

# BRIGHTON MARINA PUBLIC INQUIRY

PROOF OF EVIDENCE  
of Brian Simpson

on behalf of

**savebrighton**

6 October 2009

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Town and Country Planning Act 1990  
Appeal by Explore Living (No.1) Ltd, X-Leisure (Brighton I) and X-Leisure (Brighton II) Ltd ('the applicant') against the refusal of Brighton and Hove City Council (BHCC) to grant planning permission for the development of Brighton Marina ('the development') detailed in planning application BH 2007/03454 ('the application')  
Planning Inspectorate reference APP/Q1445/A/09/2102048/NWF

## **PROOF OF EVIDENCE**

### **1 INTRODUCTION**

- 1.1 My name is Brian Simpson. I am a resident of Brighton
- 1.2 This proof of evidence is submitted on behalf of savebrighton, a campaigning group I have led since the autumn of 2007
- 1.3 Savebrighton is supported by over 650 individuals, mostly residents of Brighton and Hove but including others with an interest in the city
- 1.4 We strongly support BHCC in its refusal of planning permission for the development
- 1.5 We fully endorse the reasons for refusal given by BHCC, Brighton Marina Residents Association, Kemptown Society and Marine Gate Action Group. To avoid duplication, savebrighton's evidence will focus on the visual aspects of the development
- 1.6 We are indebted to professional photographer Michael Perris for photographs used in this proof of evidence

### **2 SUMMARY**

- 2.1 Although we agree with the applicant that the western end of the Marina is in need of development and improvement, we are opposed to the inappropriate, ill-considered, unsightly, damaging over-development proposed in the current application
- 2.2 The scale, density and height of the proposed development are excessive and unacceptable
- 2.3 The visual impact of the development would be unacceptable in this exceptionally sensitive gateway position between the proposed South Downs National Park and the Grade I listed Regency Kemp Town Estate
- 2.4 The development would be devastating for the quality of life of Marina residents and it would block, disrupt or spoil many cherished seafront views
- 2.5 The development would make the Marina a less attractive and more difficult place to visit, which would damage the trade of its businesses

- 2.6 We are keen to preserve the features of Brighton which currently make it an enormously attractive place to live in and visit, especially:
  - 2.6.1 Views of the sea, boats, the iconic pier, Regency terraces, distant cliffs and hills from most parts of the Brighton seafront, making this one of the UK's most attractive resorts
  - 2.6.2 The ease of access to the Marina by car, bicycle and on foot
  - 2.6.3 The fact that Brighton Marina has the distinctive character and charm of a genuine marina in which marine and leisure activities coexist with housing on a humane scale
  - 2.6.4 The Marina's quality of light and spaciousness
- 2.7 We are keen to preserve and enhance Brighton Marina as a place where views of boats, water and the cliffs predominate over views of buildings. The applicants' proposals would reverse this situation
- 2.8 The development would obscure and be out of context with views of strategic importance, including views from the Brighton seafront looking in an easterly direction towards the proposed South Downs National Park (SDNP) seafront and views from the western edge of the proposed SDNP seafront looking in a westerly direction towards Brighton seafront
- 2.9 The applicants' Townscape and Visual Impact Assessment ('TVIA') contains seriously misleading and implausible statements, assessments and images
- 2.10 The methodology used in the TVIA is non-compliant with key recommendations of the Landscape Institute and Institute of Environmental Management and Assessment
- 2.11 The development will in reality be far closer to sensitive locations and more dominant than it appears to be in the images shown in the TVIA
- 2.12 some of the images used in the TVIA have been distorted in such a way that valid comparisons of 'existing' and 'proposed' views cannot be made
- 2.13 the 'existing' images in the TVIA are generally too small, and attractive features of existing views are often not clearly visible
- 2.14 The use of unsatisfactory and misleading images has made it impossible for the council or developer to conduct valid consultations
- 2.15 The height restriction in the Brighton Marina Act 1968 is a material planning consideration that should be taken into account
- 2.16 The development is in breach of policies QD1, QD2, QD3, QD4, HE3, HE6, H11 and NC8 of the Brighton and Hove Local Plan, policies CC1, CC6, CC8, C2, C3 and BE1 of the South East Plan, and SPG15

