

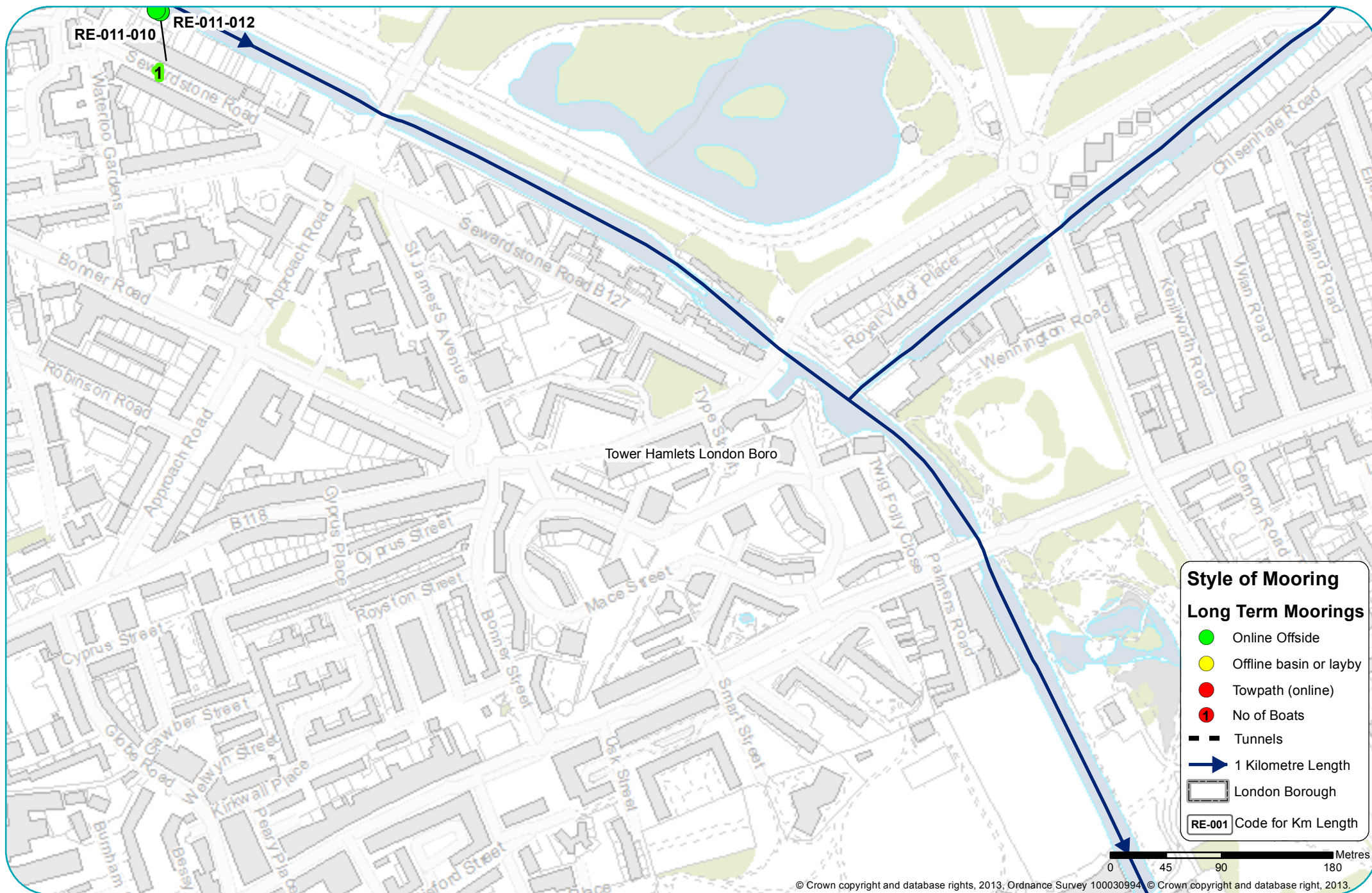
Canal &  
River Trust

## Long term home moorings - Regent's Canal - 011

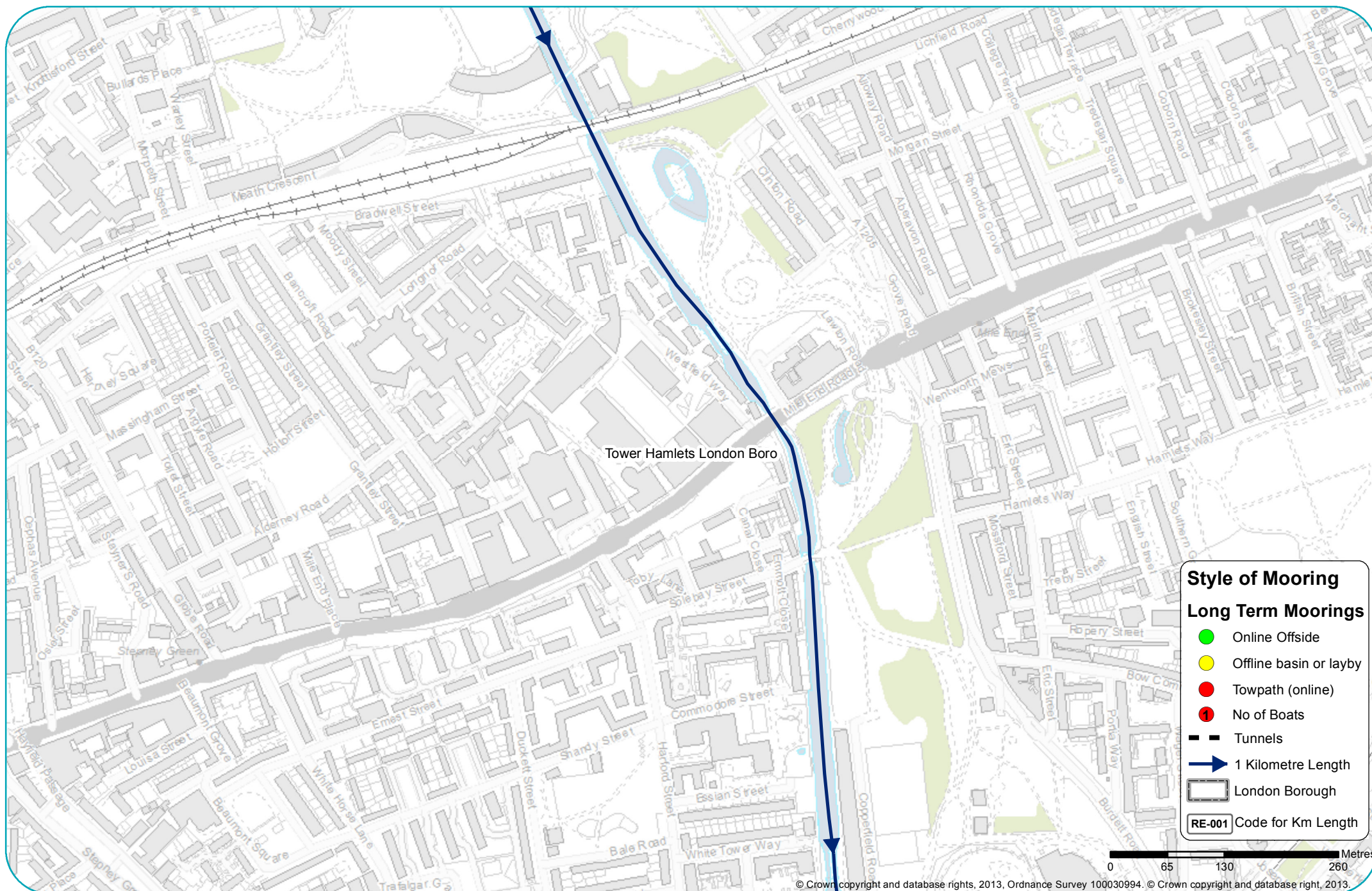
Data as at 31/5/2013 – number of boats recorded as having a home mooring at the mooring site. See overview map for list of site names and occupancy figures

Page size: A4  
04.07.2013

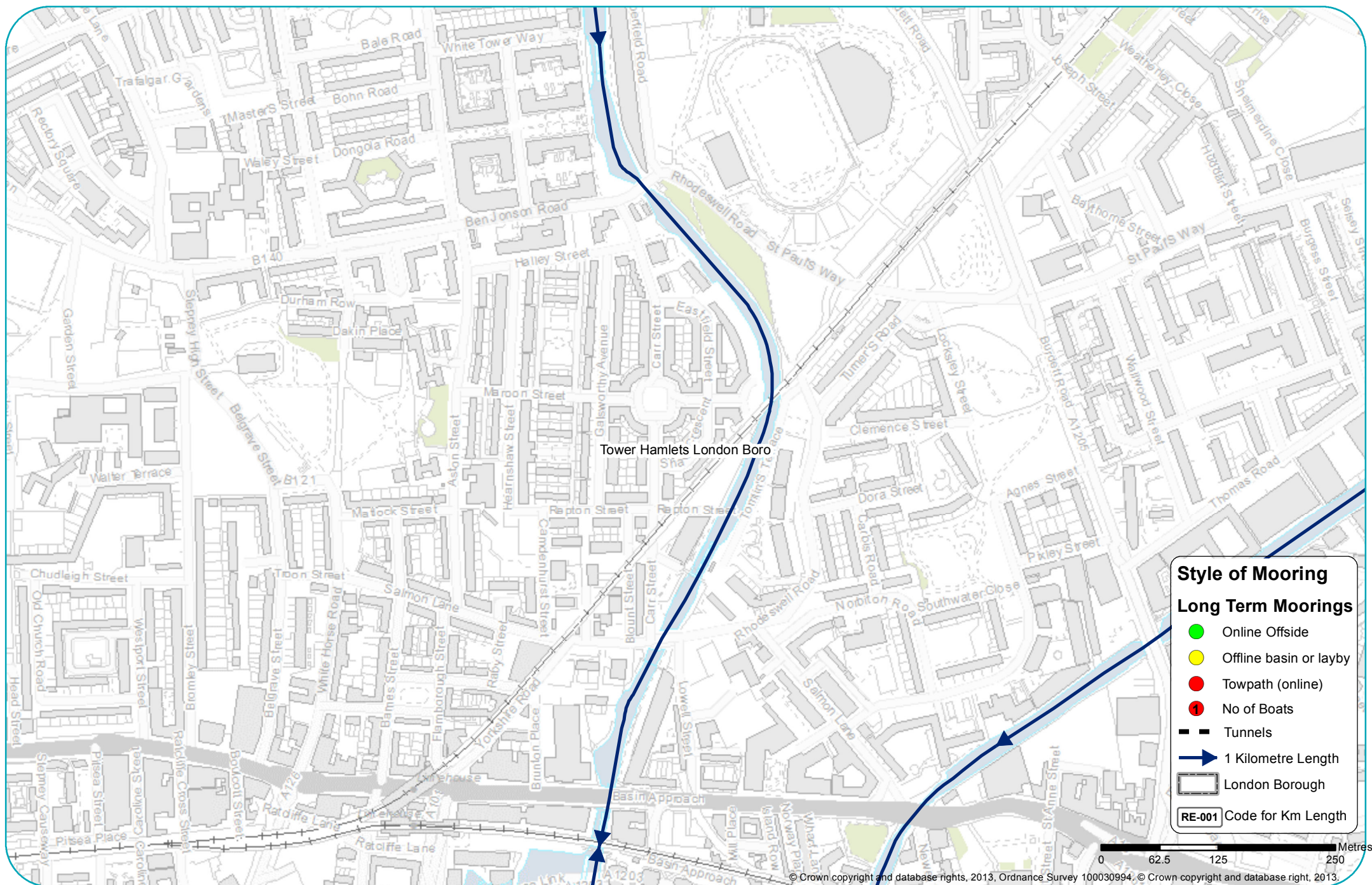














**From:**  
**To:**  
**Subject:** ILLEGAL MOORING  
**Date:** 31 May 2013 10:13:22

---

Dear Sir,

I am a resident on Trowlock Island, main stream side, and over the years have watched with increasing alarm as the number of boats moored illegally on the other side, on both the Kingston and Richmond controlled banks, has grown at an incredible rate.

I regularly walk and jog the circuit over Teddington Lock Bridge along the towpath back down to Kingston Bridge and back home. There must be at least, on the last count earlier this month, in excess of 40 vessels of various sizes and state of disrepair moored on this stretch. Most are double and triple moored opposite the Lensbury Club. I have not looked closely, but would suggest, that a majority of these boats do not have a current boat registration disc in place.

The state of the immediate surrounding area to this moored flotilla has been seriously affected by it's presence, not to mention the fact that the human waste produced by the occupants must, obviously, be going over the side and becoming part of the poor old Thames.

I hope someone, somewhere, in authority is monitoring this situation closely and is preparing some sort of strategy to alleviate the problem.

IT IS SIMPLY UNACCEPTABLE.

Law abiding, rate paying individuals like us that live in close proximity to this beautiful river demand action now. This illegal mooring has been going on for too long and there must be an end to it.

Yours in hope that something will happen,

Charles Street



**From:**  
**To:**  
**Subject:** Moorings consultation response  
**Date:** 14 May 2013 21:26:01

---

Matt,

I am responding to the letter of enquiry sent out by Jenny Jones on the impacts of moorings on the environment. I would be grateful if you could acknowledge receipt of this response by email.

I am an elected ward councillor for St Peters ward in Islington. The Regent's Canal runs along the boundary of my ward from the Rosemary branch to the Islington Tunnel, and includes the visitors' moorings at Noel Road.

I have to say that problems caused by a minority of boaters, and the apparent inability or unwillingness of the Canal and River Trust (CaRT) to deal with these problems, has taken up a quite disproportionate amount of my time, particularly over the last two years, as the situation seems to have deteriorated rapidly.

From the point of view of residents living near the canal the issues are:

- Air pollution from boats burning non-smokeless type materials.
- Air pollution from antiquated diesel generators.
- Noise pollution from antiquated diesel generators.

Residents in this area suffer arguably more than most because of the lie of the land which rises quite steeply on both sides of the canal, and which especially in the winter causes pollution and noise to sit in the cut rather than disperse, with the smells infiltrating their way into people's houses.

These basic problems are compounded by boats double and triple mooring in the cut, multiplying the pollution, and compounded again by boats that over-stay the 7 day mooring rule. Not surprisingly, the worst polluters are generally the over-stayers, and these tend to be boaters on a 'continuous cruiser' license. Some boaters even just swap moorings in order to claim that they have moved. The moorings are therefore always congested, and rarely if ever available to genuine visitors.

There has been a dramatic increase in people obviously living on their boats in the last 2-3 years - they are obvious because the roofs of their boats are covered with firewood, and other domestic paraphernalia which visitors would not carry - and these people appear to be living on the canals on the basis of a continuous cruiser license and no permanent mooring, which strikes me as an inherently unsustainable lifestyle, or at least it is unsustainable in urban areas.

A further problem created by this increase in 'informal' residential use is the issue of domestic waste. Much of the waste generated by these craft is left on the towpath, either in, or next to rubbish bins designed to take small amounts of waste from leisure users of the towpath. CaRT seem completely unequipped to deal with this issue, and the bins are constantly overflowing onto the towpath.

