

Planning for Water Sports

Introduction

The Sydney 2000 Olympics were Great Britain's most successful Games for many years and some of the most memorable successes were in the water sports of rowing, sailing and canoeing. Steve Redgrave's fifth gold medal in the coxless fours may stand out, but gold medals were also won by the men's eights and by Iain Percy, Ben Ainslie and Shirley Robertson in sailing. Silver and bronze medals were also won in canoeing, sailing and rowing events. These successes have given the various water sport disciplines a high profile so it seems an appropriate time for the Planning Bulletin series to take to the water and look at the issues surrounding them.

The term 'water sports' now embraces a wide variety of active forms of recreation, from traditional sailing to the more recent emergence of jet skiing and wake boarding. In this bulletin 'water sports' are taken to include such activities as sailing, rowing, canoeing, power boating, water skiing and jet skiing. Other water-based activities such as angling, or pool-related activities like swimming and diving are not within the scope of this issue.

People participate in water sports using both natural resources and man-made facilities, on inland and coastal waters, using their own strength (rowing and canoeing), harnessing the power of the wind (sailing and board sailing) and using modern technologies (jet skiing and water skiing). The magnificent Penrith Whitewater Stadium that hosted the canoe and kayak events at the Sydney 2000 Olympics represents the current pinnacle of man-made water sport facilities. At the other end of the scale, the coastal waters around the UK provide a valuable resource for sailing and many other forms of activity.

The Government's decision to approve a 10mph speed limit by-law on Lake Windermere – thereby removing the last water space available for water skiing and power boating in the Lake District – demonstrates the planning difficulties facing some water sports at the start of the new millennium. By looking at the Windermere case and at other water sport venues that have become entangled in the planning system, this bulletin seeks to identify common threads of planning policy and decision-making that will help to guide these sports in the future.

The sports

The table on page 3 summarises the water sports covered in this bulletin, and indicates the relevant governing bodies, number of participants and resource/facility requirements for each sport.

Calculating how many people actually take part in water sports is more complex than it may seem. The figures quoted in the table were provided by the sports' governing bodies. They should, however, be regarded as conservative since, in most cases, they only reflect the number of members of that particular governing body and do not include people who participate in the sport who are not members of a governing body. However, even these conservative figures suggest that well over half a million people regularly participate in the water sports concerned.

The 1998 *Boating and Water Sports Survey*, undertaken by Market Research Solutions Ltd on behalf of the British Marine Industries Federation (BMIF), suggests a far higher number of participants. The survey – broader in scope than the sports covered here and inclusive of narrow boating and fishing from boats, for example – concluded that some 7.8 million adults in the UK participate in boating and water sports. Of these, 3.2 million live in a boat-owning household and 4.6 million people participate but do not own a boat.

There is clearly a significant difference between the participation figures derived from the governing bodies and those from the BMIF. However, whichever figures are more accurate, it is clear that a significant number of people regularly take part in water sports.



Sport	National governing body	Number of participants/ members	Resource/facility requirements
Sailing	Royal Yachting Association (RYA)	Dinghy sailing: 250,000 (UK) Keelboat sailing: 150,000 craft (UK)	Small boats: 1–5 hectares Club sailing: minimum 6 hectares Open competition: minimum 20 hectares
Windsurfing	RYA	250,000 (England)	Coastal or inland – suitable launching areas with account taken of prevailing wind
Rowing	Amateur Rowing Association (ARA)	16,000 ARA members	High performance facility: 2,300m x 120m x 1.5m deep Regional facility: 1,500–2,000m x 60m x 1.5m Local facility: 1,000m x 20m x 1.5m
Canoeing	British Canoe Union (BCU)	20,000–25,000 BCU members	Varies with discipline
Power boating	RYA	500–600 licences issued by RYA each year for top level competition plus 300 one-day licences	Coastal water or large inland areas – minimum 15 hectares
Jet skiing (personal watercraft)	RYA	Licences issued by RYA (see above) include those for jet skis. However, much jet skiing activity is not licensed by RYA	Almost any coastal or inland water area
Water skiing	British Water Ski Federation (BWSF)	200,000+ participants 10,000 BWSF members	Rectangular area of water over 15 hectares (for competitive activity)

All the sports in the table can be further broken down into other disciplines. For example, rowing can be sub-divided into traditional sweep-oared rowing (single oar) and sculling (two oars), with activity taking place in single

boats, doubles, fours and eights. Similarly, water skiing can be done with a boat or cable, using various types of skis or barefoot, and with or without jumps.

When planning for water sports, there must be a clear understanding of the different requirements of all the relevant activities. Further information can be obtained from the appropriate governing body (see 'Addresses' at the end of the bulletin). A brief overview of the main water sports is provided below:

Sailing – The broad activity of sailing can be divided into many separate and generally complementary elements but, for the purposes of this bulletin, we shall refer only to dinghy sailing and keelboat sailing.

Dinghy sailing provides a simple and relatively cheap introduction to the sport using a variety of craft – Lasers, Toppers, Finns and so on – that do not have a fixed keel. Dinghy sailing takes place on both coastal and inland waters at around 650 affiliated sailing schools and 700 clubs, attracting around 250,000 regular participants across the UK.