### 3 VISUAL IMPACT

- 3.1 A unique and spectacular feature of the Brighton seafront is the way it visually connects with the countryside beyond. Walking east along the cliff-top road south of Kemptown the splendid Regency façade of Arundel Terrace and Lewes Crescent is complemented by an eleven-mile vista of high chalk cliffs fringing the proposed South Downs National Park all the way to Seaford Head. This development would put a stop to that continuity, and block it outright. It would not simply destroy this charming view; it would redefine it
- 3.2 The Marina effectively marks the gateway between the South Downs National Park and the Regency seafront. As such it is one of the most sensitive locations imaginable for a new building development. The scale, density and height of the proposed development are completely inappropriate for the setting



View from Arundel Terrace 4 October 2009

- 3.3 The development consists of boxy buildings that would clash not only with the listed Regency terraces but also with the higher quality architecture of the already approved Brunswick scheme. It would also clash with existing homes in the Marina. New buildings should either integrate with, enhance or complement the existing built environment; this development does none of these
- 3.4 The most prominent feature of the development, Marina Point, is a dull, clumsy building. It has none of the architectural merit of Brunswick's 40-storey 'Roaring Forties' tower which it will clash with or obscure. It vastly exceeds the cliff height limit in the 1968 Brighton Marina Act and has no obvious redeeming features

- 3.5 In justifying assessments of 'substantial, beneficial impact' the applicant repeatedly refers to the 'high quality' of the development's architecture. We disagree with this and feel that the architecture lacks inspiration and is unsuited to the contexts in which it will be seen
- 3.6 The development would obscure and is out of context with views of strategic importance, including views from the Brighton seafront looking in an easterly direction towards the proposed South Downs National Park (SDNP) seafront and views from the western edge of the proposed SDNP seafront looking in a westerly direction towards Brighton seafront
- 3.7 The development would lead to a considerable reduction in the area of sky visible from ground level in a large part of the Marina and a corresponding reduction in light. This will bring about an unacceptable change in the character of the Marina and will be damaging to its sense of place

## 4 TOWNSCAPE AND VISUAL IMPACT ASSESSMENT ('TVIA')

- 4.1 The TVIA should have provided a genuinely objective account of the visual impact of the development. It does not.
- 4.2 The TVIA contains misleading images
  - 4.2.1 that fail to show clearly the important views that would be lost
  - 4.2.2 that fail to give an accurate impression of the visual dominance of the development or its proximity to sensitive locations
  - 4.2.3 that fail to follow the letter or the spirit of the Landscape Institute's Guidelines
  - 4.2.4 some of which have been manipulated thus making comparisons of existing views with proposed views impossible
- 4.3 In Annex 3 of TVIA (page 233) it is claimed that 'Relevant sections of 'Landscape Institute, Institute of Environmental Management and Assessment, "Guidelines for Landscape and Visual Impact Assessment", Second Edition. London 2002 are ... taken into account'
  - 4.3.1 In Appendix 9 of these Guidelines it is stated that '35mm film format with a 50mm lens is recommended for most developments. If a practitioner wishes to use an alternative focal length, then a 50mm photograph of the same view should be provided for comparison. The practitioner should also explain the reasons for his choice of format and lens'
  - 4.3.2 The above recommendation is not followed. No reason is given for the choice of format and lens and no photographs with the recommended field of view are provided for comparison
  - 4.3.3 The recommendation is relevant and important because the specified format and lens is widely regarded as producing a horizontal field of view (40 degrees) which gives the most accurate impression of visual impact and distance
  - 4.3.4 The wide angle used by the applicant (typically 68 degrees) is about the same as that produced by a 28mm lens on a 35mm camera. This makes everything appear much further away than it would in reality
  - 4.3.5 In footnote 1 to Annex 3 of TVIA it is stated that 'The Landscape Institute ... recommends the use of a 50mm lens on 35mm cameras, but makes no suggestions for lens (sic) to be used on the medium and large format cameras employed for architectural photography. This is disingenuous. The field of view specified by the Landscape Institute could easily have been replicated using the sophisticated technology available to Miller Hare (the applicant's 'Visualiser')
- 4.4 The photographs showing existing views are printed at such a small size (5.6 x 4.2 inches) that, coupled with the shrinking effect of the wide angle view, it is often impossible to discern what would be lost. Some examples follow:
  - 4.4.1 In view C4 'existing' (p 66) the cliffs are barely visible
  - 4.4.2 In view C6 'existing' (p 74) the cliffs are barely visible
  - 4.4.3 In Views C9 and C10 'existing' (pp 86, 90) the Palace Pier can scarcely be seen for what it is, and it is impossible to discern