I have likened the issue of noise and air pollution from canal craft to someone living in an old transit van, who parks it outside someone's house for the night and then runs their rattly smelly old diesel engine all evening to keep warm. This would not be allowed to continue. Which begs the question why it continues to happen on the canals.



The answer is partly an anachronism in pollution laws, which means the Clean Air Act doesn't apply to the waterways, meaning that if a local authority wants to take action against a polluter, they have to invoke nuisance legislation, and witness the nuisance from the property of an affected resident in order to take action. And if the authority serves an abatement notice, the boat has simply to move on, and all opportunity to prosecute is lost.

The other part of the problem is a crashing reluctance on the part of CaRT to either admit how serious the problem is, or to take it upon themselves to do something about it as a boat licensing issue, notwithstanding the national legislative background.

CaRT have enforcement officers, but they are not providing management support, or a consistent framework of rules, in order for their enforcement officers to deal with the pollution, overstaying and refuse issues. For example there are signs up in Paddington Basin restricting moorings to a single line, yet when we ask for the same rule in Islington, CaRT claim that this is not one of their rules, and that they can't and won't enforce it.

i have held several meetings with CaRT, including a meeting with Jon Guest, head of waterways, Sally Ash, head of boating, and Peter Palmer, head of enforcement. At this meeting I thought we agreed that CaRT would re-write their license conditions to identify the pollution issues, and also impose single-mooring rules, and shorter lengths of stay. However, I gather that this all has to be the subject of 'consultation' with the boaters, where I think if CaRT had any teeth, they would simply impose basic environmental pollution and overstaying rules on their boaters without discussion. This is a bit like Islington Council consulting motorists on whether they should make people pay their parking fines.

There now appear to be so many people living casually on boats, who are apparently allowed to tie up anywhere where there is an available stretch of bank, that the waterways in London are reaching crisis point.

In short, the two key areas that clearly need to be changed are:

1. The Clean Air Act needs to be updated to include the waterways, which would give CaRT and Local Authorities the ability to prosecute directly anyone that pollutes the air.
2. CaRT need to start to own the problems that a minority of their boaters cause, and find ways of dealing vigorously with offenders, including re-writing their license terms, securing legal backing to enforce those terms, and employing personnel with sufficient experience of enforcement against difficult persons to ensure that the regulations are implemented and their message gets across.

It might also be worth questioning the basis on which 'continuous cruiser' licenses are issued, what they are intended to be used for, and what they actually get used for. I would suggest that the intended purpose and reason for issuing this type of license needs a fundamental rethink.

I hope this helps.



Best regards,

**Cllr Martin Klute**

Labour Member for St Peters Ward

Chair: Health Scrutiny Committee

Chair: Planning Sub-Committee 'B'

Chair: Joint Overview Health Scrutiny Committee for North Central London

(Barnet, Enfield, Haringey, Camden, & Islington)

.

.

.

.

**From:**  
**To:**  
**Subject:** illegal moorings  
**Date:** 13 May 2013 12:36:18

---

Dear Matt Bailey

I live on the river and am a councillor in Hampton Wick ward. We have had problems with illegal moorers on this stretch of the River Thames for around eight years.

The problems range from intimidation, environmental concerns including sanitation and pollution, and decrease of river amenity for fishermen and legal boat and sailing enthusiasts.

We also have a problem of the river towpath becoming a no-go area for local residents and people wishing to walk the Thames Path.

I would like to invite any members of the investigation to this part of the Thames to see the forty or so illegal moorers and to see first hand the effect on this part of London.

What is the deadline for submissions to your report as there are many concerned groups and residents who would appreciate giving evidence to you?

Many thanks

Kind regards

Tania

Cllr Dr Tania Mathias



**From:**  
**To:**  
**Cc:**  
**Subject:** Re: CANAL MOORINGS  
**Date:** 03 June 2013 10:33:23

---

Good Morning Mr Williamson

Thanks for your response sir

We live in a land dwelling on the canal not in a boat, which is why perhaps the slight irritation at seeing something that had so much natural beauty and several birds and wild life etc being affected by irresponsible citizens who lack the Civic Sense we so need to instil upon all our people

Many thanks

Cyrus T

Dear Cyrus Todiwala,

Thank you very much indeed for your contribution. I will feed this into the investigation and will let you know about the outcome.

So that we can use your views in context, when you say you live on the Regents Canal, could you just tell me is this on a boat on the canal moored in E9, or in a land dwelling near the canal?

Many thanks again and kind regards,

Ian Williamson  
Scrutiny Manager, Environment Committee

---

**From:** CYRUS TODIWALA  
**To:** Ian Williamson  
**Subject:** CANAL MOORINGS

Dear Mr Williamson

I just picked up the information and thought of writing as more and more we also become victims of our canal misuse.

We live on the Regents Canal in E9 and of late the boats have increased ten fold, so much so that nearer Broadway Market it is choked at times. However it is not the boats simply moored.

late night partying and talking loudly with music, tipping garbage into our canal etc are the issues.

The canal is not as clean as it used to be and it is a shame that the British Public using our waterways have no respect for it

Purely for your information sir  
Best Wishes

Cyrus Todiwala

**From:**  
**To:**  
**Subject:** Regents Canal  
**Date:** 17 May 2013 18:06:10

---

I am responding to the GLA investigation into mooring on London's waterways.

For over 30 years I have lived near the Regents Canal in Islington and regularly walk the towpath. My major concern is the amount of household rubbish that now piles up because 40+ boats moor semi-permanently with just a few litter bins intended for use by walkers. CRT just will not address this issue and their response now is that as a charity they do not have the resources to tackle this problems so tough on the land residents.

I do hope a solution can be found.

David Barton

.

.

.

.



**From:**  
**To:**  
**Subject:** Response to boaters consultation  
**Date:** 04 June 2013 16:36:17

---

Dear Matt,

I wanted to respond to the London assembly investigation into moorings in London - I hope I've sent this in time! I've lived on the canals around London for the last four years as a continuous cruiser and wanted to offer my views.

On the question of whether there are 'too many boats' and whether the canals are 'overcrowded', it's true that there has been an increase in boats in the area since I've been on the water. However, there are still many stretches even within the centre of London with no boats on at all, and most of the River Lea is still very empty - there is still plenty of space on the waterways of London as a whole.

What certainly is true is that in some places boats do bunch up (e.g. the latest issues at Broadway Market and Angel) but this is really not common and I suspect could be dealt with through issuing more patrol notices. These are issued in a very haphazard way, with many people not receiving them when they've overstayed the two weeks even though enforcement officers are logging the whereabouts of the boats every day (while others receive them often and feel unfairly targeted).

There definitely are some people on the canals who do not 'play by the rules', who make a mess, run their engines late or overstay, but these are a minority. It seems unfair to treat the rest of us punitively because of their actions, especially if CART is not using patrol notices to move them on. In my experience the places which do regularly issue patrol notices, such as the Camden visitor moorings, do not experience these problems.

More generally, CART tend to represent continuous cruisers as a drain on their resources, as people who are not paying into the system sufficiently, yet very little of their infrastructure is actually provided for us. The primary cost of the canals is in the upkeep of the locks, and the number of continuous cruisers is pretty incidental to that. We do live in 'an area' because most of us have jobs we have to travel to - this also means that unlike retired holiday boaters we live on our boats throughout the winter. We know from the evidence given to the consultation on changing the mooring policies on the Lea in 2011 that many London residents like the boats and feel that we are providing a public good, like street lighting, in making the canals safer for pedestrians - and this is most important in the winter when it's dark. If many live-aboards get priced off the water with the new 'roving mooring permit' scheme CART are piloting then this public good will be reduced and the canals may become more dangerous again.

Finally, on air pollution - in general as a community we live far lower impact and lower carbon lifestyles than people in houses - my background is as an environmental activist and this is certainly part of the appeal for me. However, I think many of us do still want to reduce the coal smoke and diesel fumes that we produce. There are a couple of things that could really help us to minimise our impact, which the Assembly may be able to help us with.

One is to provide some sort of assistance to boaters who want to buy solar panels, which will reduce the need to run our engines to keep our domestic batteries charged. Assistance for solar is available to home owners but inaccessible to boaters. If the Assembly were able to buy panels in bulk to sell onto boaters at wholesale prices then we could substantially reduce the hours our diesel engines are running.

The second thing is to help us in procuring reconstituted wood fuels to burn during the winter, which are carbon neutral and burn hotter than coal, producing less smoke. Very few boaters own cars and transporting large amounts of bulky fuel onto boats can be very problematic, not to mention trying to find somewhere to store it! When people do end up burning coal which isn't smokeless that's often because they've had to go to a local garage in an emergency and this was all they had to sell. If the Assembly could help us work with local businesses around the canal to encourage them to stock alternative fuels this could reduce the impact of our heating on the surrounding houses.

I hope these comments have been useful and that the issues raised in Angel can be resolved successfully. Many thanks,

Deborah Grayson

---

Dear Matt,

Please find below our response to the London Assembly Investigation into Waterway Moorings . We hope this reaches you in time to be taken into consideration as part of the ongoing investigation.

### **London assembly investigation into waterway moorings**

We have been living on our boat full time since April 2012, continuous cruising around the south east waterways. So far we have covered the Lee as far as the junction with the river Stort, the entire length of the Stort, Regents Canal, Limehouse Cut, and the Grand Union from Brentford to Uxbridge including the Slough and Paddington arm. We both work full time in central London.

We have chosen to respond to the investigation as individuals because we don't feel fairly represented by the existing local user groups (for example London Boaters) and we want our voice to be heard.

We think that continuous cruisers are an integral part of the wider canal and river community, and the majority of us abide by both the law and the written and unwritten rules and guidelines of the waterways. However, in our experience there is a small group of boaters who are taking advantage of the ambiguity around the law, rules and guidelines in order to meet their own needs and expectations at the expense of the wider boating community. The current situation has been compounded by CaRT (formerly BW) failing to establish good working relationships with boaters, specifically alienating continuous cruisers by attempting to introduce a series of poorly thought through and unreasonable mooring proposals/restrictions.

We have set out below our thoughts and observations in response to your investigation using the headings you provided in your call for evidence letter dated 8 May 2013.

### **Mooring demand and supply**

#### **Visitor moorings**

Visitor moorings in central London are usually full, often double and occasionally treble breasted, especially close to boater facilities and popular parts of town (e.g. Broadway Market, City Road). It's hard to know whether there's a genuine shortfall in the supply of visitor moorings in central London, or whether moorings are occupied by a small number of 'non compliant' continuous cruisers. When passing through central London we frequently see the same boats moored within a very small area.

#### **Permanent moorings**

We may wish to take on a permanent mooring ourselves within the next 2-5 years (for example if we have children), and therefore we are always monitoring the mooring situation and prices. We have noticed there appears to be a



shortage of permanent moorings in the London area, and those that become available (private as well as CRT, and particularly moorings with residential planning permission) are out of reach financially for many boaters including ourselves (mooring fees can be anything from £6000 to £12000 p.a.). We know of very few affordable community or cooperative moorings enabling liveaboard boaters to stay in the London area.

### **Air and noise pollution**

Some boaters frequently run engines and generators late at night to produce electricity while moored up. We have made it a priority to install solar panels in order to avoid running our engine while stationary. The solar panels provide all the electricity we need throughout the spring and summer months and most of autumn. In winter we turn the fridge off and monitor our electricity usage carefully. Because we cruise reasonable distances regularly we rarely need to run the engine to keep batteries charged while moored up for more than a couple of hours mid week from November to January. We never run the engine before 8am or after 8pm.

Some boaters burn house coal and/or unseasoned wood, and some boaters run engines late at night to power expensive central heating systems. A correctly maintained stove and flue, along with the right fuel, reduces emissions significantly. Whilst boaters have a responsibility to keep their emissions to a minimum, 'landlubbers' also need to appreciate that, if they choose to live by the canal, fire and engine smoke from passing or moored craft will occasionally occur.

In the last 12 months we have noticed increasing problems with rubbish on the towpath, usually next to bins that are already full. There are also problems with a minority of boaters claiming the towpath as their own extended living room (for DIY as well as for barbecues, parties, drinking and drug use), which other canal users often find intimidating. It can be difficult to find facilities to dispose of rubbish responsibly. Provision of waste disposal facilities along or close to the towpath varies greatly across the boroughs, and it's particularly difficult to locate recycling bins and dispose of chemicals (paint, diesel, oil) without having either a land address or access to a vehicle (which many boaters don't).

### **Overcrowding, congestion and overstaying at moorings and facilities**

Overcrowding, congestion and overstaying is in our experience mainly an issue in central London. We have noticed there are particular hotspots from Springfield Park to Old Ford Lock on the lower Lee, and on the Regents Canal from Mile End to Little Venice. It's also not unusual to see 'unofficial' semi permanent moorings by individuals or small collectives of boaters on the offside.

We regularly meet boaters who tell us they have been moored in the same place for 3 or more weeks, as well as admitting that they never or very rarely move their boats outside a very small part of central London. We also meet boaters outside London (leisure boaters as well as other continuous cruisers) who feel intimidated and exasperated by the current visitor mooring situation and either avoid London altogether or pass through as quickly as possible.

Whilst the presence of boats and boaters on the waterways may be a deterrent to crime, an increasing number of poorly maintained and secured boats as well as boats which are sometimes abandoned for long periods of time may equally attract crime and antisocial behaviour.

We regularly see boats moored in inappropriate places – on lock landings, on

bends, and outside facilities – making it difficult to navigate and sometimes impossible to access water and Elsan points by boat.

### **Mooring rules and enforcement**

Some boaters argue that boat owners have a legal right to stay in a very small area without a permanent mooring as long as they abide by the 14 day rule. Some boaters think CRT can't and won't enforce the continuous cruising guidelines, and actively encourage other boaters (as well as prospective boat owners) to disregard rules and guidelines. However, clearly if an increasing number of boaters choose to do this it will put undue pressure on existing boater facilities, moorings, other users of the network and land based residents.

We very rarely see enforcement officers and do not feel that we are under any kind of surveillance.

### **Solutions?**

- A comprehensive and transparent census of waterways users to better understand the canal and river population.
- Creation of affordable offside permanent moorings for boaters who need to stay in a particular area.
- CaRT need to review and abandon their auction system for moorings in favour of a fairer system.
- CaRT and boaters to work together more closely to develop alternative mooring strategies.
- Support for boaters on low income to access housing and other benefits to cover mooring and license costs.
- Boaters to work with CaRT to decide a reasonable and attainable definition of place and distance for continuous cruisers.
- Boaters and CaRT to ensure any new rules and guidance are reasonable and attainable, in order to ensure that the diversity of boats and boaters is maintained.
- Continued rigorous enforcement of the 14 day rule and continuous cruising guidelines, along with monitoring of mooring sites to better understand issues with compliance.
- CaRT and boaters to work together to develop an enforceable code of conduct with regards to pollution and other antisocial boater behaviour.
- More readily available objective guidance for people thinking about buying a boat to live on in the London area.
- Grants for boaters on low incomes to make their boats more environmentally friendly (solar panels, insulation, composting toilets).
- Boaters working together with CRT, as well as local authorities and Project Kraken, to target antisocial behaviour targeted at or created by boaters.
- Review and possibly increase facilities. We wonder if CRT are avoiding to maintain current facilities in order to discourage more liveaboard boaters in



the central London area.