Keelboat sailing refers to all boats with a keel (the central 'ridge' of the boat, running along the bottom from front to back). Keelboat sailing takes place mainly at sea due to the size of the vessels involved, although some inland water bodies can be used. Although there is a racing element to keelboat sailing, the majority of the 150,000 registered craft in the UK are used primarily for cruising.

Windsurfing – A comparatively recent innovation, windsurfing has an estimated 250,000 regular participants in England, mostly in the 25-45 age group, with a male to female gender split of 3:1. Windsurfing tends to be a predominantly individual sport undertaken for recreation, although the competitive element is increasing. Generally speaking, windsurfing can take place on smaller water bodies than other forms of sailing.



Rowing – Rowing can take place inland on rivers, canals and bodies of water, and in coastal areas. Sweep-oared rowing involves the use of one oar, whereas sculling uses two smaller sculls, one in each hand. Activity can take place in single boats, doubles, fours or eights, with or without a cox. Nearly 44% of Amateur Rowing Association (ARA) members are based in the Thames Valley region and many of the clubs have occupied their sites for over a century.

One of the priorities identified in the ARA's facilities strategy is the provision of a still water training lake in the Thames Valley, ideally at Caversham Lakes to the east of Reading and within easy reach of Bisham Abbey. The ARA now represents over 30,000 committed competitors, coaches, officials and supporters, of whom 16,000 are registered members.

Canoeing – This sport embraces a variety of disciplines and, at the simplest recreational level, requires only 10cm (4in) of water to float a canoe. The British Canoe Union presently has between 20,000 and 25,000 members

participating in recreational canoeing, sprint racing, slalom and many other types of canoeing and kayaking activities. Perhaps the discipline with the highest current profile is the whitewater canoe slalom as seen at Holme Pierrepont in England and the Sydney Olympics venue at Penrith. Britain's Paul Ratcliffe won a silver medal in the men's K1 slalom class in Sydney while Tim Brabants won a bronze medal in the men's K1 1,000m sprint racing event on the adjacent regatta course.

Power boating – The Royal Yachting Association (RYA) is the governing body with responsibility for circuit and offshore power boat racing, sports that have produced British world champions in recent years. Due to the speed and size of the craft involved, only larger venues are generally suitable for this discipline.

Jet skiing – Jet skis, also known as aqua bikes and personal watercraft, are generally inexpensive and adaptable craft that are regularly seen on smaller and large bodies of inland water and in coastal areas. The governing body for jet skiing is the RYA although by no means all participants are members of the association. The ease with which jet skis can be transported to almost any site is a major boon but also a potential problem, as unrestricted use can cause conflicts with other water users and nearby residents.

Water skiing – With an estimated 200,000 plus participants, of whom around 10,000 are members of the British Water Ski Federation (BWSF), water skiing is in many ways a thriving sport. However the regular loss of inland venues, Windermere being the most recent and high profile example, places major constraints on the ability of the sport to maintain its level of popularity.

Despite major advances in motorboat technology resulting in reduced noise emissions, and the use of time and space zoning of water bodies, local planning authorities (including National Park authorities) tend to see water skiing as a nuisance to be controlled, or even banned entirely.



Resource issues

A good deal of water sport activity takes place outside the scope of the planning system. For example, local planning authorities can normally only control development above the mean low water mark on the coast, so any water sport activity on the sea and coastal waters is outside the scope of the planning system (although subject to control by other agencies).

Clearly, land-based developments such as marinas are subject to planning control and policies. Other water sport activities that are not normally in the planning sphere include the recreational use of rivers and canals by rowers and canoeists. Again, where these activities require ancillary land-based facilities, such as jetties, landings or clubhouses, the planning system comes into force.

Categories of water on which water sports take place have been defined in an earlier Sports Council publication, *Planning and Provision for Motorised Water Sports*:

- coastal waters – harbours, estuaries, inshore and offshore
- linear waters – rivers and canals
- enclosed waters – natural lakes and reservoirs
- water-filled mineral sites.

To these categories can be added:

- specialist water facilities – the National Water Sports Centre at Holme Pierrepont, for example.

Coastal waters – Although, as noted above, the planning system has little control over the use of coastal waters, a significant proportion of water sports takes place close to the shore around the UK coast. Harbours, docks and estuaries provide reasonably safe environments for activities such as dinghy sailing, canoeing, windsurfing, power boat racing and jet skiing and are extensively used for some or all of these sports. Inshore and offshore coastal areas provide less secure waters, so are mainly used by more experienced sailors and water sport enthusiasts.



Access to coastal waters is dependent upon a number of factors including, most significantly, physical accessibility to the water via a slipway, landing, jetty, mooring or beach. Some craft, such as jet skis and windsurfers, can be launched relatively easily from almost anywhere. Such ease of access is an asset when participants act responsibly, but it can be a liability if they do not consider the needs of others.

Linear waters – Major rivers have accommodated rowing and sailing for generations. World-famous events such as the University Boat Race and the Henley Regatta have been held on the River Thames since 1829 and 1839 respectively. Other river traffic, including commercial craft, pleasure craft and other recreational craft, such as jet skis, canoes and windsurfers, can create organisational problems for organisers of rowing and sailing competitions.