- either the hills beyond Shoreham or the coastline that on a clear day can be seen all the way to Worthing. In fact there is an excellent view of the pier and a wide sweep of the South Downs National Park beyond
- 4.4.4 No night view of C10 'existing' is provided (an important omission because that is arguably when the view of the Palace Pier is at its most interesting)
  - 4.4.5 In view T30 'existing' (p 170) the cliffs cannot be properly seen
  - 4.5 Various views have been manipulated apparently to emphasise what the applicant describes as the negative features of 'existing' views while rendering the development as more attractive and less obtrusive than it would be in reality
    - 4.5.1 View M34 (p 184) has, according to the text, 'been manipulated to ensure that the top of the tower is included'. The nature of the manipulation is not described but the 'existing' view has not been similarly manipulated, making it impossible to compare like with like. This is exacerbated by the fact that the 'existing' view is in deep midwinter shadow, while the 'proposed' view is bathed in summer sunshine. Are the applicants suggesting that in their brave new world winter will be abolished? And why is the unmanipulated image not shown, using the full height of the page if necessary?
    - 4.5.2 The 'graticule' markings (showing horizon position with red triangles and horizontal/vertical fields of view) have been removed from the 'existing' image M34 (p 184) thus making detailed comparison with the 'proposed' image impossible
    - 4.5.3 Views M33 and M35 have also been manipulated, showing the 'existing' views in the worst of winter light with the 'proposed' views in the best summer light, and with the horizon being shifted without explanation.
    - 4.5.4 Views M33, M34 and M35 will be discussed in more detail later
  - 4.6 The discussions and evaluations of the impact of the development on views are often vacuous, implausible and absurdly disparaging or dismissive of cherished aspects of current views. Some of the evaluations are entirely unintelligible
    - 4.6.1 View C10 (p 90) is described as 'a view to the Hove seafront in the distance'. Truth is that on a clear day the view extends the entire thirteen miles to Worthing – but that cannot be seen on the 'existing' image
    - 4.6.2 Various aspects of the existing view are described as 'of little quality', 'poorly related', lacking 'composition' and dominating 'through the poor quality of their design'. No justification is provided for any of these comments. We, by contrast, consider this to be a superb view
    - 4.6.3 Marina Point is described as a 'strongly sculpted' tower 'the balconies of which provide a profound horizontal emphasis which balances its verticality' (it seems as though at this point the author ran out of anything to say). We would describe it as an ugly tower that would be part of a vast, chaotic array of boxy concrete buildings



4.6.4 The impact of the development is described as “ ‘substantial’ but ‘essentially beneficial’; the new buildings being well designed and the existing Marina development already dominating this view of the city”. In fact the existing Marina development in no way dominates this view, although the proposed new buildings would, and their impact on the view would be devastating



view from same vantage point as C10 – 4 October 2009



detail from C10 – approx same field of view as above

- 4.6.5 View T30 (p 170) is described thus: ‘There is an adverse aspect to the fact that the development separates the listed terrace from the eastern sea-scape (sic) in this view and the cliffs in the distance. It is clearly a ‘substantial’ impact but its composition and architectural detail is of a high quality in design terms, and if the viewer accepts the city scale future of the Marina its redeeming qualities assist in making it beneficial’
- 4.6.6 The applicant might accept ‘the city scale future of the Marina’, but we do not. It would represent a completely new departure from everything that has been hitherto envisaged or promised for the Marina and it is totally unjustified. This will be discussed further below