**Name withheld**

.

.

.

.

8 May 2013

**Responses from Dr E Simpson as reported back to Sukky Choongh, May 11<sup>th</sup>, 2013**

**London Assembly investigation into waterway moorings**

I am conducting an investigation into the impacts arising in London from the increasing popularity of living on boats on inland waterways. I should like to seek your views.

The investigation is to look into:

- Demand for and supply of moorings on London's canals and rivers, and factors behind them
- The impacts of increasing boat numbers on canal infrastructure, existing boaters and canal-side properties, particularly:
  - Air and noise pollution from stoves, diesel engines and generators on boats, and compliance with and enforcement of rules governing these  
The air and noise pollution from double and triple parked canal boats in the narrow gully running between Colebrooke Row and Danbury St has reached levels threatening the health of both young children and elderly residents of the Noel Road terrace backing onto the canal. This problem is worse for houses with very short gardens that are also closer to the water (Noel Road is on a steep slope) at the Danbury Street end than those close to Colebrooke Row. There is ample medical evidence documenting the harmful effects of diesel fume pollution. Smoke from wood and coal burning stoves on the boats adds to this hazard in colder weather.  
Before CaRT took over management of boat licencing and moorings from BWB only a single line of mooring was permitted, and there was a resident warden boat to help with enforcement. The warden was responsible for dealing with rule breaking out of hours, and did this tactfully and effectively. At that time the rule banning the idling of diesel motors/generators on moored boats between the hours of 8pm and 8am was carefully observed, ensuring peaceful evenings. The current CaRT enforcement mechanisms look good on paper, with respect to limiting the length of time a boat can moor at this site to 7 days, and informing such boaters of the requirement to burn only smokeless fuel and observe the 8pm-8am ban on running generator engines but are frequently evaded. Harassed nearby residents have no redress outside office hours during evenings and weekends and these are particularly stressful
  - Overcrowding and congestion of canal-side moorings and their associated services.

Overcrowding of this stretch with double and triple parking brings boat numbers to over twenty, compared with the 6 or 7 deemed environmentally appropriate by an LBI committee that looked into the matter a few years ago when considering a planning application from BWB. This limit to 6 or 7 in the number of boats would result in a single line of mooring, a situation that residents have been urging on CaRT for the last three years. When boats are allowed to double and triple moor the license numbers of the outer boats cannot be read from the towpath by enforcement officers.

- Steps that responsible bodies could take to alleviate these problems.  
Limit mooring to a single line of boats. Install a resident warden to assist with enforcement of this and other rules, viz. limiting the stay to 7 days, ensuring the ban on motors being run between 8pm and 8am, requiring boaters to dispose of their own rubbish properly instead of dumping it on the towpath, and requiring boaters not to make disturbing levels of noise in this area of high residential density. Loud music and using the towpath as a workshop for chopping wood etc are examples of this sort of disturbance, which also impedes use of the towpath by walkers, cyclists and fishermen.

Therefore I am seeking any views or information you may have about these issues. At this stage I am particularly interested in:

- Mooring demand - such as numbers (for London if possible) of permanent residential boats, continuous cruisers, mooring occupancy/vacancy rates or other indications; also any recent (past ten years) changes in these figures. The numbers of continuous cruiser licences issued appears to have been allowed to increase excessively, since a significant number of these boats are quasi permanent resident boats ie without home moorings. The terms and conditions of continuous cruising licences need to be enforced since currently the numbers of them ignoring the rules is seriously affecting the health and quality of life of people who live in houses and flats close to the canal.
- Mooring supply - the numbers of moorings available on London waterways, whether residential moorings, visitor moorings or others; also any recent gains or losses of moorings; and affordability of moorings. These numbers should be placed clearly on the CaRT website and reported to the London boroughs through which the canal flows so that the respective local councils can take steps to look after the health and welfare of their council tax payers affected by inappropriate use of the canal.
- Air and noise pollution - the environmental effects of engines, generators, stoves etc, including how the rules governing these are applied and enforced. This is a matter of great urgency. The anomaly of motorised vehicles on water apparently being exempt from the rules governing land-based vehicles should be regularised, so that all diesel motors have to comply with the same emissions standards. Smoke emissions from stoves on the boats should be required to conform to the Clean Air Act that forbids use of smoke fuels by domestic housing
- Overcrowding, congestion and overstaying at moorings and associated facilities and on the waterways. This is currently the heart of the problem of moorings in the Colebrooke Row-Danbury Street gully (see above)
- Issues around mooring rules and enforcement - mooring rights, rules and time limits, and how they are administered and enforced; also the extent and pattern of breaches of overstaying or other breaches of mooring rules. Current administration and enforcement of the rules is inadequate (see above). CaRT needs to be made accountable for this, and required to provide information about the number of time



breaches of each sort occur, and the outcome of dealing with them. They have the final sanction of removing the licence of an offending boat, and intermediate sanctions of charging for overstaying. The option of fines for dumping rubbish, creating disturbance etc should be explored. At the moment CaRT shies away from use of the term 'fine' for reasons that are quite unclear.

- Any views on steps that responsible bodies could take to address these issues. Local councils should be prepared to sue CaRT for failing to deal with these issues. If CaRT are found to be unwilling or incapable of dealing with the overcrowding and consequent pollution their governance should be taken from them.

The views and information received will form a vital part of the evidence base for the investigation, and will shape the recommendations to be made. The investigation will also involve a visit to a canal and canal-side moorings and properties, and a round-table meeting with selected stakeholders.

I'd be very grateful if you could provide your views and any supporting information in writing by the end of May. You can respond by post to Matt Bailey, Project Officer, at the above address or by email to [matt.bailey@london.gov.uk](mailto:matt.bailey@london.gov.uk)

If you have or are aware of information that has already been published or made available on these matters, you can provide a reference or link to it.

I look forward very much to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jenny Jones', with a stylized, flowing script.

Jenny Jones AM,  
Rapporteur

# Consultation response

## Mooring on London's waterways

17 July 2013

### Submission from the Environment Agency to the London Assembly on the subject of Mooring on London's waterways

#### Introduction

London Assembly are “conducting an investigation into the impacts arising in London from the increasing popularity of living on boats on inland waterways”. This paper has been prepared in response to a request for information from London Assembly dated 8 May 2013.

#### Our role and remit as a navigation authority

We (The Environment Agency) are the navigation authority for the non-tidal River Thames.

We have a responsibility to maintain a navigable channel for river users, to maintain our locks, gates and chambers in a safe working condition for boating.

We manage water levels to balance the many uses of the river, including boating, retaining enough for water companies to extract, managing flood risk and ensuring conservation sites, fisheries and water quality are protected.

#### Navigation boundary

Our navigation role extends from Lechlade in Wiltshire on the non-tidal River Thames to the tidal boundary with the Port of London Authority at Teddington.

#### Overview of moorings

Moorings fall into three categories: permanent non-residential, permanent residential and temporary mooring. The latter is frequently 24 hour, but can be longer in some cases. Our position statement “Management of short-stay visitor moorings on the non tidal River Thames” can be found in Appendix I.

#### Partnership working

We regularly engage with National and Regional users groups, made up of Local Authorities, trade representatives, boat owners and other river users.

In 2005, we worked together with RTA representatives on the *Thames Waterway Plan 2006 – 2011*, the overarching strategy to increase use of the Thames. It highlighted the biggest gap in service provision along the river and the most requested area for improvements by boaters, is the provision of good quality, well managed short-stay visitor moorings.

We kick-started the RTA Moorings Group in 2008, which is tasked with driving this work forward. The aims of this RTA group are to ensure that:

- Local authorities and other landowners are committed to providing adequate, fit-for purpose and well managed mooring sites; developing new sites where possible and looking after existing ones.

- Local authorities and other landowners are committed to adopting a proportionate and risk-based approach to enforcement and taking appropriate action against offenders.
- Boaters can be confident they will find a safe, attractive short-stay mooring where they can enjoy the waterside environment and use local amenities.
- The group agrees achieving these objectives is fundamental to a positive customer experience, the growth of the local economy and the sustainable development of the River Thames as a first class leisure destination.

## Challenges

- *Planning and provision of moorings* – being more joined up when considering new moorings and engaging with the planning authority at an early stage in order to provide the facility for more low cost residential mooring on the Thames.
- *A united plan* – a joined up approach to moorings enforcement and provision is essential to make sure the problem of illegal mooring is prevented not ‘moved on’. Several popular overnight moorings are abused by ‘long-stayers’ i.e.: those living on their boats but who have no permanent base, or those who leave their boats on a short-term mooring for long periods.
- *Consistent enforcement* - each land owner has different enforcement and control measures they use to manage their moorings. A more joined up and holistic approach is required for future management of moorings along the length of the river.

## Recent and future activity

We set up a dedicated Enforcement team for the River Thames. This team regularly patrols the River Thames and carries out campaigns and exercises with other partners (emergency services and local authorities) to maintain a safe navigation for all river users.

We continue to work closely with our partners to discuss the challenges of moorings on the River Thames and consider possible solutions.

We are undertaking a 6 month pilot from August 2013 to develop a novel way of working to reduce incidents of illegal mooring along the Thames;

- We are working in partnership with a private civil enforcement company to evaluate the enforcement of civil legislation at trial mooring sites in the Oxford, Weybridge and Walton upon Thames areas;
- We believe a modern, quicker and more robust enforcement solution is achievable, and may lead to a river-wide approach for all riparian owners to utilise;
- We will share the development of the pilot with river users and customers.

## Environmental advice

We advise that the investigation takes into account the requirements of the London Plan. Policy 7.28 aims to restore the Blue Ribbon Network in London and specifically Para 7.84 sets out the wider potential impacts of residential moorings. The latter refers to careful consideration of hydrology and biodiversity of waterways.

- *Hydrology* - Some waterways perform an important flood risk management function. For example, the natural river Lee conveys fluvial flood flows from the wider Lee Valley and is tidally influenced. The river can respond quickly to heavy rainfall in the catchment. Additional moored boats on canals and the associated infrastructure could obstruct the transportation of water and increase the risk of damage to flood risk management infrastructure. This should be a consideration of new moorings in other Thames tidal creeks, such as Barking Creek and Deptford Creek.

- *Biodiversity* – Permanent residential moorings and infrastructure have the potential to negatively impact the ecology and biodiversity of the river bed and river bank. Modification of waterways presents a challenge to delivering the Thames River Basin Management Plan to protect and improve the water environment. Physical modification, urban diffuse pollution and emergency overflows from sewage treatment works are the biggest challenges facing our urban waterways in London, rather than local pollution from individual boats.

A good case study is the Olympic Park Water Space Masterplan, which was agreed by the relevant authorities before London 2012 Olympics. Partners considered the Lower Lee waterways as a system. The Masterplan identified the waterways that had the capacity for an increased number of moorings - taking into account factors such as hydrology and biodiversity. It also identified locations suitable for naturalisation - conserving the existing natural feel of the waterway and its waterway edge. Other parts of the waterway system had significant work to soften vertical concrete edges and were landscaped to provide natural habitat and restore a more natural waterway. The Masterplan recommended that canal infrastructure should be located on the City Mill River and Lee Navigation - keeping the natural river Lee for flood water conveyance and wildlife.

A similar strategic approach could be taken for the complete system of canals and navigable waterways in London. Identifying areas that are more sensitive and areas that are appropriate for development. Perhaps the Mayor's London Waterways Commission is in a good position to assist?

## Appendices

- I Position Statement - Management of short-stay visitor moorings, October 2009
- II Mooring Factsheet, June 2011
- III Mooring charges factsheet, October 2009

## For further information please contact:

South East Waterways Strategy team  
 Mark Heelis, Technical Advisor  
 Tel: 01189 535711  
 Email: [mark.heelis@environment-agency.gov.uk](mailto:mark.heelis@environment-agency.gov.uk)

London Environmental Team  
 David Hobbs, Project Officer  
 Tel: 07919 211957  
 Email: [david.hobbs@environment-agency.gov.uk](mailto:david.hobbs@environment-agency.gov.uk)





# Management of short-stay visitor moorings on the non tidal River Thames

Issued 05/10/2009

## Position statement 1

### Provision of moorings and charging

Where the Environment Agency provides short-stay visitor moorings (excluding lock moorings):-

- The extent of mooring will be clearly indicated by Environment Agency signage.
- Mooring will be free of charge for an initial period (generally 24 hours) unless otherwise stated.
- Mooring charges may be payable after the initial period. Charges in force will be clearly set out on signage and ongoing mooring taken to indicate acceptance of them.
- We will promote our 'Welcome to moor alongside' approach at suitable sites where the width of the navigation channel allows.

## Position statement 2

### Enforcement

At Environment Agency mooring sites we will maintain a targeted and risk-based enforcement regime. Our enforcement response process will be capable of rapid escalation depending upon the circumstances, nature of the offence and public interest factors. We will: -

- Routinely record the details of boats moored at our sites during patrols.
- Issue written guidance to boats mooring in excess of the permitted period where they have not offended previously.
- Issue a Byelaw 58 (Direction to move) Notice to owners of boats mooring in excess of the permitted period where they either fail to follow our guidance OR have offended previously.
- Commence Possession Proceedings where boats fail to comply with the Byelaw 58 Notice with an option to prosecute.
- Refer enforcement of Possession Orders to an authorised Officer of the High Court, which may result in the boat being removed, sold or destroyed by us or our authorised agent.

### **Position statement 3**

#### **Moorings provided by other landowners**

Through the River Thames Alliance moorings group, we will continue to work with member landowners and share best practice relating to provision and enforcement of short-stay moorings. We will: -

- Routinely record the details of boats moored at designated short-stay mooring sites and share this information with landowners as requested.
  - Encourage landowners to use their powers to take possession proceedings against boats overstaying on their land and provide supporting evidence when possible.
  - Support providers of designated short-stay moorings by issuing written mooring guidance to boats when practicable, where there is a recorded commitment from the landowner to take formal enforcement action when required.
  - Support providers of designated short-stay moorings by issuing Byelaw 58 (Direction to move) Notices when practicable, where there is a recorded commitment from the landowner to take formal enforcement action when required.
  - Support providers of designated short-stay moorings by sharing use of our removal/storage/disposal contracts where practical and when our costs are covered.
- 

### **Objectives**

The objectives of this approach are to:-

- Ensure we have sustainable, fair and transparent solutions to the challenges of managing short-stay moorings.
  - Give our staff the confidence their actions are supported at an appropriate level.
  - Ensure the Environment Agency acts professionally, with due regard for river users' interests, and in accordance with its powers.
- 

### **Document authorisation**

#### **Document author**

Julian Kennard – Regional Strategic Specialist - Waterways

#### **Document sponsor**

Angela Quayle – Strategic Waterway Manager

---

## Explanatory note

---

### Background

- The public right of navigation on the River Thames includes the right to anchor, moor or remain stationary for a reasonable time.
  - Most Thames-side towns and villages have public landing places where visitors by boat may moor for short stays, either free of charge or for a fee.
  - The Environment Agency provides some of these mooring sites, others may belong to Local Authorities, Parish Councils and other landowners.
  - There are an increasing number of boats without an approved base (home) mooring. Some owners keep these boats on free public short-stay moorings to avoid paying marina or boatyard charges. Many live on board as a 'cheap home' and move from mooring to mooring to avoid enforcement.
  - Other river users are often unable to moor at short-stay moorings because much of the available space is occupied by long-term moorers.
  - The local economy is suffering as potential customers for shops, pubs and restaurants have to pass through without stopping.
  - There is resentment that these river users are abusing the moorings and avoiding payment for the services that the lawful majority pay for.
  - Potential visitors from other waterways are discouraged from bringing their boat to the Thames as they are worried they will not find a safe mooring.
- 

### Desired outcomes

- Adequate provision of fit-for-purpose, well-managed moorings.
  - Boaters confident they will find a safe, attractive overnight / short stay mooring where they can enjoy the waterside environment and use local amenities.
  - A proportionate and risk-based approach to enforcement and appropriate action against those who offend.
- 

### Audience

**Internal:** All Thames Waterway Operations teams, Regional Strategy Unit, Policy teams at HO and Regional Solicitor.

**External:** Local Authorities and other stakeholders through River Thames Alliance; river user representatives through Waterway Working Group.