Other issues that can affect water sports on both rivers and canals include water quality (particularly for those sports where immersion is involved), conflict with nature conservation interests and access/usage conflicts with riparian owners.

Canals can provide safe and controlled water space for canoeing and, to a lesser extent, rowing. However, due to their generally more limited width, the potential for conflict with other users, particularly anglers, is greater on canals than on rivers.

Enclosed waters – Natural lakes and man-made reservoirs can accommodate the range of water sports covered by this bulletin dependent on their size and accessibility.



Although both lakes and reservoirs have accommodated motorised and other forms of water sport for many years, there is now great pressure from planning authorities and other agencies for motorised water sports to reduce noise levels and even to relocate, as the Windermere case has shown. Further details of the Windermere By-law Inquiry are provided in the case studies.

Water-filled mineral sites – As minerals are extracted for use in road building and construction, potential sites for some water sports continue to be created. The type of after-use will depend upon the nature and extent of the mineral extraction. Smaller sites may be suitable for windsurfing and canoeing while appropriate extraction methods and subsequent engineering operations may lead to major multi-purpose water facilities, such as the National Water Sports Centre at Holme Pierrepont, Nottingham or the more recently constructed Sydney International Regatta Centre and Whitewater Stadium.

Increasingly, the eventual after-use can dictate the extent and direction of extraction, as is the case with the Eton College rowing lake which is being created through the extraction of sand and gravel over a 10-year period (see

'Appeal Decisions'). Considerations of after-use also apply on a smaller scale and may require, for example, a small body of water to be provided with an open beach on the lee shore to allow for instruction in sailing and windsurfing. Other factors, such as depth of water, relationship to prevailing winds, shape of the water area and accessibility, also need to be considered at an early stage.

In the case of larger bodies of water or where several bodies of water can be created through mineral extraction, it will be necessary to consider the interrelationship between recreation and nature conservation issues and any ongoing mineral extraction. The *Cotswold Water Park Sport and Recreation Strategy and Action Plan* is a useful example of a guidance document relating to an existing water park.

Specialist water facilities – Although in practice the construction of these facilities will normally be associated with the working of mineral sites this category is considered separately, as resulting facilities are purpose-built rather than by-products (albeit planned) of extraction works.

The National Water Sports Centre at Holme Pierrepont, east of Nottingham, currently provides the country's best training and competition facilities for rowing, canoeing and water skiing. The centre's main regatta lake is 2,215m long x 135m wide and provides competition facilities for six lanes of rowing and nine lanes of sprint canoeing. The white water canoe slalom course is 700m long x 20m wide at its widest point, while the water ski lagoon is 700m long x 100m at its widest point.

Conflict management

Many water sports utilise facilities or resources that are used for non-recreational purposes and that may also provide a habitat for a wide range of flora and fauna. Many of these sporting and recreational activities can co-exist with other recreational and non-recreational uses and can, in fact, enhance the quality of the environment. For example, sailing and rowing on enclosed and linear waters can provide a pleasant backdrop for adjacent houses and commercial properties.

Other water sports, particularly those that involve powered craft (water skiing, jet skiing and power boating), have the potential for conflict with other users, particularly in areas where the background noise levels are low. Where such potential exists, forward planning and a sensible approach to the introduction of water sports will





pay dividends. For example, siting powered watercraft away from noise-sensitive locations (such as residential areas) and adjacent to noise-generating infrastructure (such as roads and railways) is a logical approach.

Controlling the timing and duration of activities may also be necessary, avoiding if possible early morning and late evening sessions. The issue of controlling the timing and duration of activities is touched upon in 'Appeal Decisions' at the end of this bulletin.

One conflict that often arises involves issues surrounding sporting use and the needs of wildlife, usually birds. Although many birds are remarkably resilient and are able to use waters on which water sports occur, a

sensible approach is to avoid those parts of a lake or other water areas that are colonised by birds, particularly during their breeding season. Conditions can be attached to planning permissions that require areas of water bodies to be set aside for nature conservation purposes, either permanently or at certain times of the year. Again, 'Appeal Decisions' at the end of this bulletin addresses this point.

Sources of information

Information on the requirements of the various water sports is available from the relevant governing bodies (see 'Addresses'). In a number of cases these governing bodies have produced, or are in the course of producing,

national facilities strategies. These documents will serve two main purposes:

- to enable governing bodies to identify and focus on their priorities for facility development
- to establish how such facilities will be delivered.

