

# Battle Of Tuckton Reaches A Critical Stage

## Riverside Pontoons Under Fire

C.T. October 12, 1962

**THE Town Clerk, Mr. J. Macfadyen, told a local inquiry at Christchurch on Tuesday that a limit on the extent of pontoons at Tuckton Bridge was considered necessary by the local planning authority, no matter what the demand.**

"In the view of the authority, the limit was exceeded when the present pontoons were established," he said.

The inquiry was into an appeal by Tuckton Riverside Services, the West Hants Water Company, and 33 boat owners against an enforcement notice served by the Borough Council requiring the removal of the pontoons.

Mr. J. Fox-Andrews, counsel for the T.R.S., had contended that the mooring chains on the river bed, to which the pontoons were now fastened, had been there since 1931, and this was not disputed by the Council. His grounds for appeal were that fixing pontoons for the mooring of boats instead of fixing mooring buoys to this chain was not a "change of use", as the Council said it was.

**If it were, he contended, planning permission should be given for them anyway, as they had gone a long way in tidying up the river at Tuckton.**

Originally, there were three lines of mooring buoys, fixed to mooring chains at the river bed. Now, two lines of pontoons were moored there.

In 1946, there were three landing stages moored to the chains, and were there when the T.R.S. bought the business in 1951. Six years later, the T.R.S. added 180 feet of landing stages, and in 1959 the landing stages were replaced by steel pontoons.

Pontoons were far superior to mooring buoys, as they provided an easy means of access to and from the shore, and a dinghy was not needed to get to moored boats.

### NOT A STRUCTURE

The enforcement notice was served because the local authority considered there was a change of use, pontoons being moored there instead of boats. The pontoons were not a structure, although in the nature of one, and the use of the mooring chains was solely for the mooring of boats. The pontoons were merely incidental to this.

"There is not the slightest doubt that the T.R.S. are allowed to moor boats at this point," he said.

If boats were moored to buoys and not pontoons, they tended to slip their moorings and swing round, damaging other moored boats, and interfering with navigation in the main channel.

**Six boat owners who moored their boats to pontoons then gave evidence in support of the appeal, as did Mr. Norman Richard Chaplin, secretary and accountant of the West Hampshire Water Company, owners of the river bed.**

Cmdr. Michael Wallrock, managing director of T.R.S., thought he should be encouraged by the Council in providing facilities for mooring boats. There was a great demand for moorings on the Stour and in the whole of this area.

He said he had sold a number of pontoons to the Council for use as a mooring at Mudford. He understood the Council contended they had no need for planning permission for their landing stages as they had had some sort of landing stage there before July, 1948.

"The same arguments apply for me," he said.

The Town Clerk said that in fact planning permission had been obtained for the Council's pontoons since Cmdr. Wallrock had been told it wasn't considered necessary.

#### ACCEPTED

The Council accepted that there had been a landing stage stretching 375 feet downstream from the bridge which had acquired existing user rights. The point remaining in issue was whether the remaining 175 feet of one of the pontoons and the whole of the other should be allowed.

"I do not agree that there is something identical in the use of the mooring chain now as there was when buoys were fixed to it. The use now made is for the purpose of mooring a series of pontoons.

**"A further difficulty arises in that in the days when there was a simple mooring by buoys, there were gaps between the boats moored there, and there were times when there was no obstructions whatsoever to navigating across the river (winter).**

"Now all that has gone. Pontoons are there all the year round, restricting navigation across the river. The right of navigation of the river surely relates to the whole of the tidal waters and not just the main channel."

Mr. F. F. Freeth, consultant area planning officer, said the local planning authority had not indicated it would not grant permission for the pontoons. In fact, the T.R.S. were asked to apply for permission in March, 1961. As no application was received by February of this year, an enforcement notice was served in order to protect the local authority's position against consent by default.

"Without an application giving details of the use proposed or the length of time for which the development is required, the local authority is not in a position to anticipate what decision it would be able to give," he added.