelaws made by the Leeds and Liverpool Canal Company on 16th day of March 1932 pursuant to section 83 of the Leeds and Liverpool Canal Act 1891.

dated 1967 entitled "*Leisure and the waterways*" that sought to promote leisure use of the waterways, advice was provided to the novice boater. The publication states that, at that time, BW offered "...moorings at over a hundred sites throughout their waterways." It goes on to say that: "*Broadly speaking, one licence payment (plus whatever arrangements the individual makes for permanent mooring) is all he has to pay.*"

32. At this time, and into the 1970's, home moorings were mostly on-line, the major development of inland marinas having yet to begin. A strip map of the "*Kennet and Avon Waterway*" published in 1975 by Imray, Laurie, Norrie and Wilson Ltd (which extends from Reading to All Cannings and thus includes the canal pound at Ladies' Bridge) shows that all moorings on the Canal then were on-line.
33. With the significant growth in leisure boating from the early 1980's onwards, new inland marinas were developed adjacent to, and connected with, many of the fully navigable waterways⁴. These are a relatively recent development in any significant numbers but nevertheless now the majority of boats used on BW owned or managed waterways have home moorings 'off-line'. In her evidence Madge Bailey gives various statistics, and indicates that, notwithstanding the recent growth on off-line provision of moorings, there remain some 7,000 leisure boats with on-line home moorings on BW operated waterways.
34. The development of off-line moorings tends to lag the growth in use of a waterway both because investment decisions are delayed until evidence of demand becomes clear and, more significantly, because of the difficulty in obtaining planning permission for such developments. This has particularly been the case on the Kennet and Avon Canal since its restoration.
35. The unsatisfied demand for home moorings resulted, in the late 1980's and early 1990's, in significant levels of non-compliance with the licence requirement that each vessel have a home mooring. Accordingly a provision was included in the British Waterways Act 1995 that I have referred to above – namely that it became a statutory requirement that any applicant for a licence for a boat had to be able (with limited exceptions) to satisfy BW that a lawful home mooring was available for it. This significantly improved the enforcement powers of BW since the availability of a lawful home mooring became a pre-condition to the issue of any licence. BW has the power to remove any unlicensed vessel from its waterways.

⁴ Most off-line mooring sites are owned and/or operated by private operators though BW does have a subsidiary, British Waterways Marinas Limited that operates about a dozen marinas (though none on the Kennet and Avon Canal).

Management of the provision of moorings

36. Madge Bailey provides detailed evidence on this topic in her statement. I shall limit my consideration of it to that necessary to explain BW's approach to the treatment of canal mooring under planning law.
37. BW has a policy of seeking to accommodate the growth in demand for home moorings by the increased provision of off-line moorings. Indeed it has recently set up a New Marinas Unit to assist and facilitate developers of inland marinas – particularly with the planning difficulties. It also launched earlier this year an Inland Marina Investment Guide to provide pertinent information for potential investors.
38. BW does however consider that it has a duty, consistent with its environmental obligation (which I explain later), to make reasonable provision of on-line home moorings in compliance with its statutory duty to secure the 'general availability' of cruising waterways for public use. It is not the intention of BW, therefore, to eliminate on-line home moorings altogether from suitable sites as it is the view of BW that the presence of vessels on its canals is part of the 'colour' and attraction of the waterway. Such on-line home moorings have, in the view of BW, always been a feature of canals and therefore are ancillary to their lawful use in planning terms.
39. As I have explained above, BW is able to control the location of any on-line moorings on a canal by the fact of its ownership of the bed and channel along its entire length. Thus any occupation of waterspace on the canal (even adjacent to land in the ownership of a third party) is under the control of BW. Thus a riparian owner who wishes to moor their boat at the end of their garden where it adjoins a canal requires the permission of BW. BW exercises these powers with a view to achieving an appropriate balance between its various statutory and contractual duties including its environmental obligations.
40. Those environmental obligations are set out in section 22(1) British Waterways Act 1995 and are as follows:

It shall be the duty of the Board, in formulating or considering any proposals relating to their functions-

- (a) so far as may be consistent with the purposes of any enactment relating to those functions, so to exercise any power conferred on them with respect to the proposals as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest;*
- (b) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest; and*
- (c) to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.*

41. BW fulfils all these responsibilities through a range of policies, guidance notes and the employment of specialist staff to advise operational staff.