---

### References

- Environment Agency public short-stay mooring sites – Waterway procedure for removal of vessels (Possession Order)
- Thames Conservancy Acts 1932-1972
- The Thames Navigation Licensing and General Byelaws 1993
- Environment Agency Enforcement and Prosecution Policy

The development of this approach has been fully consulted through the Waterway Working Group and progressed with assistance from the Thames Regional Solicitor and Waterway Advisory Solicitor.

Our position is robust and widely supported by customer representatives.

We have reduced the risk of legal challenge by obtaining Counsel's Opinion on the correct interpretation of our legislation and use of our powers in this situation.

---

## Implementation plan

---

### Who are the target audiences?

Thames Waterway Operations teams, particularly enforcement officers; Thames Region legal team; river users who use moorings; key stakeholders who provide and manage moorings.

---

### Do they require awareness training or education?

Waterway Operations Managers and regional solicitors – awareness.

Waterway enforcement officers – essential enforcement training leading to warranting; step-by-step process guidance.

River users and stakeholders – education.

---

### What do they need to know?

Waterway Operations and legal teams – that this position exists to inform and support Environment Agency decisions

River users and stakeholders – the position of the Environment Agency as navigation authority in relation to the management and enforcement of the short stay moorings it provides, and those provided by 3<sup>rd</sup> parties.

---

### When do they need to know it?

Continual awareness.

---

### How will they be told?

Waterway Operations and legal teams – via email and face-to-face, as part of meetings between Regional Strategic Waterway Specialist and Waterway enforcement leads; also Waterway Management Team and local Waterway Operations team meetings / Waterway Enforcement Group

River users and stakeholders – through meetings of River Thames Alliance moorings group; Waterway Working Group and River User Groups; external publications such as twice yearly customer magazine *Riverviews*; guidance notes left on boats; navigation pages of Environment Agency website.

---

### Who will tell them?

Waterway Operations Managers; Regional Strategic Waterway team

---



**Monitoring of progress****Methods**

Feedback from Waterway officers and river user / stakeholder groups and individuals.

Success criteria	Date completed
Reduced number of complaints about availability of short-stay visitor moorings and fewer boats habitually using short-stay visitor moorings as unauthorised 'base'.	Ongoing
The Environment Agency seen as a credible, competent enforcer.	Ongoing

**Comments**

---

## Mooring your boat on the River Thames

The Environment Agency is the navigation authority for the non-tidal River Thames from Cricklade in Wiltshire to the tidal boundary at Teddington in Middlesex. It's our job to manage the waterway and ensure it can be enjoyed safely by as many people as possible, with consideration for the needs of others.

Whether you are looking for somewhere to keep your boat, spend the night or just stop for lunch – you need to know about mooring arrangements on the river.

### Short-stay public / visitor mooring sites

The Environment Agency and other landowners (e.g. local authorities and town councils) provide these to encourage passing boats to stop for short periods to enjoy the peace of the waterside and use local amenities, and they are very popular.

- Unless signs state otherwise, you are only allowed to moor for a **maximum period of 24 hours**.
- You may have to pay a charge at some sites, either for mooring at any time, or after an initial free period. Signage will usually show the charges payable and by mooring, you are agreeing to pay them.
- Please make the most of available space by moving along and closing any wasted gaps, also by mooring alongside other boats where you can, and encouraging other boats to moor alongside you. Always use the bollards or rings if they're provided.
- Please be careful not to damage the ground with barbecues and leave the area as you found it by taking your rubbish with you if there are no bins.

### Short-stay mooring at other locations

There are many less formal areas (e.g. farm land) where you can moor your boat. However, please remember:-

- Most land along the River Thames is private. Please respect private rights and avoid any areas where you see 'no mooring' signs.
- Do not assume mooring is allowed just because there are no signs. If in doubt, ask permission from the owner of the river bank if you can. If you can't, please be prepared for them to ask you to leave.
- Unless the landowner tells you otherwise, you are only allowed to moor for a maximum period of 24 hours.

*You may also be able to moor at some of our lock sites for short periods or overnight, please contact one of our local offices (details over the page) for more information.*



## Mooring for longer periods and permanent / base mooring

- If you keep, or mainly use, your boat on the River Thames you must have a proper base mooring (i.e. somewhere to put your boat when you are not cruising, such as a marina berth).
- If you live on your boat as your only place of residence, you need to have an approved residential mooring.
- If you are cruising but need to leave your boat for a longer period, please use a boatyard or marina where possible – do not take up short-stay moorings.

The British Marine Federation (Thames Valley Region) publishes a useful Cruising Guide to the River Thames and Connecting Waterways containing the contact details of boatyards and marinas that may provide permanent moorings. You can download a copy by going to our website

[www.visitthames.co.uk/publications](http://www.visitthames.co.uk/publications)

The Residential Boat Owners Association may be able to provide more information about finding a residential mooring, go to [www.rboa.org.uk](http://www.rboa.org.uk)

### Please remember...

It's important to follow this advice, so all boats using the river can find a short-stay mooring. Both the Environment Agency and other landowners take enforcement action against boaters that either overstay their welcome or moor without permission. Penalties may include:-

- Penalty charges
- Boat registration suspension
- Removal of boat under Court Order (at owner's expense)

For further local information, speak to one of our lock or patrol staff during duty hours or telephone our customer service line: 08708 506 506.

You will need to ask for the appropriate Waterway Office depending on the area of the river you are interested in:

West Thames Area - Upper (Cricklade Bridge to tail of Hurley lock)

West Thames Area - Lower (tail of Hurley lock to Teddington boundary)

Version 7 June 2011

customer service line  
03708 506 506

incident hotline  
0800 80 70 60

floodline  
0845 988 1188

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## Mooring at this short-stay site - what you need to know

**Our officer or agent has given you this information to help you understand the arrangements for mooring at this short-stay site provided by the Environment Agency.**

We have provided this facility to encourage you to stop for a short period to enjoy the peace of the waterside and use local amenities.

### Free mooring for up to 24 hours

You may moor here for up to 24 hours without charge. We'd encourage you to move on after this period to help keep space free for others who would like to moor here.

- Period one - up to 24 hours - Free

### Chargeable mooring

If you would like to stay on after your free 24 hours, we make a charge for you to moor here. Our charges are displayed on the signs, and by continuing to moor here you are agreeing to pay them.

- Period two - up to 24 further hours - £5
- Period three - up to 24 further hours - £5
- Period four - up to 24 further hours - **£50**

We will give you a mooring ticket each time we collect a charge and will tell you what the charge for the next 24 hour period will be. Please note - we will make a charge of £50 for every period of 24 hours you remain on the mooring after period four.

*If you do not pay, or stay on the mooring after we have asked you to move on, we will begin enforcement action which may include removing your boat from the mooring.*

### Please remember...

- ✓ Make the most of available space by moving along and closing any wasted gaps, also by mooring alongside other boats where you can, and encouraging other boats to moor alongside you.
- ✓ Always use bollards or rings if they're provided.
- ✓ Be careful not to damage the ground with barbecues and leave the area as you found it by taking your rubbish with you if there are no bins.
- ✓ Respect your neighbours by not running engines, generators or making any noise that might disturb other people enjoying the peace of the river.

**It's important to follow this advice, so all boats using the river can find an attractive short-stay mooring. We take enforcement action against boaters that overstay their welcome or do not pay for their mooring.**

From:  
To:  
Date: 09 May 2013 17:20:11

---

You asked for feedback . I hope you did not use the barbarous typeface deliberately.

Mooring demand - such as numbers (for

London if possible) of permanent residential boats, continuous cruisers, mooring occupancy/vacancy rates or other indications; also any recent (past ten years) changes in these figures.

Demand has increased steadily for the last 30 years, and double and triple parking is now common.

Mooring supply - the numbers of moorings

available on London waterways, whether residential moorings, visitor moorings or others; also any recent gains or losses of moorings; and affordability of moorings.

Supply is either fixed or is decreasing as parts of the waterway are developed.

Air and noise pollution - the environmental

effects of engines, generators, stoves etc, including how the rules governing these are applied and enforced.

Boats are also getting larger and a significant proportion are completely careless of the environment. and liberate more waste products than in previous years This combined with increasing numbers means pollution is getting worse more rapidly than the number of boats.

Overcrowding, congestion and overstaying at

moorings and associated facilities and on the waterways

In desirable locations ( such as Islington ) these are now intolerable to residents.

Issues around mooring rules and enforcement

- mooring rights, rules and time limits, and how they are administered and enforced; also the extent and pattern of breaches of overstaying or other breaches of mooring rules.

Where any mooring rules exist, they are not enforced. This partly because there are too few people to enforce them, but also to inertia. Another issue is that the Clean air act does not apply to waterways and this should be changed as soon as possible.

Any views on steps that responsible bodies

could take to address these issues.

They should be responsible ! anyone who has a 'xxx.gov' e-mail address is well aware that doing nothing is the simplest option. You should all be given defined tasks and if you fail you should be 'let go'. The Mayor should be brought into this: one of London's tourist attractions is the waterways and these are being despoiled. Another simple technique is to use common sense, but this is in short supply.



**From:**  
**To:**  
**Cc:**  
**Subject:** RE: London Assembly investigation into waterway moorings  
**Date:** 23 May 2013 16:21:17  
**Attachments:** [ATT00001.gif](#)  
[ATT00002.gif](#)  
[ATT00003.gif](#)  
[ATT00004.gif](#)  
[ATT00005.gif](#)  
[ATT00006.gif](#)

---

Hi Matt,

Many thanks for the reply, no need to apologise!

There are a few things that we've noticed and some particular incidents which I think are worth mentioning:

- We are now seeing boats triple-mooring on the stretch of river that Broxbourne Rowing Club uses. This takes up nearly half of the river in places as it tends to happen by one of the recognised turning points, and can make navigation both tricky and un-safe
- We're seeing increased traffic coming through the stretch we use, at higher speeds than we've seen in the past, creating a lot more wash and giving other river users much less time to respond
- The influx of boats we've seen in the area tend to be poorly controlled compared to the more experienced river users. We recently had an incident where a barge collided with one of our boats. The barge driver was on the wrong side of the river, didn't have a horn, couldn't see ahead of his craft, and was using an (unsuitable) outboard motor to power his barge & another craft he was towing meaning he wasn't in proper control at any point.
- There's been an increased amount of pollution to the river, and we're now regularly seeing patches of oil on the surface water that remain for a long time (the water is particularly slow moving in places)

We're very pleased to see the waterways becoming more popular, however we do have a concern that those who we suppose to be newer river users don't seem to have much respect for other river users or knowledge of how to operate safely.

We're quite vulnerable in our small, delicate shells and some of the barges really don't have great awareness of what's going on around them at times. They are, though, in the minority when compared to the experienced craft but they are a worry none-the-less.

It would be great if there were a body that unsafe river users were more accountable to in the event of unsafe behaviour, as currently the canal & waterways trust don't seem to be willing to take on this role.

Best,

Graham

Graham Everitt  
Ecommerce Analyst

**From:** [Hilary Norris](#)  
**To:** [Matt Bailey](#)  
**Cc:**  
**Subject:** Moorings  
**Date:** 19 May 2013 15:22:10

---

Dear Matt Bailey,

I am delighted that at last someone is investigating the impact of increasing boat numbers on canal - side properties.

I have lived here twenty years and until last summer have had no problem with boats mooring along this stretch of the canal. There was very little mooring until Canals and Rivers Trust installed mooring rings for the Olympics, and even then very little problem with the occasional boat which used the rings. However in September this changed when CRT allowed boaters to purchase winter moorings for several thousand pounds. Along with the responsible boaters who had purchased the right to moor, came many others who had not, but who saw this stretch as ripe for unlicensed mooring. (Many boats with Continuous Cruising licenses chose to spend the winter here.) CRT claimed there was consultation with owners of canal-side properties but nobody asked our opinion although we are probably closer to the towpath than most.

Throughout the past winter I had to ask boat owners to cut their motors after 8pm on average three nights per week. Sometimes I was met with hostility and shouted at, at other times ignored. Quite often the offending boat was 'double parked' on the canal-side and as I am disabled it was very difficult to climb over the towpath-side boat to reach the noisy/polluting one. On more than one occasion the boater threatened to call the police, once as I shone a light on a window to see the licence number. Very rarely was my request granted immediately.

Over a period of time I logged these events and began to email CRT on each occasion. Eventually I learned the names of the people who mattered, (in so far as they could make things happen), and bombarded them with emails and photos. I contacted some very helpful people at Islington Council; I discovered the name Professor Frank Kelly who is investigating air pollution for the London Assembly and although he couldn't help directly, he kindly emailed me his opinion which was that in this day and age no one should have to put up with the level of pollution we were suffering, especially as my partner has COPD.

In case you think I'm exaggerating, let me make clear what the problem was. So many boats were moored, some double parked, along the stretch from Caledonian Road to York Way that a pall of smoke hung over the canal and seeped into our homes. The smell was noxious, from coal, diesel and what smelled like burning rubbish but because of the proximity of our windows to the canal there was no way we could avoid it. Sometimes the entire block stank of the fumes and there was no respite even at the back of the block in our car park. Noise and pollution. These two words sum up our winter. Both seemed to permeate the fabric of our homes.

Unfortunately this was not the only effect of increased traffic on the canal, as some boaters saw no problem with parking in our private car park and using our recycling/dust bins as they had no facilities of their own.

Eventually Sam Thomas of CRT very kindly arranged for the mooring rings to be removed from immediately outside our windows. Some months earlier, after complaints from Thornhill Bridge Wharf, rings there were similarly removed, but it seems that you have to be very vociferous to get a result. I feel very sorry for other residents along this stretch who still have to endure noise and pollution.

If you wish to resolve these matters by consultation and achieve a solution equitable to all parties, can you please inform me whether the letter from Jenny Jones has been forwarded to all residents in properties directly adjacent to the canal, on both sides of it, between the Caledonian Road and York Way bridges? They deserve to be told they have a voice.