The Amateur Rowing Association and the British Canoe Union have published facilities strategies and the Royal Yachting Association is considering a draft strategy. The British Water Ski Federation is about to start work on its own facilities strategy and has put in place an Environmental Commitment, which sets out various aspects of its environmental concerns:

'In appreciation of the role British Water Ski may play in environmental and conservation issues relating to water-based recreational motorised sport, we commit ourselves:

- to an open policy of consultation in preference to confrontation on all environmental and conservation issues affecting water skiing
- to establishing and maintaining liaison at a national level in the development of water skiing in the United Kingdom, with environmental and conservation agencies
- where a conflict of sporting and environmental interests may be envisaged, to the promotion of a site-specific 'Management Plan' agreed through consultation
- to the education of British Water Ski members in positive environmental and conservational 'good practice'
- to maintain, update, publish and communicate existing *Environmental Codes of Conduct* to all British Water Ski members
- to pursue an active recruitment policy towards non-British Water Ski water skiers
- to promote the establishment of British Water Ski affiliated clubs on all public waters where water skiing is, or may be, undertaken
- to encourage, through design of use, the manufacturers of marine craft and engines to pursue a reduction of noise, wash and air pollution
- to introduce, produce and facilitate within British Water Ski membership powered craft noise testing
- to promote the liaison and affiliation of our clubs and regions with appropriate local agencies in the creation of mutual understanding.'

Source: British Water Ski Federation 1994

The House of Commons Environment Committee considered a number of water sports in its report *The Environmental Impact of Leisure Activities* published in 1995, noting that:

‘We are worried that certain activities perceived as “nuisances” – water skiing for example – are denied facilities and hounded from area to area.’ The report went on to recommend ‘that new, appropriate sites should be sought for water sports, particularly power boating, water skiing and jet skiing.’ The Committee also urged planners ‘to recognise that the principle of sustainability in leisure and recreation involves the provision of facilities for all activities, not only for the aesthetically pleasing and non-intrusive ones.’

Demonstrating the partnership approach, Sport England, the Countryside Agency and the Environment Agency have issued a Memorandum of Understanding, which sets out the joint objectives of the three agencies and how they can be achieved. These objectives include promoting access for everyone, particularly beside and on water, and improving the environment in ways that benefit recreation.

The 1995 publication *Good Practice in the Planning and Management of Sport and Active Recreation in the Countryside* by the Sports Council and Countryside Commission (now Sport England and the Countryside Agency) contains 12 case studies relating to sites that provide some or all of the sports covered by this bulletin. It demonstrates that the sports can be accommodated even in designated areas such as Areas of Outstanding Natural Beauty, Heritage Coasts, and Sites of Special Scientific Interest.

Sport England (and its predecessor, the English Sports Council) has produced a number of publications that touch on or directly address water sports. Of most relevance is the *Countryside and Water Recreation Factfile 3: Facilities* which contains the following pertinent datasheets:

- *The Amenity Reclamation of Mineral Workings*
- *The Amenity Reclamation of Mineral Workings – Case Studies*
- *Planning and Provision for Motorised Water Sports*
- *Heritage Coasts*
- *Planning and Managing Water Sports on the Coast*
- *Water Skiing and the Environment*
- *National Governing Bodies and their Involvement in Environmental Issues and Countryside Access.*



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At regional level, many of the former Regional Councils for Sport and Recreation produced guidance on water sports. For example, in 1992 the North West Council for Sport and Recreation published *Into Wild Country*, a regional strategy topic study into water and countryside sport and recreation. This provides regionalised information on all the water sports covered by this bulletin.

More recently, and at a national level, Sport England commissioned consultants Bell Cornwell to look at whether a set of criteria could be produced to help national governing bodies of sport identify Significant Areas for Sport (SASP). This project is a response to concerns that existing sites of importance to sport, such as Lake Windermere, are being lost. These losses have occurred due to an increase in 'negative' planning policies in development plans, a lack of suitable guidance in regional planning guidance and a lack of strategic and coherent guidance concerning sites of significance to sport.

Although SASP would be non-statutory, they would provide guidance to local planning authorities, Planning Inspectors and others when reviewing development plans and dealing with planning applications and appeals. Further information on the SASP pilot study will shortly be available.

Planning policies

Paragraph 56 of Planning Policy Guidance Note (PPG) 17, *Sport and Recreation*, provides guidance on water sports, although this is very general in nature. Paragraph 9 emphasises the need for strategic and regional planning guidance to include policies on major sports facilities of regional, national or international importance, and for

policies for natural landscape features, such as rivers, estuaries and the coastline that have potential for recreation.

The DETR report *The Effectiveness of Planning Policy Guidance on Sport and Recreation* was published in 1998 to inform the then imminent revision of PPG 17. It noted the general perception that the advice on water sports in PPG 17 was inadequate. It suggested that local authorities should be applying sustainable development principles, channelling demand to the least vulnerable locations and promoting shared use of resources by a number of activities. The role of the Environment Agency in planning for water sports is particularly emphasised in the report.

PPG 20, *Coastal Planning*, provides some advice on recreation in coastal areas, seeking to balance and reconcile the natural beauty and landscape variety of the coast with nature conservation interests and its potential for recreation. The re-use of disused commercial docks and redundant agricultural land adjacent to tidal water is encouraged, as is the basic principle of public access to the coastline.

The recently issued PPG 11, *Regional Planning*, recognises that some sport and recreation facilities may serve sub-regional, regional or national catchments and stresses the need to 'examine the region's key sports and physical recreational resources, including those assets based on natural features such as mountains and estuaries' when preparing regional planning guidance (RPG). Proposals for new regional or national facilities should be taken into account in RPG.