The treatment of 'home moorings' under planning legislation

42. As will be seen from the above, Parliament has given a broad range of powers and duties to BW for the effective management of its waterways. This is further reflected in the permitted development powers given to BW by the General Permitted Development Order 1995. Part 17 of Schedule 2 of the Order concerns development by Statutory Undertakers. Class B and Class C of that Part both apply to the Kennet & Avon Canal at Ladies' Bridge. Whilst the development permitted by these classes in the Order relate to various types of works rather than the activity of mooring itself, such works include those that facilitate mooring. Class B includes:

"Development on operational land by statutory undertakers or their lessees in respect of...canal or inland navigation undertakings, required (a) for the purposes of shipping⁵, or (b) in connection with ... with the movement of traffic by canal or inland navigation..."

43. Thus the provision of mooring rings, landing stages, pontoons etc is routinely acknowledged to be permitted development by planning authorities. It is the view of BW that there would have been little point for Parliament to provide that such works should be permitted development if the majority of the activities associated with the works would, in the normal course of events, require a separate planning permission.
44. As I believe I have demonstrated in my evidence above, the mooring of vessels used for navigation on a canal (or for its maintenance and repair), even when not in the course of navigation, is and always has been a well-established, necessary and inevitable activity consequent upon the construction of an artificial inland navigation. BW accordingly is, and always has been, of the view that such mooring ('home mooring') is an activity ancillary and incidental to the operation of the canal and does not amount to a material change of use requiring planning permission.
45. BW does however accept that certain types of mooring on a canal may amount to a material change of use. These usually will include:
- the mooring of a static vessel used for commercial or trading purposes, e.g. a static floating shop; static floating hotel or restaurant; a static business barge (floating office);
 - the mooring of a static houseboat or other static residential vessel; and
 - the mooring of a vessel used in navigation but for which the primary use of the vessel at the mooring is as a dwelling, i.e. as the occupiers sole or main residence.

⁵ It should be noted that in both the Transport Act 1962 and the Merchant Shipping Act 1995, "ship" is defined as including "every description of vessel used in navigation"

BW accepts that these activities are not ancillary or incidental to the use of the canal as such.

46. It has always been the practice of BW to seek planning consent for moorings of the above types. It has never been the practice of BW to apply for planning consent for 'home moorings' of boats used for navigation but not also used as a dwelling.
47. I have caused extensive enquiries to be made within BW, as well as of some former employees of BW, to discover if any enforcement notices have been issued by a planning authority asserting that home moorings (as described above) on a canal amount to a material change of use for which planning permission must be obtained. No instance has been discovered and to the best of my knowledge the enforcement notice that is the subject of this appeal is the first.
48. There have been instances when enforcement notices have been issued asserting that moorings are being used as residential moorings without planning permission when BW had authorised use only as 'home moorings' – i.e. not for residential use. In such cases it is necessary to assess on the basis of available evidence the nature of the use of the vessel and whether it amounts to use as a dwelling – i.e. as the sole or main residence of the occupier.
49. BW has adopted such process partly in the light of the advice given by the Valuation Office Agency in its Practice Notice 7 "*Application of Council Tax to Caravan Pitches and Moorings*". As Madge Bailey explains in her evidence, BW considers one of the distinctions between a 'home mooring' of a leisure boat and a residential mooring is a requirement to pay Council Tax. Any requirement is clear evidence of the use of the boat at the mooring as a dwelling. The advice in the Practice Note arises from changes made to the definition of "domestic property" in the Local Government Finance Act 1988 by the Rating (Caravans and Boats) Act 1996.
50. Practice note 7 confirms that the key test of whether a boat at a mooring is "domestic property" (and therefore subject to Council Tax) is whether the boat is someone's sole or main residence.

Legal arrangements concerning Ladies' Bridge Moorings

51. More detailed information on the legal arrangements concerning Ladies' Bridge Moorings is given in the evidence of Madge Bailey and [REDACTED] (one of the directors of Ladies Bridge Moorings Limited). In this statement I confine my evidence to issues that are relevant to my evidence earlier in this statement.
52. The moorings at Ladies' Bridge are operated by Ladies' Bridge Moorings Ltd ("LBML") under the terms of a lease dated 10 January 2006 made between BW as landlord,

LBML as tenant and [REDACTED] and [REDACTED] as sureties. This lease replaces an earlier lease made between BW as landlord and [REDACTED] and [REDACTED] as tenants. I understand there was an earlier lease (or leases) with another party.