view from outside 7 Arundel Terrace 24 Sep 2009



view from outside 7 Arundel Terrace – wider angle



detail from view T30 (TVIA p 70) corresponding to view above

- 4.6.7 View T31 (p 174) Here the development is shown sticking into the sky like one large sore thumb and a series of smaller ones. The text describes Marina Point as 'highly sculpted in form to provide an object of beauty in the view'. However else this tower might be described, one thing it is not is an object of beauty. It goes on to say 'Though the Marina is not visible, its unresolved urban layout is a factor to consider in relation to the manifestation of this development'. This is not only unintelligible but it does not appear to be a comment about the view in question at all. The text concludes that, 'On the basis that all the visual elements are of high design quality the impact is 'substantial' and 'beneficial' '. Even if the visual elements were intrinsically of high design quality, which we would dispute, that would not compensate for their intrusion into an inappropriate context. How it will benefit the residents of Marine Gate or their visitors to see the tops of tower-blocks ahead of them, instead of the currently uninterrupted expanse of sky, is not explained. The residents' own opinions on this have been ignored
- 4.6.8 View M33 (p 182) has been manipulated to show a higher horizon in the 'existing' view, presumably in an attempt to justify the claim that the view is 'spoiled by the depth of poor foreground, constituting an unresolved and ugly part of the city'. The precise nature of the manipulation is hard to assess as the graticule markings have been removed from the 'existing' image. The horizon markings on the proposed image do however give away the fact that like is not being compared with like. Once again, the wide angle image vastly diminishes the striking appearance of the cliff from this vantage point
- 4.6.9 Note also that the 'existing' view M33 was apparently taken at around midday in midwinter (judging from the southerly angle of the sun and the length of the shadows) thus casting the car-park into deep shadow. The simulated position of the sun in the montage is high and in the west (as in late afternoon, midsummer) providing a sparkling quality of light with few shadows
- 4.6.10 Under 'Impact' (p 182) the author states 'While this change embodies both adverse and beneficial aspects any substantial development will have the same effect and impact'. This does not seem to be true and it requires justification
- 4.6.11 View M34 (p 184) 'existing': 'the view has no virtues ... there is nothing of quality'. In fact the few buildings shown are pleasant, small scale buildings which neither dominate the scene nor block out large amounts of sky, as do the proposed buildings. It goes on to say 'if the viewer glances to the left there is a view of the cliff-face. There is nothing of quality'. The writer apparently does not consider a view of the cliff-face to be a thing of quality.
- 4.6.12 In the 'proposed' view M34, Marina Point is described as having 'pleasing proportions and sculptural form'. In fact it is an ugly and grotesquely large building that would block out sky and

create deep shadow (none of which is shown in the montage). But the applicants appear to attach no value to sunlight or views of the sky. The pedestrianisation would be welcome as would the trees, not to mention the lovers strolling hand in hand, but the vast bulk of Marina Point and the view-blocking edifice to the left would ruin an otherwise idyllic scene. For the applicant to say 'the loss of a full view of the cliff is more than compensated for by the quality of the townscape' (TVIA p 186) is simply absurd

- 4.6.13 View M35 appears to be another montage that has been manipulated, although this is not admitted in the text. Again, graticule markings have been removed from the 'existing' image. Presumably to support the hyperbolic claim that the existing view is of a 'chaotic sub-urban context' and 'a space which has no spatial quality' (whatever that means) the horizon has been placed significantly higher in the 'existing' view than in the 'proposed' view



View from same vantage point as M35 – taken on 4 October 2009 (according to the applicant, 'a space which has no spatial quality')

4.6.14 View C40 (p 200) Current cliff views are described as having a 'poor foreground' [what does this mean?] and writes off their proposed obliteration as a substantial, beneficial change in view of the 'loss of the negative sprawl' [what does that mean?] and the 'high quality approach to urban planning, townscape legibility and architecture'. For the applicants to write off a cherished cliff view in this manner with the implication that their own buildings are more worth looking at is an unfounded, uncorroborated assertion that has no credibility. It is nonsense, and supremely arrogant nonsense at that. The description of the development as resembling a walled city is ludicrous



View C40 'proposed' – detail from TVIA p 200



Current view from same vantage point as above

4.7 As a result of all the above we regard the TVIA as a profoundly unsatisfactory document and not fit for purpose

## **5 FLAWED CONSULTATION**

- 5.1 A valid consultation has two prerequisites:
  - 5.1.1 consultees must have a clear understanding of what is being proposed and what its impact will be
  - 5.1.2 The opinions of consultees must be duly considered and properly taken into account
- 5.2 No planning consultation can be regarded as valid if consultees are unable clearly to see either important views that would be lost or disrupted or the true visual impact of proposed new buildings
- 5.3 During the council's consultation over 100 emailed objections were submitted complaining that the application was supported by misleading wide-angle images. There was no response to these, nor were they referred to in the officer's report and recommendations
- 5.4 In view of misleading images and descriptions in the application, the consultations carried out by the council and by the applicant cannot be regarded as valid