Annex B of Minerals Planning Guidance Note (MPG) 7, *The Amenity Reclamation of Mineral Workings*, provides

a useful table setting out the operational requirements of the main water sports. Reference is also made in the annex to the dual use of water areas for recreation and nature conservation.

At a local level, development plan policies can have a significant effect on water sport. Sport England seeks to influence and guide local planning authorities that are preparing new development plans through its publication *Planning Policies for Sport: A Land Use Planning Policy Statement on Behalf of Sport*. The following planning policy objectives are relevant to water sports:

Planning policy objective 17 – To support and promote the use of natural resources for sport in a way that meets sustainable development objectives. Sport England considers that development proposals for sport should be based on the ‘best available place’ principle.

This involves a planned approach to the provision and protection of sites and facilities, including the assessment of the impact of any sports use and a commitment to appropriate management measures.

Planning policy objective 18 – Where management solutions have been tried and shown not to work due to irreconcilable conflict, then alternative locations should be found to accommodate the displaced sports activities, to a similar or improved standard.

Planning policy objective 22 – To maintain and improve opportunities for sport in the National Parks (including The Broads and New Forest Heritage Area) and to ensure that existing and new activities are managed and developed in a way that meets the purposes of National Park designation and sustainable development objectives.



Planning policy objective 23 – To protect and enhance existing places for outdoor sport in nationally designated areas and promote access to new places where the use is compatible with the objectives of designation. Where there is a conflict, a management solution should be sought. If reconciliation is not possible and a reduction in the use of the area by sport is required, Sport England will seek the provision of alternative provision to an equal standard.

Planning policy objective 30 – To protect, improve and bring into use new resources for water-based sport. To reduce potential conflicts between the sports use and the environment and between different users through good management practice and by the use of codes of conduct.

These planning policy objectives are set within the context of seven guiding principles that reflect Sport England's aspirations for the development of sport and its approach to achieving them. The guiding principles are set out below:

GP1 Sustainable development – Sport England supports the definition of sustainable development set out in *A Better Quality of Life – A Strategy for Sustainable Development* (DETR 1999) and will promote development that enhances the natural and built environment.

GP2 Commitment to the land use planning system – The publication of PPG 17 confirmed that sport is a legitimate land use. Sport England is committed to working within the land use planning system, to ensure that the needs of sport are properly addressed.

GP3 A planned approach to provision – Sport England believes that the long-term needs of English sport will be most effectively met through a planned approach to the provision of facilities. Detailed assessments of requirements should be carried out as part of the strategic planning work of Sport England, local authorities and governing bodies of sport.

GP4 Protecting existing resources and providing new opportunities for sport – Sport England will work within the planning system to protect and enhance existing facilities and promote the allocation and provision of new sites and opportunities for sport, including access to natural resources for countryside activities.

GP5 Sports equity – Sport England is committed to ensuring that sports facilities are accessible and welcoming to all sectors of the community and will promote suitably designed and managed facilities in appropriate locations.



GP6 A management approach to conflicting uses –

The land use planning system seeks to reconcile the needs of competing uses. Sport England believes that, in the first instance, a management solution should be sought to resolve conflicts of interest and that this principle should inform the development and implementation of land use policies.

GP7 A partnership approach – Sport England believes

that the most effective use of resources will be achieved through partnerships. Local planning authorities have a key role to play in supporting and enabling appropriate development through the land use planning system, fostering cooperation between activities and users.

Several examples of development plan policies that relate to water sports are provided in the following boxes.

City of Salford Unitary Development Plan, Policy R6 (adopted November 1995)

Policy R6 – The city council will promote the recreational use of the city’s rivers, canals, lakes, reservoirs and other water bodies where the water quality permits and where such uses will not be detrimental to the ecological value of the area.

Reasoned justification (Part II)

Water bodies are a major resource that could be better developed for public use and enjoyment. However, these can also be of considerable ecological value and there is a need to balance recreational and ecological needs.

Trafford Unitary Development Plan, Policy OSR 13 (adopted May 1996)

Sale Water Park – The council will maintain Sale Water Park as a major regional centre for water sports and informal recreation, within an overall landscape scheme. In doing so the council will seek to:

- (i) conserve Broad Ees Dole, the meadow in the north east of the park and the wildlife area next to the visitor centre
- (ii) establish a statutory Local Nature Reserve at Broad Ees Dole
- (iii) provide tree planting to screen the M63 motorway
- (iv) encourage the provision of a Metrolink stop to facilitate access to the park and to relieve the pressure on the area caused by cars visiting the water park
- (v) provide, on open land south of the M63 motorway, a bridleway link with Sale Water Park, utilising the existing railway bridge under the motorway which is suitable for this purpose;
- (vi) provide a site for low-cost overnight caravan and camping accommodation that fulfils the requirements of Proposal C11 (iii).

Tameside MBC Unitary Development Plan, Policy L6 (adopted 1996)

Use of reservoirs – Use of reservoirs for sport and recreation will be supported in line with Policy L1, but must:

- (a) be subject to the primary operational needs of maintaining water supply
- (b) be consistent with water quality and nature conservation requirements
- (c) be consistent with the amenity and informal recreation value of the reservoir
- (d) not cause undue disturbance to adjoining residents and other land users nearby
- (e) ensure that appropriate access and car parking arrangements can be incorporated.