For the past seven or eight weeks we have been able to breathe and behave normally again, although boats regularly overlap onto the restricted area. We still have the occasional boater who has to be disuaded from banging mooring hooks into the concrete towpath, and some boats which run their engines all day which is very annoying if you wish to have your windows open or do some gardening and can result in stinging or burning eyes. Although in some respects I still dread the onset of Summer and an influx of boats including roof-top parties and disco-boats, at least I now know who to appeal to for some respite.

In our opinion, only if the numbers of boats are strictly limited, will matters of pollution and other infrastructural problems be satisfactorily resolved.

Yours sincerely

Hilary Norris

**From:** \_\_\_\_\_  
**To:** \_\_\_\_\_  
**Cc:**  
**Subject:** IWA response to London Assembly request for views on moorings  
**Date:** 27 May 2013 16:39:46  
**Attachments:** [London Assembly moorings paper.pdf](#)  
[London Region Moorings Proposal.pdf](#)

---

Mr Bailey

In response to the Jenny Jones letter of 8<sup>th</sup> May I enclose the Inland Waterways Association's response to your request for information/views on the waterway moorings situation in London. Our response is provided in the form of two Pdfs: One of these is specifically in response to your request, the other is a paper presented by the IWA London Region some months ago addressing many of the same issues.

Paul Roper  
IWA Navigation Committee

.

.

.

.

## **London Assembly Investigation into Waterway Moorings**

### **Introduction**

The Inland Waterways Association (IWA) welcomes the opportunity to submit views on waterway moorings in London. However you should be aware that this is an issue that has been looked at several times and a robust solution to the “difficulties” has so far proved elusive. It remains an IWA priority that the issues are dealt with and we are aware that the Canal & River Trust (CRT) is increasing the resource to address this.

### **Who We Are**

The Inland Waterways Association is a registered charity, founded in 1946, which advocates the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. We have over 17,000 members including 350 corporate members with a combined membership representing a voice of well over 50,000 people supporting and involved with the inland waterways.

IWA works closely with navigation authorities, national and local authorities, voluntary, private and public sector organisations. We campaign and lobby for support and encourage public participation in the inland waterways. IWA also manages the Chelmer & Blackwater Navigation for the public benefit, through its subsidiary Essex Waterways Ltd, having stepped in to prevent its closure in 2005.

(continued)

## **General Comments**

Across the waterway system people have been living on boats for many years. Some of these residential boaters do not have a home mooring but are designated as continuous cruisers many of them roaming widely across the network in a progressive journey. For many years there were no significant issues associated with this but in recent years there has been an increase in the numbers of people living on boats without a home mooring and sometimes staying within a narrow geographic area. When coupled with the general increase in boating and a historic lack of enforcement this has caused difficulties at designated visitor moorings. Nowhere is this more acute than London although similar difficulties are being experienced in the Bath area. The urban nature of London's waterways brings additional issues given the close proximity of some visitor moorings to existing and new residential properties.

IWA's general views on the issues are as follows:

- IWA is supportive of those wishing to live on their boats and encourages the provision of residential moorings
- IWA also supports the rights of residential boaters to cruise the system without a home mooring
- However IWA recognises that difficulties are created when large numbers of boaters (mainly continuous cruisers) wish, for whatever reason, to stay within a narrow geographic area
- The solution requires a clear definition of the rules and strong enforcement action. However IWA also recognises that the difficulties have been exacerbated by a lack of enforcement by the then British Waterways and those who have enjoyed this way of life without interference need to be treated sympathetically in any tightening of the rules/enforcement.

## **Detailed Comments**

At Annex A detailed responses are provided to the six questions you raise. However you should be aware that IWA London Region has already offered views on the way forward to address the issues and that document is enclosed for your information as Annex B. Much of the quantitative information you require can be provided by the Canal and River Trust although we have used some of their data in this response.

Paul Roper

IWA Navigation Committee



## **Annex A: Response to Specific Questions Raised**

### **Mooring Demand**

Demand for residential mooring in London has always been high. In recent years there has been a growth in the numbers of “continuous cruisers” staying within a narrow geographic area near London to the extent that visitor moorings are now saturated. The combination of the lack of affordable housing and the better employment prospects in the south east means that the problem is only going to get worse. The cheapest studio flat in central London at today’s prices costs over a £150 a week and living on a boat without a home mooring is, at face value, a cheaper option that is now attracting those who historically had no real interest in the waterways. This is a worrying trend.

We do not have exact figures for the number of boats now “continuous cruising” in the London area. CRT’s enforcement team are reluctant to give the figure but admit to it being in excess of 400. Nationally there has been an increase and CRT quote the following statistics:

- *In 2007, we had approximately 3,200 boats licensed as continuous cruisers. In July 2012 the figure was 4,400, an increase of 37%. This compares with a 12% increase in total licences issued over the same period.*
- *Continuous cruisers currently account for c.13% of all licences*
- *Analysis of our dataset of all boat sightings between 1st Jan and 31st Aug 2011 suggested that over 2,000 boats coded as continuous cruisers had moved less than 10km during the period.*
- *In spring 2012 we re-ran our analysis to concentrate on those boats which moved less than 5 km and we are now concentrating on approximately 600 boats which move the least and are regularly sighted on visitor moorings.*

### **Mooring Supply**

Increase in provision of moorings in London over the past few years have all been at the high value end of the market, for example at Engineers Wharf near Northolt, Brentford Dock, the refurbished moorings at Bulls Bridge and the proposed moorings at Acton’s Lock. Most other mooring provision over recent years has been for leisure moorings, councils are reluctant to grant planning permission for residential mooring except for caretaker boats. IWA London Region has made detailed suggestions of where additional moorings could be provided and this information is in the enclosed document.

Affordability of residential moorings is an issue and IWA has long argued for the provision of affordable residential moorings. Residential moorings in the London area are typically 300% more expensive than similar ones in other areas of the country. There are difficulties to be overcome. There are planning issues associated with the creation of residential moorings and the cooperation of local authorities and land owners is necessary. Even when this is overcome, market forces would indicate that residential moorings in the London area will attract very high premiums and they will only come into the affordable category if subsidised or innovative solutions are found such as the creation of community run moorings. CRT is

currently proposing to trial a system of roving permits with the Cowley and Uxbridge areas and perhaps elsewhere whereby those boats with no home moorings who wish to remain in a narrow geographic area for reasons of work, schooling, health etc. pay a premium licence rate to enable them to stay in an area. This system is to be trialled and creates a tiered mooring system (residential moorings, roving permits and continuous cruisers). It is intended that roving permits will only be issued to existing boaters who have been subject to enforcement notices in recent time and not for new boaters. Enforcement and boater cooperation will be key.

## **Air and Noise Pollution**

In some areas, due to the typography of the land, there have been many complaints about Litter, Noise and Air pollution. Within the CRT conditions for a cruising license there is a general statement about the need to be a good neighbour, the relevant extract being:

*“Whilst the Boat is on the Waterway, you must not:*

*(a) do anything which will cause damage or nuisance to any other person or their property.*

*(b) Use any electricity generator, including the Boat’s engine, at any mooring along the Waterway between 8pm and 8am, unless you are moored in isolation, out of earshot of other people. [We do not intend this Rule to stop you moving the Boat from the mooring.]*

*(c) run the Boat’s engine in gear when it is moored as this can damage the waterway walls and cause a nuisance to other people*

*(d) discharge anything into the Waterway from the Boat except unpolluted surface water that drains naturally or water from sinks or showers, washing machines and dishwashers. [We request that only phosphate-free detergents are used on board the Boat, particularly in washing machines and dish washers.*

*(e) obstruct the towpath or use our land for storing items from your Boat.*

*(f) take a vehicle on to our towpaths or land or park on them unless we have already given our Permission.”*

IWA is not aware of instances where these rules have been enforced. In some parts of the system where visitor moorings are near housing there are reminders about not running engines/generators between 8pm and 8am and in general there is believed to be concurrence. However where residential boats are moored in a narrow geographic urban area such as London these rules are widely ignored. Some laws such as the Clean Air Acts do not apply to a mode of transport such as a boat and owners can legally burn smoky fuels including self collected timber. These types of fuels are cheaper than the more refined smokeless types and are probably favoured by boaters on low incomes.

## **Overcrowding, Congestion and Overstaying**

As already covered IWA believes that London is at saturation levels on its visitor moorings in the central area to the extent that genuine visiting boats (including continuous cruisers) are put off making the journey through London for fear of not being able to find an overnight mooring. To an extent the well policed Paddington Arm with its 24hr and 7 day moorings alleviates this concern perhaps indicating what the solution could be elsewhere. The alternative to a passage through central London on the Regents Canal is a tideway trip from up river to Limehouse. The Thames is a dangerous river, as the *Marchioness* disaster shows and this trip should only be undertaken by the most experienced boaters. The opening up of new waterways as part of the Olympic legacy is likely to increase the number of leisure cruising boats that wish to make this journey.

The provision of facilities in central London is inadequate. There are five water taps, at Limehouse, Old Ford, City Road Lock, St Pancras and Little Venice. Four Rubbish and Elsan Disposal points and three pump out facilities available for public use. The rubbish disposal and toilet waste disposal facilities in the central area are augmented by several boats providing mobile facilities. Some of these are regulated by CRT but the disposal of the waste they collect is a matter of some concern.

The number of reported thefts from boats, particularly in East London, has increased during recent years. This has had the effect of pushing boats out of the area onto moorings on Hackney Marshes and into Islington and beyond.

One other effect of the increased numbers of boats staying in and around London is an increase in the potentially dangerous practice of mooring on lock landings. The worst areas for this is around Camden, St Pancras and Old Ford Locks with the areas often blocked for weeks on end.

## **Mooring Rules and Enforcement**

Mooring rules are covered in the CRT licence conditions and associated guidance notes. These represent CRT's interpretation of the legislation and in particular the 1995 British Waterways Act. Much has been debated about this interpretation. Boats are required to move every 14 days to another "place" but there is no specific mention of how far apart places need to be and the permitted revisit times such that some continuous cruisers oscillate between a few locations, swapping moorings in a coordinated manner with other continuous cruisers. CRT appears confident over their interpretation of the legislation quoting the requirement that a continuous cruising boat "will be bona fide used for navigation throughout the period of the licence". The small number of court cases where this has been put to the test indicates that CRT's interpretation has found legal favour.

In London, CRT's declared policy is to monitor any people with a new boat licence without having a home mooring for the first year to ensure they are complying with the conditions and associated guidance. If they do not meet these criteria their licence will not be renewed. It

is hoped that this will stop the increase in new boats arriving in the area whilst a solution to the main problem is found.

Enforcement by local (planning) authorities against the continuous use of moorings in London for residential purposes, without planning permission, is considered unlikely as the law in this area is confused and we believe local authority would consider it 'not in the public interest' to initiate enforcement action unless the number of instances make the situation untenable.

IWA is delighted that CRT has made an additional £0.5m pa provision for the next three years to provide clarity and to increase enforcement.

### **Views on Steps Needed To Address the Issues**

The IWA views are outlined in the London Region document which is attached as Annex B.

# A Proposal for Reducing Overstaying Boats in the London Area



## CONTENT

	Page
1. Introduction	1
2 Background	1
3. Off-Line Moorings	2
4. On-line Community Moorings	2
5. Visitor Moorings	3
6. Facilities	4
7. Implementation	4
8. Next Steps	5
9 About us	6
10 References	6
Appendix (On-line Community Mooring Possible Sites)	7

Front cover picture © R Squires

Produced by London Region of the IWA. Dec 2012.

Contact Paul Strudwick [paul.strudwick@waterways.org.uk](mailto:paul.strudwick@waterways.org.uk)

The Inland Waterways Association is a registered charity (no 212342) and a company limited by guarantee (612245).

Registered Office: Island House, Moor Road, Chesham, HP5 1WA



## Executive Summery

This document sets out The Inland Waterways Association's ( IWA's) analysis of how the problem of boats overstaying on moorings within the London Region could be solved. It proposes a new regime of mooring in London based on a mixture of greater enforcement and self-regulation where this can be achieved. Finally it looks at some of the issues involved in implementing the vision.

## 1. Introduction

1.1 With the increasing concern of the Canal & River Trust (CRT) on the problem of boats overstaying on moorings across the canal network, as shown by a recent board paper by Sally Ash (Ref 1), The Inland Waterways Association ( IWA) feels it appropriate to set out its proposals for the London Region on how the problem can be solved. This includes all waterways owned and managed by CRT, Port of London Authority (PLA) and Environment Agency (EA) and the connected navigable rivers, creaks and basins.

1.2 This proposal was developed in the context of the increasing number of craft appearing on the waterways system around London and resultant congestion, visual impact, shortage of permanent and visitor moorings, and problems with security, policing and waste disposal in the area. It augments the IWA's National Policy (Ref 2).

1.3 This document only looks at moorings on CRT waterways in central London, the Grand Union Paddington Arm and the lower reaches of the Grand Union Main Line and Lee Navigation. Further work is needed to identify all potential mooring sites that would be needed to complete a comprehensive plan for the whole London Area including the waterways controlled by the PLA and EA.

## 2 Background

2.1) Over recent years the number of boats overstaying on moorings in the London area, often for residential purposes, has increased by several hundred. This is because of the pressures on accommodation in the London area and the lack of affordable residential moorings. We need a means by which boats without home moorings or those who need to spend considerable time moored in the London area may continue with their chosen lifestyle without blocking visitor's moorings or the need to move every 14 days. However there must be a limit on the total number of boats used for this way in the greater London area.

2.2) To achieve this we need at least the following:-

- more affordable residential moorings
- a definition of "place" in the London area for use in the context of the British Waterways Act .
- replacement of the existing signage at visitors moorings with ones that clearly state the rules for that particular site, including the penalty for an infringement
- a self-financing permit scheme to identify those people who have permission to keep a boat without a home mooring in the London area , or those who need to spend considerable time moored in the area.
- enforcement of the rules for mooring within the London area.

- a transitional arrangement to allow the reduction of the boats moored in the area to be carried out in a controlled manner, that is seen to be fair both to the over staying moorers, and those who stay within the rules and wish to visit London.

2.3) It is proposed that eventually the London control zone should start at the top of Marsworth Flight on the GU and cover all the GU and its branches, it would extend to Hartford and Bishop Stortford on the Lee & Stort Navigation and Hampton Court on the River Thames.

### 3. Off-Line Moorings

3.1 IWA recognises that in London there is a large demand for affordable residential moorings. It will support the provision of off-line moorings in basins and marinas, of all sizes, with facilities ranging from basic to comprehensive, to meet the variety of boaters' needs.

3.2 IWA will press all stake holders including navigation authorities, the GLA and local authorities in the area covered by the London Region to develop a strategy for the provision of residential moorings in the area.

3.3 IWA will continue to identify opportunities for off-line moorings and will press stake holders and developers to include these in their plans.