## **6 'CITY SCALE' DEVELOPMENT INAPPROPRIATE**

- 6.1 The applicant envisages a 'city scale future' for the Marina (TVIA p 170) and says 'the whole development introduces an urban form of city-centre density and proportions' (TVIA p 204). We reject this as inappropriate and repugnant
- 6.2 City centres have their place but that place is not a small concrete platform in a marina, beside a Grade I listed Regency estate and backing on to a National Park
- 6.3 The Marina lacks the infrastructure, vehicular accessibility and proximity to rail transport required for a city centre
- 6.4 The Marina is a unique recreational asset and it should continue to be developed as a genuine marina in a balanced and sensitive way. City scale development would destroy the Marina's sense of place and it would deter visitors

## **7 BRIGHTON MARINA ACT 1968**

- 7.1 Section 59 of the Act provides that there shall be no building higher than the cliff face but a provision was included that the clause could be waived by agreement between the Council and the developer
- 7.2 During the Commons debate (see Appendix) it was explained that the purpose of the provision was to enable the erection of structures such as lamp-posts, guard rails or harbour lights
- 7.3 The wording of the Act as drafted does permit the waiver to be used for purposes for which it was not intended (as in the case of Brunswick) but that does not justify ignoring the height limitation altogether during the consideration of a planning application

- 7.4 According to Clive Newberry QC ‘The height limitation contained in the Act is clearly a material planning consideration to be taken into account by the Planning Applications Sub-committee. It clearly represents (at minimum) the considered view of Parliament and the Council at the time of the Act’
- 7.5 In her report and recommendations the council officer said “Section 70 of the Act specifically provides that the “provisions of 162 the Town and Country Planning Act 1962” (the predecessor of the current Town and Country Planning Act 1990) “shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act”. The current planning regime therefore operates independently of the Act. Height issues are clearly a material consideration but not the specific wording of the Act. That is a matter for the Council acting corporately. It would therefore not be appropriate for officers to put forward a planning reason for refusal based on the 1968 Act”
- 7.6 This appears to be a misinterpretation of Section 70. Since there is nothing in the current planning régime that *requires* buildings to be above cliff height, the régime can apply and be exercised *in addition* to the cliff height restriction
- 7.7 Further, given that the council had received a large number of objections based on breach of the Act, it would have been reasonable for the council to have recommended to the developers that the cliff height restriction be observed
- 7.8 In the event it seems that, during many months of discussions, the planning officer made no effort at all to dissuade the developers from exceeding cliff height
- 7.9 It seems that the will of Parliament did not figure at all in the officer’s considerations. We believe that it should have done and we respectfully ask that it be taken into account by the Planning Inspector



## APPENDIX

Hansard House of Commons extract

### **Clause 58—(RESTRICTION ON EXERCISE OF CERTAIN POWERS AND TRANSMISSION OF POWERS TO CORPORATION)**

*HC Deb 26 June 1967 vol 749 cc196-204* [196](#)  
[§ Mr. Chapman](#)

I beg to move, in page 41, line 7, to leave out from the beginning to the third 'the'.

I know that the right hon. and learned Member for Chertsey (Sir L. Heald) is very good at explaining to me how usual these things are, but I wonder whether he can explain how this provision got into the Bill at all. It is covered by Clause 54(1), which he was so anxious to preserve and which effectively governs the following four Clauses, for it says: For the protection of the corporation the following four sections of this Act shall ... apply.... Clause 58 is therefore governed by Clause 54, but in Clause 58 there is a repetition of the words Save with the prior consent of the corporation, the Company shall not construct or erect... For reasons which I do not understand, we here have a double-banked power of the Corporation to waive the provisions of Clause 58.

However, that is not the real purpose of the Amendment. It is an important Amendment about which we should have some explanation. The Amendment would mean that the Corporation could not in any circumstances give permission for any of the buildings of the proposed marina to be higher than the height of the cliffs. As the subsection is drafted, the Corporation could give consent for the buildings to be higher than the cliffs.