Weymouth and Portland Local Plan, Policy SR4 (adopted 1997)

Facilities for water sports in Weymouth – The borough council will permit land-based facilities that help to retain and expand water sports, including sailing, angling, diving and boating, in Weymouth around Weymouth Harbour and at other appropriate locations, subject to Policy EC2.

Cornwall Structure Plan, Policy TR16 (adopted 1997)

The development of water recreation facilities in the county will be encouraged where they do not conflict with policies for the countryside and built environment. Marinas or similar facilities should normally be located in the main resort towns, where they can be accommodated without adverse impact on the environment (including marine environment) and add to the attraction of such centres. Proposals will be subject to there being a safe means of vehicular access and to the adequacy of the road network to accommodate the traffic generated.

In considering proposals for the development of waterside sites (including industrial sites referred to in Policy E12), their potential for a water-related recreation use should be taken into account so that this can be safeguarded where desirable.



Case studies

Lake Windermere

On 29 February 2000 the Environment Minister confirmed the Windermere Navigation (Amendment) (No 2) By-laws 1992, made by the Lake District Special Planning Board (now the Lake District National Park Authority). The principal effect is to impose a speed limit of 10mph on power-driven vessels on the lake, thus ending power boating and water skiing on the lake when the speed limit comes into effect in March 2005.

At a public inquiry held into objections to the by-laws in 1994 and 1995, the Sports Council forcefully opposed the by-laws, supporting the British Water Ski Federation, the Royal Yachting Association and other groups. The Sports Council argued that Windermere should be regarded as a national resource for water skiing and power boating. The lake is unique because of its size, the long-established nature of the water sports undertaken there, the national importance of the lake and the lack of any readily available alternative. More widely, the National Park was seen as a suitable setting for a wide range of sport and recreation opportunities.

As an alternative to the by-laws, the Sports Council suggested a management plan that would have the support of the sports' governing bodies and the users. Such a plan would allow continued, but controlled, use of the lake by water skiers and power boats.

However, the Inspector concluded that a management plan would have practical problems of enforcement and enforceability. Crucially, he felt that such a plan would not deal with what he saw as 'the inherent incompatibility in a confined area between, on the one hand, speed boating (including water skiing) and almost all the other reasonable "lower key" recreational users of the lake'. Consequently, he recommended that the by-laws should be confirmed.

The then Secretary of State disagreed with his Inspector and decided not to confirm the by-laws. However, following a judicial review of the decision and the quashing of the original decision, the by-laws were eventually confirmed.

Much work is now underway by the relevant governing bodies to retain water skiing and power boating on Windermere after the by-laws come into force in 2005. What particularly concerns the governing bodies and Sport England about the Windermere case is the encouragement it will give to other local planning authorities that are seeking to ban water skiing and power boating.

In an article in *Recreation* magazine (see 'Further Reading'), Mark Ellison of Loughborough University examined the state of play in relation to water skiing in

the other National Parks in England and Wales. His findings are extremely worrying: 'very little provision is made for water skiing in the National Parks and the majority of what exists is under threat. Perhaps of most concern is the stated intention of the Broads Authority to seek a cessation of water skiing in the Norfolk Broads, one of the remaining key centres for water skiing in England.'



Cotswold Water Park

If Windermere represents a worrying outlook for water sports, particularly motorised water sports, the Cotswold Water Park represents a more reassuring view. Established in 1969, the water park is situated to the north west of Swindon in the counties of Wiltshire and Gloucestershire. A former mineral site, the water park has been developed over many years and now accommodates jet skiing, windsurfing, water skiing, canoeing, sailing, rowing and angling. The park also accommodates a variety of wildlife and plant life, ongoing mineral extraction and the water supply industry.

The development plans that cover the water park, both structure plans and local plans, recognise the multi-faceted nature of the park and its importance for leisure, minerals, conservation and for general amenity. National agencies such as Sport England, English Nature, the Countryside Agency, Ministry of Agriculture Fisheries and Food (MAFF) and the Environment Agency all recognise, to some extent, the value of the water park to their interests.

To provide a framework for the development of sport and recreation over the next 10 years, a *Sport and Recreation Strategy and Action Plan* has been produced by the Cotswold Water Park Joint Committee, comprising representatives of all the interested parties, including those referred to above. The strategy and action plan establishes a vision for sport and recreation in the park, as follows:

‘The Cotswold Water Park should be a premier site for sport and recreation, where the requirements of wildlife, leisure, people and industry are successfully integrated.’

From this vision flow more precise aims for equity, quality, sustainability, cooperation and coordination. Having established the influences on the water park and the policies that control it, the strategy develops an action plan that sets out what needs to be done, when and by whom.

The strategy and action plan provides a useful model for addressing the inevitable cross-cutting issues that crop up when dealing with multi-functional areas such as a water park. It is commended to other local authorities and agencies.

Appeal decisions

There are relatively few planning appeal cases that deal with water sports on Sport England’s planning appeals database. Of those that do exist, water skiing predominates and the majority of the decisions are favourable to the sport. The following cases are all from the south of England, reflecting the current preponderance of water sports facilities in that area.