### 4. On-line Community Moorings

4.1 There is a need for a new type of mooring available for those boats without home moorings, or those who need to spend considerable time moored, in the London area. A list of potential sites is given in Appendix 1. Each of these new on-line permanent moorings must not contain more than ten boats and should be constructed to allow boats to be moored in accordance with best practice.(Ref. 3). The community mooring scheme shall be based on a permit which

- is in addition to the normal boat licence fee.
- is subject to an annual fee fixed to an agreed percentage of the average a mooring in the London Area.
- allows permit holders to be treated as having a home mooring. Permit holders should be subject to all applicable terms of the mooring rules for the location they have their boat.
- is only valid for the person who's name is on the boat licence so that it has no resale value.
- includes a transitional arrangement to allow the reduction of the number of boats in the area to be carried out in a controlled manner that is seen to be fair both to the over staying moorers and those who stay within the rules.

4.2 The length of time that a permit holder can stay on a community mooring before they need to move to a new site needs to be set by the Navigation Authority. In all cases the rules for that particular site, including the penalty for an infringement, should be clearly displayed adjacent to the site entrance and strictly enforced.

## 5. Visitor Moorings

5.1 IWA recommends that for busy visitors moorings in central London the Navigation Authority stipulates a maximum time period for short-stay visitor moorings, for example 4, 24, 72 hours, 7 day or 14 day and that in addition a Non-Return Period should be stipulated for all locations. In all instances signage should be in place clearly defining the period a boat can moor, the non-return period and any charges that may be incurred for overstaying the specified period. The following locations are identified as the prime “Honey pot sites”.

Canal	Location	Length of stay	Return Period
Paddington Arm	Paddington Station to End of Arm	72 hours	14 days
Paddington Arm	Stone wharf	7 days	2 Visits per calendar year
Paddington Arm	Adjacent to Delamere Terrace	7 days	2 Visits per calendar year
Paddington Arm	Formosa Street Footbridge to Harrow Road	14 Days	2 Visits per calendar year
Regents Canal	Camden Lock to Gloucester Road Bridge	24 hours	14 days
Regents Canal	Camden Regents Park Road Bridge to Prince Albert Road Bridge	72 hours	14 days
Regents Canal	Islington Tunnel Mouth To Danbury Street Bridge	7 days	2 Visits per calendar year
Regents Canal	Victoria Park Old Ford Lock to Approach Road Bridge	7 days	2 Visits per calendar year
River Lee	Limehouse Cut	14 days	2 Visits per calendar year

5.2 There must be a time limited 'Shopping Moorings' of 4 hours maximum with a non-return period of 3 days established adjacent to all major shopping facilities. Shopping moorings include Ladbrook Grove, Sainsbury's at Alperton , by Dead Dog Tunnel at Camden Market, Goodsway at Kings Cross, and Tesco at Three Mills.

5.3 It is also suggested that the current £25 a day over stay fee is low when compared with similar charges in the area, for example, the fine for overstaying on a parking place. It is recommended that this be raised to reflect the local conditions.

5.4 IWA would support the inclusion of a residential mooring at each of the major “Honey pot sites” in London, including Little Venice, Camden, and Victoria Park where this were to be used by a mooring warden who is part of the enforcement team to ensure that all comply with licensing and mooring rules for the area.

## 6. Facilities

6.1 Where on-line permanent moorings are provided it is important that rings, bollards, cleats, slip rails or the like, are spaced so as to enable varying lengths of craft to adopt best mooring practice in such a way as to prevent linear movement and that an adequate depth of water maintained adjacent to the moorings.

6.2 Whilst IWA advocates that all existing and new permanent mooring sites should be provided with facilities as described in the IWA National Mooring Policy, but it also accepts that the provision of car parking, and toilet waste disposal, are not always practical or needed in the context of a conurbation such as London. However all mooring sites should have access to toilet waste disposal facilities within a reasonable cruising distance.

6.3 Permanent mooring sites, including community mooring sites, should have sufficient designated car parking or should be located close to the public transport network. Suitable pedestrian access and facilities should be provided for people travelling on foot, bicycle or public transport.

6.4 With the increased pressure on rubbish disposal and toilet waste disposal facilities in the central area there are already several people providing mobile facilities. These are unregulated and how they are disposing of the waste they collect is a matter of some concern. CRT is urged to look into how such facilities could be provided and licenced to ensure safe and satisfactory disposal of refuse and effluent.

## 7. Implementation

**7.1 Local Development Policy.** IWA will monitor and attempt to influence local authorities' long term planning documentation (eg Regional Spatial Strategies and Local Development Frameworks) to encourage potential future mooring facilities by getting these included as policy when such documents are out for consultation.

**7.2 Planning status of Community Moorings.** The planning status of the proposed community moorings is unclear. IWA therefore recommends that each Navigation Authority where it is proposed to establish a community mooring should liaise closely with the local planning authority on the provision of the facilities.

**7.3 Change facilitation and enforcement.** When the new Community moorings are established there will be a need for those affected by the changes to be given help understand the new arrangement and rules. IWA sees that the existing initiative by "Community Resolve" could have a vital role in this area. They will have an important role in promoting understanding of the new arrangements' so that people can make an informed choice about whether to become a "genuine" Continuous cruiser within a context of newly defined "place" or apply for a community mooring permit.

The detailed planning should be to support and encourage voluntary compliance and shift the balance away from enforcement "stick". In particular it is seen that the establishment of community moorings and greater clarity of continuous cruising rules we hope will bring about a new culture between boaters and the navigation authority.

## 8. Next Steps

8.1 If agreed the changes to visitors moorings can be implemented quickly. CRT needs to turn these proposals into a formal consultation which can be put to all stakeholders for agreement. Once formal agreement has been obtained, subject to budget availability, new signage needs to be installed and enforcement put in place.

8.2 The next stage of implementing the Community Moorings requires the formation of a working group. The working group should be tasked with

- producing an implementation plan which identifies all proposed Community Mooring sites, additional facilities, and define “Place” in the context of the London Conurbation for use in enforcement of overstaying moorers.
- Produce a working plan and associated timescale for implementation of the plan.
- Arrange and conduct local consultation on the implementation of the plan.
- Working with CRT’s management team to implement the vision.

8.3 IWA needs to complete the work identification of suitable mooring sites for the whole London Area including the waterways controlled by the PLA and EA.

## 9 About Us

### *Campaigning for the use, maintenance, and restoration of Britain's inland waterways*

The Inland Waterways Association (IWA) is a registered charity, founded in 1946, which advocates the conservation, use, maintenance, restoration and development of the inland waterways for public benefit.

IWA members’ interests include boating, towpath walking, industrial archaeology, nature conservation and many other activities associated with the inland waterways. IWA works closely with navigation authorities, other waterway bodies, a wide range of national and local authorities, voluntary, private and public sector organisations.

We campaign and lobby for support and encourage public participation in the inland waterways. IWA actively supports waterway restoration and through its volunteering organisation, Waterway Recovery Group, organises and subsidises over 20 week-long waterway restoration holiday schemes for volunteers around the country each year.

IWA is organised into 34 local branches covering geographical areas of the country, through which volunteers coordinate activities as diverse as policing planning applications likely to be detrimental to the waterway corridor, providing engineering expertise to local waterway societies, raising money for restoration schemes and educating the public on the value and benefits of their local waterways.

In addition to this work, IWA also manages the Chelmer and Blackwater Navigation, which it saved from closure in 2005.

## 9 References

1. Towpath mooring plan for Kennet & Avon Canal west of Devizes Sally Ash CRT August 2012
2. The Boaters Handbook ISBN 0903218887
3. Mooring Policy on Navigable Waterways  
[https://www.waterways.org.uk/information/policy\\_documents/mooring\\_policy](https://www.waterways.org.uk/information/policy_documents/mooring_policy)

## On-line Community Mooring Possible Sites

Canal	Location	Comments
GU Main Line	Basin (off line) opposite High Line Yachting TQ 0543 8118	Dredging required. Access from Packet Boat Lane. Parking in Packet Boat Lane Marina? 8 boats
GU Main Line	Basin east of bridge 200 (towpath side) TQ 1002 7948	4/6 boats
GU Main Line	East of bridge 200 (Station Road Hayes) Adjacent to High Point Village Development TQ 0983 7956	Access from Station Road bridge? 3 boats
GU Main Line	East of bridge 203 (The Lamb PH) TQ 1319 7901	Extension to existing moorings adjacent to Mechanical Technical Services. Access from Blandford Road? 2 boats
GU Main Line	East of bridge 203A TQ 1352 7923	Extension of Norwood LT Moorings (currently 7 boats) 4 boats
GU Main Line	New housing development to north of bridge 191 (Wraysbury Drive housing development) TQ 0571 8063	Moorings could be placed adjacent to parking courts so that ground floor windows are not obstructed 8 boats
GU Main Line	Non towpath side east of bridge 200C TQ 1049 7916	Site hoarding set back from canal-landownership? Access from North Hyde Gardens 5 boats
GU Main Line	Non towpath side immediately above Widewater Lock TQ 0498 8893	Access from lock and Moorhall Road . Car parking on Moorhall Road 5 boats
GU Main Line	Offside Canal wharf area alongside former Superstore west of Uxbridge Road. UB3.	Negotiate wayleave to create long bankside mooring
GU Main Line	Residential moorings above Black Jack's Lock (Jacks Lane housing development) TQ 0415 9075	Under used mooring facility adjacent to housing development. Some pontoon moorings have common access rather than access from rear gardens.Ownership and access issues? 4-5 boats
GU Main Line	South of Slough Arm Junction TQ 0561 8091	Access from Slough arm towpath. Parking in Packet Boat Lane Marina? 2 boats
GU Main Line	West Drayton Station Approach TQ 0613 8015	1 boat
GU Main Line	West of bridge 193 TQ 0654 8007	Site has recently been cleared of vegetation. Possible railway ownership? Access from Horton Bridge (193) 4 boats
GU Main Line	West of bridge 203 TQ 1246 7861	Access from Burket Close (Private residents only road) 3 boats
GU Main Line	West of bridge 203 TQ 1275 7877	Access from Burket Close. Narrow retaining wall along bank? 5 boats
GU Paddington Arm	Disused Basin in Trading Estate, Auriol Drive, West of Black Horse Pub.	Negotiate licence and wayleave with Estate Owners.
GU Paddington Arm	Offside, south of North Circular Aqueduct. NW10	Creation of Bankside Moorings along wide canal. Way leave required for access.



## On-line Community Mooring Possible Sites

Canal	Location	Comments
GU Paddington Arm	Offside Bank, beside works immediately west of Horsenden Hill Lane.	Negotiate with owners for wayleave, replicating moorings east of bridge.
GU Paddington Arm	Offside in Bays, west of Mitre Bridge	Extending existing mooring by use of potoons.
GU Paddington Arm	Offside to rear of Park Royal Trading Estate.NW10	Use of former Heinz Wharf. Wayleave required from Trading Estate owners
GU Paddington Arm	Offside, beside the Estate Road of the North Field Trading Estate. Alperton .	Pontoon Mooring inserted along canal edge.
GU Paddington Arm.	Towpath Bay beside Brindley Close, Perivale, UB9.	Small mooring in canal bay area.
Hertford Union Canal	Offside above the Bottom Lock,	Access via the lock. Ideal site on a wide section of canal.
Hertford Union Canal.	Offside Wharf area near entry to Hertford Union Canal.	Current mooring used by CRT craft could be extended to Towpath over bridge.
Lee Navigation	Offside mooring , to north of Enfield Lock.	Good access to services.
Lee Navigation	Offside extension to existing marina north of Stonebridge Lock	Good access to local sanitary station
Lee Navigation	Pontoon Mooring inserted upstream of Ponders End Lock .	Good access to buses etc.
Lee Navigation	Towpath , south of Lea Bridge former Flood Barrier.	Easy access to local buses and Pub.
Lee Navigation	Towpath and offside adjacent to Hackney Marshes Playing Field.	Part of the extension of the Legacy Park
Lee Navigation	Towpath mooring , Bottom of Springhill, opposite Marina,	Good access to services
Lee Navigation	Towpath of Hackney Cut, north of Carpenters Road Rail Bridge.	Part of Olympic Legacy Park Strategy Plans.
Regents Canal	Offside , below Salmon Lane Lock	Insert Pontoon Moorings with access from disused lock or adjacent Estate Path
Regents Canal	Offside above Actons Lock.	Long disused piece of bank in CRT ownership. Access via local road or across the Lock.
Regents Canal	Offside Adjacent to Corbridge Crescent	Existing encampment made permanent. Good access to road
Regents Canal	Offside Bay just north of Ben Johnson Road.	Create new moorings with pontoons in disused Bay. Access either from road or Estate Path.
Regents Canal	Offside Bay, north of Commercial Road Bridge	Insert Pontoon Moorings , with access via a pontoon span under the disused west bridge.

## On-line Community Mooring Possible Sites

Canal	Location	Comments
Regents Canal	Offside of canal , opposite Jubilee Sports Centre.	Extension, on pontoons of smaller mooring in wide canal section.
Regents Canal	Offside, above Old Ford Lock on	New pontoon mooring could be created along bank side with access from Lock.
Regents Canal	Offside, below Ben Johnson Road Bridge.	Insert pontoon mooring with access through a new gate in adjacent walkway fence.
Regents Canal	Towpath adjacent to Mile End Park midway between Johnsons and Mile End Lock	Park setting. With easy access to local buses.
Regents Canal	Towpath by Packington Estate,	Leaving Wharf Road Bridge hole clear.
Regents Canal	Towpath east of lock landing below Sturts Lock to North Road Bridge.	Away from local residences. Good transport links. Wide canal.
Regents Canal	Towpath from Thornhill Bridge to Maiden Lane Bridge,	Using existing mooring rings, but with spaces between groups of craft.
Regents Canal	Towpath side, below Broadway Bridge, Shoreditch,	Currently used as Winter Mooring site. Access to shops and transport.

**From:**  
**To:**  
**Subject:** Moorings on London's Waterways  
**Date:** 06 June 2013 10:15:23

---

Ian,

I am writing to you in your capacity as contact officer for the above.

I live in Flat 20 Victoria Wharf, 20 Palmers Road, London E2 0SZ - this is a relatively large block of apartments just off Roman Road which was built in about 2005 and overlooks the Regents Canal and the part of Mile End Millenium Park containing the ecology pavilion.

On the whole, we have few issues with the boats on the canal near us but I would like to make the following points:

- facilities for boaters near us seem thin on the ground and they often do not seem to know where to find water, services, toilets etc. Perhaps not enough signs or information, or inexperienced boaters?
- some boats appear to remain moored and inhabited for several weeks; I am not sure that this is allowed, and I question how things such as sewage and water are dealt with adequately in that time
- quite a lot of boaters appear to use the park area as a public toilet and this is not acceptable
- the smell of wood smoke is actually quite magical in a city environment and I do not find it troubling; what is an issue is that some of the boats have engines which are perhaps old or poorly serviced which give off very strong and lingering diesel fumes - some boats also have noisy and smelly generators for electricity
- there has been an increase in litter in the canal recently - I cannot say if this is from the boats but I would again query whether boaters are sufficiently experienced and aware of where to find facilities

Regards,

Jonathan Keil

## **LONDON BOATERS GROUP RESPONSE TO LONDON ASSEMBLY INVESTIGATION INTO MOORING ON LONDON'S WATERWAYS**

Please find attached the document produced by London Boaters in response to a British Waterways consultation on Mooring on the Rivers Lee and Stort, Hertford Union and Regents Canals of Spring 2011. This work was carried out by volunteers, working intensively over a very limited time in the belief that they were defending their homes, lifestyles and livelihoods from an existential threat offered by the 'draconian' proposals put forward by BW.