53. As a lessee of operational land of BW, LBML benefits from the permitted development rights given by the General Permitted Development Order 1995 that I have described above.
54. The tenant's covenants in the lease include, inter alia, covenants in the following terms:
- *"To comply with all legislation delegated legislation bye-laws and the requirements of any competent authority in relation to the property or its use...."*
 - *"Before making any application for a planning decision in respect of the Property to obtain the written consent of the Landlord (which shall not be unreasonably withheld..."*
 - *"To use the Property for the purposes specified in Schedule 3 and not to use or permit it to be used for any other purpose"*
 - *"That nothing shall be done on the Property which may be or become a public or private nuisance or a danger annoyance or disturbance to the Landlord or their tenants or traders or to neighbouring property or persons."*
55. The purposes specified in Schedule 3 of the lease are:
- *"The mooring of pleasure boats and a maximum of two hire boats all of which must display current craft licences at all times."*
 - *"Subject to the Tenant obtaining all necessary consents from the Landlord and all necessary consents from the Local Authority including planning permission for the mooring of one security boat."*
56. The reference to a 'security boat' is a reference to a common practice at sites of leisure boat home moorings to have one boat occupied on a residential basis by a person who acts as a caretaker/warden for the site. [REDACTED] gives further evidence concerning the security boat option. There is currently no security boat.
57. The above provisions demonstrate how BW exercises effective control over on-line moorings that are leased from BW. Compliance with the provisions of the lease by the Tenant is demonstrated by the "General terms and conditions for the use of the moorings and facilities at Ladies' Bridge" issued by LBML. Those terms and conditions provide, inter alia, that:
- *"All moorers must adhere to section 2, 7-19 & 21-33 of the BW Boat Licence and permit conditions."*
 - *"Residential or any regular stay on the mooring is NOT permitted."*
 - *"Commercial use of, or advertising on craft is NOT permitted."*

- *"Access to the moorings is by the documented rights of way, byways and bridleways."*
- *"Since pedestrian access is past a private house and farm, care must be taken not to cause obstruction or hindrance to the owner or his workforce."*

58. The conditions referred to in the first bullet point immediately above are conditions applicable to moorings directly managed by BW and include a range of requirements including the avoidance of pollution; care of the mooring site; control of pets; and avoidance of nuisance to others.

Conclusion

59. In my evidence I have set out the legal framework concerning the moorings of boats on the Kennet and Avon Canal and have put that in the context of historical patterns of use. In doing so I have sought to demonstrate that:

- Canals are manmade transport infrastructure created with the authority of Parliament to provide a route for boats to navigate.
- An inevitable consequence of that primary purpose is the need for facilities for the mooring of boats when not being used for navigation.
- Early byelaws for the Kennet and Avon Canal show that such facilities were primarily provided through the mooring of such boats in the Canal on the off-side.
- Later documentary evidence shows that the navigation authority routinely authorised the mooring of pleasure boats on the Canal when not being used for navigation.
- Only in recent times have facilities for mooring boats 'off-line' become available to any significant degree and there is a particular shortage of such facilities on the Kennet and Avon Canal.
- In the modern era a mature regime for the effective regulation of mooring by BW (as navigation authority) on its waterways has evolved.
- Such regulation is required to take into account both a duty to provide services and facilities on its waterway and to take into account environmental considerations including (inter alia) any effect on the beauty or amenity of any rural or urban area.
- That the mooring of vessels used for navigation on a canal (or for its maintenance and repair), even when not in the course of navigation, is

and always has been a well-established, necessary and inevitable activity consequent upon the construction of an artificial inland navigation.

- BW accordingly is of the view that (provided the boat is not used as a sole or main residence) such mooring is an activity ancillary and incidental to the operation of the canal and does not amount to a material change of use requiring planning consent.

60. I have seen the evidence in the statements of the other witnesses for BW at this inquiry and insofar as I have knowledge of the points they are making I am in full agreement with what they say.