Rowing lake, arboretum and nature reserve on land south of Dorney, Buckinghamshire – Buckinghamshire County Council – February 1994

Reference: APP/A0400/A/92/206972 and 206973

Decision: Appeals allowed

Although this appeal decision is now seven years old, it relates to the new Eton College rowing lake, the first 1,200m of which were officially opened by Steve Redgrave and Matthew Pinsent shortly after the Sydney Olympics. When the lake, now known as Dorney Lake, is completed it will accommodate a 2,200m, eight-lane course with a

minimum water depth of 3.5m. The course will be used mainly by the college but will also be used by outside bodies for rowing and canoeing at all levels, from beginner to elite performer.

The lake is situated to the south of Slough, adjacent to the M4 and to the north of the River Thames. In considering the acceptability of the proposal, the Inspector defined the main issues to be the impact of the proposal on the Green Belt and on an Area of Attractive Landscape, the environmental impact of the construction of the lake and its subsequent use, highways implications, archaeological implications and the proposal's potential benefits.

The Inspector found it 'difficult to contemplate a standard 2,000m rowing course designed to serve Eton College being anywhere other than in the Green Belt'. Although the Structure Plan contained policies that could be interpreted as resisting the lake, the Inspector found that the Green Belt location 'should not in itself be a bar to development'. He was helped in his opinion by the fact that the site would remain generally open on completion of development and would therefore contribute to the objectives of the Green Belt.

On the subject of the site's landscape designation, the Inspector felt that, although the character and appearance of the site would change, the change would not be synonymous with damage. Despite the landscape allocation, the site had no special character or appearance, save that of its open nature.

The environmental implications of the construction of the lake would involve the excavation and movement of vast

quantities of soil, overburden, basal clays, sand and gravel. The noise levels associated with these works could, however, be brought within the relevant criteria specified in MPG11 and were therefore acceptable. The use of the lake for major rowing events could lead to noise disturbance from public address systems but could be controlled by condition.

Traffic concerns could be alleviated by significant landscaping and the use of agreed routes by lorries. A subsequent planning permission to transfer material over the River Thames has now accelerated the project and reduced traffic problems.

The site was an important Bronze Age site although ploughing and water extraction had diminished the state of preservation of any remains. A programme of investigation and preservation was provided for by way of a legal agreement.

Turning to the benefits of the scheme, the Inspector felt that a strong and convincing case had been made to show a demand for a still water rowing lake to serve the Thames Valley. The increased use of the River Thames by pleasure craft had made the river far from suitable for rowing. The importance of the lake to club and national rowing squads was certainly appreciated by the Inspector, who went so far as to state that 'if built, it would be a national asset in sporting terms'.

Having examined the main issues, the Inspector was concerned about the archaeological implications of the proposals and the increased levels of traffic that the project would generate. For this reason he felt that the proposals were in conflict with the Development Plan which should

prevail unless material considerations, including the benefits of the proposal, indicated otherwise. There was a balance to be struck between the future interests of archaeology and the preservation of local amenities on the one hand and the benefits to the college and the wider rowing community on the other. The Inspector stated:

‘The real loss of amenity would be experienced by comparatively few people whereas the benefits would be enjoyed by generations of college pupils, other young oarsmen and women and national training squads. A facility of excellence, a national asset, would be created and, in my opinion, its merits are such as to outweigh the objections in this case.’

He recommended that the appeals should be allowed subject to certain legal agreements and obligations and a raft of conditions. The Secretary of State agreed with his Inspector and allowed the appeals.

The case raised the following interesting points:

- the Inspector’s acceptance that the development maintained the openness of the Green Belt and was acceptable in terms of Green Belt policy
- the difficult balancing exercise in comparing the loss of amenity of some local residents with the benefits to be enjoyed by future sportsmen and women.



Use of land and water for water skiing, erection of clubhouse and new vehicular access on land at Tilehouse South Lake, Denham Green, Buckinghamshire – South Buckinghamshire District Council – April 1996

Reference: T/APP/N0410/A/95/254157/P5

Decision: Appeal allowed

This proposal involved the use of a lake on the site of former gravel workings adjacent to the A412 north orbital road to the west of London. The site was in the Green Belt, as well as being a Site of Special Scientific Interest (designated for its diversity of breeding woodland and wetland birds) and within the Colne Valley Regional Park.

The proposal was to create a professionally run water ski school that would be affiliated to the BWSF and would have a club membership of between 100 and 150 people. Skiing would take place between March and November and only two gas-powered boats would be used. Three competitions attracting between 75 and 100 people would be held each year.

The Inspector's main concern was the proposed new access to the A412, a formerly busy road that had seen some reduction in traffic with the opening of the M25. As a suitable junction could readily be engineered to the site and could be covered by a condition, the Inspector saw no sustainable highways objection.

Looking at the acceptability of the proposal in Green Belt terms, the Inspector found that it would provide an opportunity for outdoor sport and recreation near urban

areas. The proposed clubhouse was small and would provide only essential facilities for the water skiing use.