We understand that it is less immediately relevant than it has been, but believe that it offers some insight into the kinds of measures proposed, and sometimes undertaken by British Waterways, and lately by the Canal and River Trust, in their attempts to monetise, regularise, and finally to remove from the Waterways most liveaboard boaters without home moorings. We hope that it also proposes very clearly the potential for co-operation with boaters to produce an outcome that would be acceptable to all.

We also feel that a great deal of the qualitative and quantitative research is still essential in the context of the LA Investigation, as no research which post-dates this has been carried out, either by ourselves or by CaRT. Although we recognise that the number of boats in London, and quite possibly the number of complaints about boats in London, has increased, the issues with which we dealt in response to the Consultation are very much those which have arisen again here, and our suggestions for dealing with these issues are exactly those which we would propose again, in the context of this latest Investigation.

An informal survey of boats on the Regents Canal as of Sunday June 2nd recognised the density of moored boats, there being 81 in the stretch between Old Ford (on Regents Canal) and the towpath above Acton's Lock, as being more of an issue than their number. As our Response to the Consultation suggests, this clustering of boats is consequent upon the lack of facilities, particularly of water and refuse points, and of the rendering of long stretches of towpath impossible to moor against through BW's bricking-over of the grass verges intended for mooring-pins some eight years ago and their failure to provide mooring-rings (as suggested by boaters at the time, and as promised, along with the development of more facilities throughout the effected area, in return for boaters' temporarily waiving their rights to the use of London's Waterways during the imposition of the Olympic Exclusion Zone in 2012).

It is the concern of London Boaters that one result of this Investigation may be a return to the more 'draconian' measures of 2011's proposal, which were similar in many ways to those now being applied on the Grand Union around Cowley and Uxbridge. Another similar set of proposals, in the South East Moorings Consultation recently carried out by CaRT, were thoroughly rebuked by London Boaters, the Residential Boat Owners Association, the National Association of Boat Owners, and the National Association of Bargee Travellers. These measures were then waved through, despite the protests, by the Canal and River Trust. Many of these measures are, or are likely soon to be, the subject of legal challenge.

Conversely, it is our hope that measures to mitigate the issues which have arisen around mooring on London's Waterways, such as better communication between boaters and those on the bankside, the encouragement for all boaters to follow the Code of Conduct in the Boaters' Handbook produced by CaRT, the development of more facilities and opening up of new areas of towpath mooring, and perhaps the return of a Moorings Warden, at least to the Noel Road, Angel moorings (where boaters' fear of crime and vandalism, as well as locals' complaints, have shown the benefit of this service lately withdrawn by the Canal and River Trust), will see the preservation of a unique and valuable way of life and help to sustain the Waterways in London as a valuable resource for all.

# London Boaters

## Response to British Waterways Mooring Proposals for the Rivers Lee and Stort



'HOME' event, Broadway Market: Saturday 30<sup>th</sup> March 2011

Photo courtesy of Katrin Thomas: [www.katrinthomas.com](http://www.katrinthomas.com)

## CONTENTS

1. About London Boaters
  2. Summary
  3. British Waterways Proposals
    - 2.1 Issues identified by British Waterways
    - 2.2 British Waterways' proposals
  4. London Boaters Response – Nature and Process
    - 3.1 Lack of Evidence
    - 3.2 Lack of Representation
    - 3.3 Lack of Process
  5. London Boaters Response – Issues and Proposals
    - 5.1 Response to Issues Identified by British Waterways
      - 5.1.1 Increase in boat numbers
      - 5.1.2 Boats moving short distances
      - 5.1.3 Increase in offside moorings
    - 5.2 Response to British Waterways Proposals
    - 5.3 Wider Impacts of the Proposals
  6. General Issues and Observations
  7. An Alternative Approach
- Appendix A Boaters survey results – towpath moored boats
- Appendix B Towpath users survey results
- Appendix C Boaters survey results – boats with home moorings
- Appendix D Congestion survey maps
- Appendix E Stakeholder liaison notes
- Appendix F Facebook testimonials
- Appendix G Request for asset transfer support



## 1. ABOUT LONDON BOATERS

London Boaters is a community-based organisation initially founded in 2008 to connect boaters. The boating community is diverse and vibrant with a vast range of unique skills and knowledge. Recognising this potential London Boaters initially arranged social events and boat-based training and skill sharing sessions to harness this knowledge and unite the community.

The London Boaters community has been strengthened by a new British Waterways mooring proposal that threatens the community's existence. London Boaters has grown in terms of numbers, dedication and community collaboration since the announcement of the proposal. The group have agreed the following mission statement and membership.

***“London Boaters act collectively to protect the homes and way of life of the people who live on London’s waterways. We reach out to all those committed to a sustainable future for our canals and rivers.”***

Membership is open to boaters who live on London’s waterways and who wish to have a collective voice in support of the aims set out in our mission statement.

Since the publication of the mooring proposals for the Rivers Lee & Stort London Boaters have formed sub groups to focus on:

- Research
- Strategy
- Legal Issues
- Media and Communications

We have established a website which provides details of current issues, campaigns, events and forums for discussion: [www.londonboaters.org](http://www.londonboaters.org)

You can follow us on Twitter, @Londonboaters and on Facebook, ‘London Canal Boaters’

## **2. Summary**

After serious consideration, research and consultation with other stakeholders, London Boaters have decided to reject the current mooring proposals.

We believe they are not based on sound evidence and have not been developed or consulted upon using a proper, inclusive and transparent process, or with proper representation.

We believe that the proposals would result in damage to the environment, increased costs to British Waterways, damage the interests of other waterways users, reduce community safety and may ultimately result in the destruction of London's liveaboard community. We believe that if implemented they would be unlawful and would impact upon the human rights of liveaboard boaters to a home, a family life, the right to work, vote and access to health, education and other basic services.

We reject the need for the introduction of neighbourhoods of any size, the imposition of patterns of use or return periods or the introduction of punitive new charges, fees or fines.

Our research indicates that waterways covered by the proposal are not congested. We believe the issues of overstaying and overspill of belongings are limited in nature and result from the failure of British Waterways to undertake effective enforcement over a prolonged period. We note the complete absence of towpath staff, for approaching two years before the publication of the proposals. We believe that a period of routine presence, information, communication and appropriate enforcement should be restored before any attempt is made to identify and quantify problems related to mooring, movement and overstay.

Engagement with other waterways users has identified a range of minor issues which we believe can be resolved through better communication and voluntary action by London Boaters and other stakeholders, including a London Boaters Code.

We believe that British Waterways needs to radically change the way that it engages with liveaboard boaters who do not have a home mooring. It should recognise the multiple benefits they bring to the waterways and the communities they serve and see them as an asset not a problem.

British Waterways should recognise that rather than impose change through the introduction of complex new regulations it must adopt a new approach based on better communication, appropriate enforcement, mediation and facilitation of difficult issues, and positive partnership for a more sustainable inland waterway.

### **3. BRITISH WATERWAYS PROPOSALS FOR THE MANAGEMENT OF MOORINGS ON THE RIVER'S LEE & STORT, HERTFORD UNION AND REGENT'S CANALS**

On and around 17<sup>th</sup> February 2011 boats moored on the River Lee and River Stort were served with notices outlining the above proposals from British Waterways to implement significant changes to the rules relating to the use of towpath moorings on these waterways.

No notices were served on boats moored on the Regent's Canal.

The notices included an invitation to attend public meetings on the 1<sup>st</sup> March at Stanstead Abbots and on 2<sup>nd</sup> March at Springfield.

The original closing date for responses to the consultation was 4<sup>th</sup> April 2011 – an effective consultation period of only 6 weeks.

No attempt was made to engage liveaboard continuous cruisers in the London area in identifying issues or discussion of the proposals prior to their publication.

The key points of the British Waterways proposals can be summarised as follows.

#### **3.1 Issues identified by British Waterways**

3.1.1 There has been an increase in the number of boats in recent years.

BW claim that:

- I that this has led to congestion with many short term mooring sites being continuously occupied

3.1.2 Boats are moving only short distances between a few locations.

BW claim that:

- i These boats are not meeting the requirements of BW's Mooring Guidance for Continuous Cruisers
- ii The best mooring locations are often unavailable to visiting / cruising boats (particularly during the cruising season)

- iii There are amenity issues such as spillover of possessions onto the towpath and fewer spaces for angling
- iv By not paying to moor for long periods an unfair situation is created in comparison with those who pay for long term moorings in the area
- vi There has been an increase in costs for the provision of services such as a sewage disposal, water and waste disposal

3.1.3 There has been an increase in off-side mooring on privately owned land.

BW state that this is a problem because:

- i. Moorings may not have BW or landowner consent and no one is managing the site
- ii. The site has not been assessed by BW for suitability for mooring
- iii. There is no contractual agreement with or payment to BW

## **3.2 British Waterways proposals**

3.2.1 Addressing unauthorised offside moorings by:

Conducting an audit of the River Lee in order to identify unauthorised sites and identify suitability, ownership, consents etc with landowners.

3.2.2 Controlling short term / casual mooring by:

- i. Imposing Neighbourhoods

The proposals define six neighbourhoods throughout the Rivers Lee & Stort – 4 on the Lee and 2 on the Stort. Each neighbourhood being approximately 6-8 miles long.

- Boats will only be allowed in each neighbourhood for 14 days
- Stays of over 14 days will result in a daily charge of £20 - £40

- Boats may not return to a neighbourhood they have just been to unless they have reached a terminus
  - Boats may spend no more than 61 days per year in any one neighbourhood
- ii. Imposing 7 day mooring zones across a substantial part of the Lee and Stort
- Eight 7 day zones are identified which include the whole of the River Stort and the whole of the Hertford Union
  - Stays of over 7 days will result in a daily charge of £20 - £40
- iii. Increasing monitoring and enforcement by:
- Logging boat sightings on a central computer network
  - Employing additional towpath patrols

## **4. LONDON BOATERS RESPONSE - NATURE AND PROCESS**

London Boaters wish to raise a number of objections related to the lack of evidence, representation or process relating to the way in which the current proposals have been developed and consulted upon:

### **4.1 Lack of Evidence**

On Friday 18<sup>th</sup> March representatives of London Boaters and the Upper Lee and Stort Boaters Association met with British Waterways' staff Sally Ash, Gill Owen and Damian Kemp. The discussions at the meeting (for which a transcript is available) made clear that:

- With the exception of a boat movement survey conducted in one location on the River Lee during 2010 BW have not done *any* formal research in developing the proposal and can't quantify the problems which it is intended to address.
- No evidence could be provided of the number or nature of complaints received about congestion, spillover or overstaying. Sally Ash described the British Waterway's assessment of the situation as 'a picture you build up' following 'informal approaches'

### **4.2 Lack of Representation**

At the same meeting on Friday 18<sup>th</sup> March it was made clear that:

- The response of the local boating community at the two public meetings held at Stanstead Abbots and Springfield on the 1<sup>st</sup> and 2<sup>nd</sup> of March had led BW, for the first time, to realise the extent to which liveaboard continuous cruisers are un(der)represented in existing user groups
- Liveaboard continuous cruisers have therefore not been properly consulted prior to the current proposals being drawn up, or indeed during the consultations that led to the development of the 2009-10 national mooring policy upon which the current proposals are claimed to be based.



- The degree of dependence of liveaboard continuous cruisers on the waterway is much greater than anyone else's. As Sally Ash stated at the meeting, 'Leisure activity is discretionary. Living accommodation is not.'

### 4.3 Lack of Process

4.3.1 British Waterways have stated throughout the current process that the proposals are based upon the national mooring policies developed during 2009-10. *(We have previously established that liveaboard continuous cruisers were under represented during that consultation - see 3.2 above).*

It is clear that the current process on the Lee and Stort does not comply with the proposals agreed by the national user group meeting for the formulation of local mooring strategies. At that meeting on 28<sup>th</sup> May 2010 BW, NABO, IWA, RBOA, AWCC, TYHA and APCO agreed that:

- The problems giving rise to the mooring policy consultation result from insufficiently energetic enforcement action by BW
- A consistent national framework should be applied to the development of local mooring strategies
- Strategies should be developed by an inquiry with a panel inviting representations from all stakeholders and then commissioning working parties to develop solutions to the issues identified and finally with the inquiry panel formulating a draft strategy from those solutions – depending on the circumstances it was felt that this could be entirely run by an external and independent consultant or by BW.
- 'Great efforts' need to be made to communicate with and include all stakeholders – 'especially boaters (regardless of type)'

On the Lee & Stort it is clear that no inquiry panel has been appointed, no facilitation of stakeholder views has been undertaken by an independent panel or by BW in drawing up the proposals and no effort was undertaken to consult boaters or other stakeholders in advance of their publication.

- 4.3.2 A document written by Sally Ash to the Lee Valley Regional Park on 17<sup>th</sup> November 2010 indicates that the key features of the proposed strategy were known at this point and were being discussed with selected stakeholders such as the Regional Park and the Inland Waterways Association.

In contrast no pre consultation discussions were undertaken or attempted with local boaters who are most likely to be impacted by the proposals.

- 4.3.3 The initial timetable for the consultation proposed by BW was approximately 6 weeks – responses were requested by 4 April with many boaters only learning of the proposals during the week following the serving of documents on boats from approximately 17<sup>th</sup> February.

The consultation period was extended to 9<sup>th</sup> May following a request at the first stakeholder meeting on 1<sup>st</sup> March that the recommended statutory minimum period of 12 weeks be applied. The consultation was further extended until the 31<sup>st</sup> May following requests from other stakeholders.

- 4.3.4 No formal impact assessment has been undertaken despite the wide range of impacts identified by London Boaters (see section 5.2.2 below).
- 4.3.5 The Equalities Impact Assessment produced by British Waterways during the consultation period is based solely on opinion. No independent research or pre consultation has been undertaken to identify or quantify impacts. It misrepresents both the positive and negative impacts of the proposals and makes claims regarding the definition of bona fide navigation based on specificities of the BW vs Davies case that are not applicable more widely. We refer British Waterways to section 5.2.2 (i) of this report

We believe that the lack of transparency and due process is related to the desire by BW, as stated in the proposal document, to address mooring issues in the area prior to the Olympics when BW is offering high priced reserved berths along the towpaths within the proposal area. It is notable that BW has offered these moorings for sale without entering into any discussion with boaters currently living in the area as to how additional boats will be accommodated or what alternative moorings will be

made available to those displaced as a result of the commercial moorings or security exclusion zone.

**London Boaters believes that it is unacceptable to seek to rush through wide ranging and permanent changes without proper evidence, representation or process. The proposals have been described by British Waterways as deliberately 'draconian' and will have a significant and long term impact on all canal users and local communities. They will most significantly impact on the ability of liveaboard boaters without home moorings within the London area to maintain a home and family life.**

**We believe any attempt to impose the current proposals will be open to legal challenge and judicial review on the basis of the inadequacy of the process undertaken to date.**

## **5. LONDON BOATERS RESPONSE - ISSUES AND PROPOSALS**

Over 100 boaters attended both the Stansted Abbotts and Springfield meetings and have attended a series of group and working group meetings since the publication of the proposals.