As the Bill stands, the corporation could change its mind and agree to buildings higher than the cliffs. If my hon. And learned Friend the Member for Aberdeen, North (Mr. Hector Hughes) feels strongly about any of the minor parts of this Bill he ought to feel strongly about this one, because one of the things promised to objectors to the proposals all the way through was that never would any buildings be allowed to be higher than the height of the cliffs. There are many occasions when this has been firmly promised.

Take first of all the Minister's findings in giving planning permission for the project. Paragraph 13(2) of the Minister's planning permission is quite clear: No building shall be of a height greater than the level of that part of the cliff-top which is immediately north of the site of the building. The Minister made the position absolutely clear. He was not the only person to do so. Paragraph 154 of the hearings before the Inspector appointed by the Minister, dealing with the promoters' case, says: In the first place none of its buildings would

exceed the height of the adjoining cliffs, while most if not all of this development would be hidden by the latter from any residential developments or public thoroughfare immediately behind the site. The promoters offered this scheme on the understanding that there would not be any buildings higher than the cliffs. Then we have paragraph 206, which is the case for the Corporation in supporting the promoters. This says: Even though the height of new buildings would be kept below the height of the cliff face... In other words, this was an assumption made by the Corporation in good faith that it was thoroughly agreed that no buildings would be higher than the cliffs.

The promoters gave their pledge, the Corporation supported them on the basis of that pledge. The Minister gave permission for the whole project on the understanding, and the clear condition that no buildings would be higher than the cliff. I would have thought that this was one of the things which would reassure people living locally, and those who want to protect the amenities of the area from the impact of this project on the whole scene. This was an assurance cardinal to the scheme.

Yet here we have in this Clause as drafted the power of the Corporation to waive this requirement. I object most strongly to this. It was one of the things which persuaded people that this scheme could be allowed, because it was clear that there was an assurance, never to be broken, that the cliff height was the limit for the height of the buildings. I do not understand why the Corporation is retaining the power to waive this requirement. I do not know why it is necessary and I very much hope that the House will agree to delete it.

This is a perfectly reasonable request to make, based on all the understandings that have been arrived at all the way through this Bill with regard to this problem. For this reason we should, very firmly and clearly remove from the Bill the power of the Corporation to waive this requirement.

[§ Mr. Martin Maddan \(Hove\)](#)

I am not a Brighton Member, but I am acting in an honorary capacity for Brighton because I have taken an interest in the Bill and I wish to see it succeed. I want to tell the hon. Gentleman the Member for Birmingham, Northfield (Mr. Chapman) that this Clause does not have any diabolical intention behind it, although the point that he raises is important. The purpose of the words which he seeks to strike out are to enable the erection of structures like lamp-posts, guard rails, maybe harbour lights, or something of this sort during 125 years—the period with which the Bill is concerned. It would be wrong to take out of the hands of the Corporation the power to decide matters of that sort. The Corporation has no interest in allowing permanent buildings to be built to a height greater than the cliff top. But it must safeguard its position to be able to allow the erection of necessary ancillaries in the scheme for the good of the scheme.

I therefore hope that the hon. Member for Northfield will give some credence to the good intentions of the Brighton Corporation to undertake its duties as

the local authority in the way stated, and that he will allow the flexibility which the initial words in the Clause give.

[§ Mr. MacColl](#)

There may be some point in the argument about whether the structure is development within the planning Acts.

In general, I have a good deal of sympathy with what my hon. Friend the Member for Birmingham, Northfield (Mr. Chapman) said. The condition in the planning permission was quite categorical in limiting the height of the buildings to be erected. The Minister would not be parlous in the matter. If there were a proposal to do something of this sort, he could always call it in for planning decision directly by himself, even if there were a likelihood of the planning authority agreeing to it, or if it got beyond that stage he would have power under the [Town and Country Planning Act](#) to make a discontinuance order. There would, therefore, be some reserves left. However, this is a matter which could be looked at in another place.

[§ Sir L. Heald](#)

The hon. Member for Birmingham, Northfield (Mr. Chapman) was kind enough to suggest that I might be able to help him. If his Amendment were adopted, there would be a positive statutory prohibition against anything of this kind, no matter what anybody did. It would mean that no lamp posts or navigation beacons or anything of that kind could be put up, and anybody who put up such things would be infringing the Act. The Amendment is quite futile.

savebrighton proof of evidence ends here