A unilateral objection put forward by the appellant would result in measures to protect the ornithological interests at the site and would result in a net gain for nature conservation, in the opinion of English Nature.

The Inspector considered the proposal to be acceptable in the Colne Valley Regional Park, subject to satisfactory conditions to limit the activities at the appeal site. These conditions restricted the use of the lake to water skiing only, required only one gas-powered boat to be used on the lake at any one time, and restricted the water skiing to certain parts of the lake. This case raises the following points:

- Water skiing was seen as an appropriate use in the Green Belt.
- Water skiing was seen to be compatible with the site's bird population, subject to conditions.
- The use of a gas-powered boat was required by condition, presumably to reduce noise and possible pollution.



Removal of conditions affecting the use of a lake for water skiing, Dovecote Lake, Little Linford Lane, Little Linford, Milton Keynes – Milton Keynes Borough Council – May 1996

Reference: T/APP/B0420/A/95/256153/P4

Decision: Appeal allowed and costs awarded

This case concerned a lake, situated adjacent to the M1 north of Milton Keynes, which was one of several in the area formed by mineral extraction. It had been used from the 1970s to the early 1990s by a sailing club, during which period its owners had obtained a one-year temporary permission for water skiing use to evaluate noise implications. The permission was subsequently extended to three years although water skiing only took place in one of those years.

The appellant subsequently acquired the site in 1992 and secured another temporary permission for three years for water skiing. The appeal application was submitted to secure a permanent permission and was accompanied by noise measurements taken during the trial period. The council, however, granted a further three-year temporary permission and it was that condition restricting the use to the temporary period that was the main subject of the appeal, although a secondary issue of noise from other uses was also considered.

The Inspector considered at length whether the noise measurements taken by the appellant and by previous owners were representative of water skiing under normal conditions. Despite considerable doubts, he felt that the measurements did provide a range of results to consider.

Noise readings taken at the nearest dwelling to the lake indicated that the use of three boats plus a rescue boat would 'be well within acceptable tolerances and thus unlikely to cause any serious disturbance'. Following the advice contained in Circular 11/95, *The Use of Conditions in Planning Permissions*, that a second trial period should not be granted in these circumstances, the Inspector found the condition to be unreasonable and unnecessary.

Looking at the secondary issue of noise and disturbance arising from other recreational activities on the site, the Inspector noted that the lake was in an area that the Local Plan promoted for outdoor leisure and recreation and had been so used for 20 years. Conditions on previous permissions prevented the use of the lake for jet skis, hovercraft or power boat racing.

A further condition restricted non-water skiing events to a maximum of 10 days per year, supplanting the general permission provided by the Town and Country Planning (General Permitted Development) Orders 1995, which allows temporary uses up to 28 days per year. As the condition would give local residents greater protection against noise and other disturbance the Inspector concluded that the condition should remain.

In a separate letter concerning costs, the Inspector found that the council had acted unreasonably in imposing a further temporary permission, contrary to Circular 11/95. He therefore ordered the council to pay the appellant's costs, which related to challenging the first condition. The following points are of interest:

- Only one trial period, to assess the noise and other implications of a particular use, is acceptable in terms of Circular 11/95.
- This site was in an area that already experienced noise from the M1. Therefore the Inspector felt justified in allowing the continued use of the lake by three boats with normal petrol-driven engines, as opposed to the one gas-powered boat in the previous appeal example.

Formation of breakwater island at existing water ski club at Horton Road, Datchet, Buckinghamshire – Royal Borough of Windsor and Maidenhead – March 1997

Reference: T/APP/D0325/A/96/266887/P5

Decision: Appeal allowed and costs awarded

The water ski club had operated from a lake to the west of Heathrow Airport for a number of years and wished to create a new breakwater island in the lake to create better conditions for water skiing. All parties agreed that the existing water skiing use did not cause problems, since only two boats were used. The use was controlled by conditions attached to an earlier permission.

Although the lake was in the Green Belt, the Inspector saw no conflict between the water skiing use and the Green Belt designation. The council and local residents had argued that the creation of the breakwater island would lead to an intensification of use of the lake and a consequent increase in people taking part in ancillary activities such as barbecues, parties and social gatherings. The Inspector did not accept this argument, however,

noting that there was no direct link between the number of water skiers and the number of social activities.

The lake was designated as a Wildlife Heritage Site and the appellant was prepared to accept a condition that prohibited the use of part of the lake for water skiing between the end of September and the end of March to allow winter wildlife to settle there.

Other concerns related to lorry movements to import the material to create the island and concerns related to flood risks were not substantiated.

Some 13 conditions were attached to the permission granted by the Inspector. Condition 12 required that the average peak noise emitted by powered watercraft not exceed 65 dB (A) and condition 13 restricted the use of powered watercraft to those with inboard motors and underwater exhausts.

Costs were awarded against the council in respect of its failure to substantiate the assertion that the proposed island would lead to an intensification of activity at the site and would therefore be detrimental to the amenities of local residents. Points of interest from this case are:

- once again, the acceptance of water skiing as an appropriate Green Belt activity
- the use of a condition to allow the joint use of the lake by water skiers and wildlife
- the restriction on the type of engine that could be used to power the boats.

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Further reading

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