In contrast with the lack of recorded evidence provided by British Waterways in order to establish the need for, or assess the impact of, the current proposals London Boaters has undertaken a range of qualitative, quantitative and desk research over the past 2 months.

### **(i) Quantitative Research includes;**

- Boaters survey (Appendix A)
  - 138 responses from boaters moored at towpath moorings between Stonebridge and Kensal Green during April 2011
- Towpath users survey (Appendix B)
  - 123 responses from towpath users at Angel, Victoria Park, Broadway Market, Mile End, Springfield, Stonebridge/Tottenham on a number of dates during April 2011
- Residential moorers survey (Appendix C)
  - 54 responses from residential and leisure boaters on moorings at; Battlebridge, Ice Wharf, Kingsland Basin. Ramney Marsh, Springfield, Stonebridge and Wenlock Basin during April 2011
- Congestion survey / mapping (Appendix D)
  - Undertaken on 19<sup>th</sup> March 2011 and 17<sup>th</sup> April 2011

**(ii) Qualitative research** includes the following meetings with stakeholder groups:

- Upper Lee and Stort Stakeholder meeting - 4<sup>th</sup> April 2011
  - Present: IWA, NABO, RBOA, Stort Boat Club, Lee and Stort Cruising Club, Broxbourne Cruising Club, Ware Anglers, Hertham Common Cycling Club
- Meeting with Lea Rowing Club
- Meeting with Rammey Marsh Cruisers Club
- Communications with:
  - Lea Valley Regional Park Authority
  - Lea Valley Angling Consortium
  - Lea Valley Canoe Club
  - Stonebridge Canoe and Cycle Hire

Findings of these meetings and correspondence are summarised in Appendix E.

In addition the degree of support for liveaboard communities on London's waterways is evidenced by:

- Over 1150 members of the Facebook page: 'Stop The Destruction of London's Boating Communities'. Comments posted on the Facebook page are included in this report (See Appendix F)
- @LondonBoaters communicates with 124 Twitter followers.
- Over 800 signatories of a petition supporting the presence of liveaboard boaters on towpaths on London's waterways

**(iii) Desk Research** has also been undertaken

- analysis of documents obtained through Freedom of Information Requests

- reviewing publicly available British Waterways research, meetings notes and policies
- reviewing and researching the legal context for these proposals

As a result of discussions within the group, and from our research, we would like to make the following responses to the issues and proposed solutions presented by British Waterways.

The focus of our response, and of our research, relates to the Lower Lee (south of the M25) and the Hertford Union Canal. The Upper Lee and Stort Boaters Association (UL&SBA) has submitted a separate report relating to the area north of the M25. London Boaters fully supports and endorses the work of the UL&SBA).

## **5. 1 Response to Issues Raised by British Waterways**

Below we address on a point by point basis the issues (in italics) raised by British Waterways in the proposal document.

5.1.1 *There has been an increase in the number of boats in recent years that has led to congestion with many short term mooring sites being continuously occupied*

London Boaters accept that there has been an increase in the number of boats in the London area over recent years. However we dispute the assertion that this has led to congestion and the ‘continuous occupation’ of many short term mooring sites.

Most local liveaboard boaters do not report problems of being unable to find moorings when required – with the exception of the visitor moorings at Camden where limited space (only 6-7 boats) and a ban on double mooring mean that the site is persistently full.

The 2009-10 British Waterways national mooring strategy consultation showed that:

- Amongst representative groups; 25% considered that congestion was best measured by average / peak waiting time at locks, 5% felt that congestion was caused by overstayers and 8% felt congestion was 'a matter of perception'.
- Amongst individuals; 22% considered that congestion was best measured by average / peak waiting time at locks, 8% felt that congestion was caused by overstayers and 8% felt congestion was 'a matter of perception'.

British Waterways has provided neither definition nor quantitative evidence of a congestion issue on the Lee & Stort in relation to waiting times at locks, lack of available moorings or any other measure.

London Boaters have conducted two congestion surveys on 19<sup>th</sup> March 2011 and 17<sup>th</sup> April between Paddington and the M25 (see Appendix D). These show that:

- On 19<sup>th</sup> March there were 262 boats in 36 kilometres of waterways  
The average boat length of boaters surveyed is 14 m (47 feet).  
This would indicate that only approximately 10% of the available towpath length is currently moored.
- There is a clear clustering around the facilities available.  
There are only 8 water points within the area surveyed leading to concentrations of boats in those areas and long stretches which are completely empty of moored boats
- Long stretches of the towpath are unavailable for mooring due to lack of mooring rings and concreted verges

A survey of boaters with home moorings in the London area showed that of 54 respondents only 15% agreed with the statement that the waterways are congested with 31% stating that are 'sometimes congested'.



A survey of 123 towpath users undertaken at six locations found that only 7% of towpath users felt the canal was congested (82% felt that it was not whilst 12% did not know).

London Boaters note that in 2005 British Waterways Commercial Director James Froomberg set a target for [12,000 new boats](#) on the waterways system (an increase of 40%) by 2012 in order to provide new income for the organisation. British Waterways state that the increase in the number of boats in London over the same period has been 39%.

We congratulate the organisation on meeting its targets – at least in the London area – and suggest that rather than view the increase as a ‘problem’ British Waterways should work in partnership with local boaters and other stakeholders in order to establish how such an increase can be most effectively managed and how learning from the experience can be applied in order to replicate this success elsewhere.

**London Boaters also wish to point out that the increase in the number of boats has coincided with a period where British Waterways have significantly reduced the towpath presence of enforcement staff. In the two years prior to the publication of the proposals enforcement activity and day-to-day communication between BW staff and boaters in the area has been negligible.**

**According the survey 138 London Boaters (Appendix A) 53% have had their boat licence for 2 years or less. A majority of boaters in the area have therefore never had regular communication with or information from BW regarding the expectations of liveaboard boaters without a home mooring in the area.**

#### *5.1.2 Boats are moving only short distances between a few locations.*

In order to support this assertion British Waterways have provided one piece of evidence, a study undertaken between 19 July 2010 to 19 October 2010 from LN001-LN042. This research identifies that:

- 77% (128 licensed boats) made a net progressive journey of less than 5km.
- 13% (22 licensed boats) made a net progressive journey of 10km or more.

- 41% (69 licensed boats) did not make any net progressive journey

These headline figures are grossly misleading. Whilst 328 licensed boats were sighted in the study area during this period the % figures quoted above relate only to the 167 boats where 3 or more sightings are spread over three months. If the figures are recalculated as percentages of the *total* number of boats sighted the figures drop to:

- 39% of boats made a net progressive journey of less than 5km.
- 21% did not make any net progressive journey
- It must therefore be assumed that 40% of boats undertook a net progressive journey of 5km or more

We also believe the concept of a 'net progressive journey' is flawed. Even if the current proposals were implemented and followed to the letter, with a boat staying in each of the six neighbourhoods for no more than 61 days per year, it would be entirely possible to undertake an annual 'net progressive journey' of 0km if the boat was in the same location at the start and end of the year.

The report states that the average distance travelled over the three months of the study (of the 167 boats with three or more sightings spread over the period) was 12km. This equates to an annual distance travelled of 48km. This seems entirely reasonable given that many boats on the Lee and Stort operate under the terms of a 'river only' licence, effectively confining them to the local river system which is itself approximately 42km in length. (It seems reasonable to assume that if all 328 boats had been tracked the average distance travelled would have been significantly higher).

**London Boaters wish to note that as stated in 4.1.1 above this study was undertaken following a prolonged period of negligible enforcement or communication between boaters and BW staff. We would therefore wish to see any future studies undertaken following a reasonable period of more usual towpath presence, communication of expectation, and appropriate enforcement before any general inferences are made regarding the presence of a 'problem' of overstaying or lack of movement.**

**We also note that the local enforcement officer has stated that out of the 400-450 boats he patrols in London there are only about 10-15 with whom he has persistent issues regarding frequency or distance of movement.**

The proposals go on to state that:

- i These boats are not meeting the requirements of BW's Mooring Guidance for Continuous Cruisers*

**A survey of liveaboard boaters in the London area (Appendix A) found that 43% had never received a patrol notice. Only 12% had received 3 or more patrol notices.**

It is our understanding that the Mooring Guidance will be rewritten following the BW vs Davies case and is currently in a draft form making this a difficult question to address. However it is clear that the 'mooring guidance' does not have the force of law and is based on subjective interpretation of a number of key words and phrases such as 'place' and 'bona fide navigation'.

For instance Section 17 (3) (c) ii of the 1995 British Waterways Act requires bona fide navigation '*throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances*'. British Waterways has attempted to extend this definition within the previous Mooring Guidance for Continuous Cruisers to state that it '*therefore requires progression around the network, or at least a significant part of it*'. This interpretation has been challenged during the recent BW vs Davies case and in the current draft guidance is revised to '*a journey of some length*' – this again is a subjective interpretation which extends the legal requirement of the 1995 Act. It depends upon first defining the act of navigation as 'travelling on water' and then defining 'travel' as 'a journey - especially of some length'. The draft guidance then goes on to introduce the concept of a 'cruise' or 'genuine cruise' as synonymous with 'navigation', defined as 'a journey of some length', and states that this is a requirement of the licence. There is no such requirement to 'cruise' in law.

Research undertaken by members of the Kennet and Avon Boating Community demonstrate that this was clearly not the intention of Parliament when passing the

1995 Act. Indeed those drafting the legislation in the relevant House of Commons Select Committee concluded that British Waterways should not be allowed to define return periods (simply to prevent boats ‘remaining continuously in one place for more than 14 days’) and that bona fide navigation is *not* defined by the distance travelled.

**London Boaters believe that by moving “*throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances*”, as described by Section 17 (3) (c) ii of the 1995 British Waterways Act, boaters are meeting the legal requirements of their licence.**

With regard to what constitutes a ‘bona fide navigation’ It is our understanding that, contrary to the statements made by British Waterways, the judgement in the BW vs Davies case does not set a legal precedent and is of relevance to that case alone. Whilst the draft revised mooring guidance cites the case in order to state that use ‘within a ten mile stretch’ does not constitute bona fide navigation, we note that in our meeting of 18 March Sally Ash stated that it would be entirely possible for boaters to comply with the guidance whilst remaining within a confined stretch of waterway such as the Lee & Stort or Lancaster Canal. The requirements of the guidance therefore remain ambiguous and over above those required by law.

We reject entirely the implication of the BW vs Davies judgement that it is not possible for a boat to be used both as a home *and* for bona fide navigation. We request that British Waterways make a clear statement that they will not attempt to discriminate against those for whom their boat is their primary residence, those who work, those who have families, or on any similar basis, in issuing licences in the future.

- ii *The best mooring locations are often unavailable to visiting / cruising boats (particularly during the cruising season)*

In the research undertaken by BW between 19 July 2010 to 19 October 2010 on movements on the Lee, British Waterways found that: ‘*only 106 (7%) of the sightings were on visitor moorings (VM’s) and nearly half of those were on the VM at*

*Cheshunt. The overwhelming majority, 960 (61%), were in casual mooring zones'. This research indicates that visitor moorings on the Lee and Stort are not being overwhelmingly occupied continuously cruising boats.*

These findings are supported by comments by members of cruising clubs at the Upper Lee & Stort stakeholder meeting on 4<sup>th</sup> April. These stakeholders stated that whilst moorings were sometimes unavailable at Stonebridge and Victoria Park they did *not* wish to moor at areas around Springfield, Lea Bridge, Hertford Union, Bow Locks etc (identified as 'hot spots' in the proposal). These areas were seen as unsafe by cruising clubs and were therefore not desirable mooring sites.

Meetings with a range of stakeholders, including rowing clubs and cruising clubs, have identified that mooring by liveaboard continuous cruisers presents only minor problems which can, for the most part, easily be overcome (see Appendix E). These include:

- Mooring on lock landings
- Mooring on the inside of bends on stretches used by rowers
- Double mooring and butties moored alongside boats present problems for rowers at some locations
- Mooring on a limited number of visitor moorings at specific times when clubs are planning club events and cruises

Anglers and cyclists reported no particular issues related to moored boats. Anglers expressed concern that the current proposals would increase boat movements and do nothing to protect the areas that they consider desirable for angling.

**London Boaters have provided a map to Lea Rowing Club in order that they can identify specific locations where moored boats present them with problems. We will communicate these sites to boaters and seek to maintain communication in order to monitor new or existing problems. Such solutions will form part of a future 'London Boaters Code'.**

Of the local stakeholder groups contacted by London Boaters only Lee Valley Regional Park Authority identified issues which resemble those outlined in the British

Waterways proposal. Aside from the Inland Waterways Association they are also the only stakeholder group for whom we have been able to find evidence of pre-consultation by British Waterways on the proposal.

A survey of boaters with home moorings in the London area undertaken by London Boaters (Appendix C) showed that, of 54 respondents, 20 (37%) reported difficulties finding a towpath mooring (4 of these reported that they were unwilling to double moor). 13 respondents stated locations where they had been unable to find a mooring. Camden was mentioned most often (6 times) with Islington, Victoria Park and 'London / Central London' each being mentioned 3 times. Of the locations on the Lee & Stort, Springfield, 'Hackney' and Stansted Abbots were each mentioned once.

**London Boaters believe that issues relating to hotspots have been overstated and locations misidentified. Minor problems and time limited issues related to specific events can be addressed through better communication between stakeholders in order to identify issues and mutually acceptable solutions on a case by case basis.**

**An example is the Lea Rowing Club Regatta on Sunday 24<sup>th</sup> April. Improved communication between Lea Rowing Club and London Boaters led to a reduction in the number of boats travelling at the time of the regatta (the popular Easter weekend) resulting in less disruption to a local waterways event.**

**London Boaters will explore ways to ensure such communication is established and maintained with key stakeholder groups. Such solutions will form part of a future 'London Boaters Code'. This autonomous, collaborative and consensual approach to resolving problems is key role for London Boaters, one which we hope British Waterways will support and facilitate where required.**

**Whilst we believe the problem has been overstated we recognise that there are issues with lack of availability at a small number of visitor mooring sites – largely outside the area covered by the current proposals. London Boaters believe that, if this is not resolved by effective communication and appropriate**

**enforcement of the 1995 Act, an independently facilitated and mediated approach to understanding the true nature and scale of the issue would result in a mutually agreeable solution without the need for additional regulation.**

**We note that the ‘cruising season’ lasts only 3 months and different approaches may be required (by negotiated agreement) during the summer months when demand on moorings is higher compared to the winter months when the presence of moored boats brings clear security and public safety benefits.**

- iii There are amenity issues such as spillover of possessions onto the towpath and fewer spaces for angling*

British Waterways has provided no evidence of issues relating to spillover or reduction of angling spaces.

**London Boaters communications with stakeholders have confirmed that Lee Valley Regional Park Authority have some concerns regarding spillover of possessions and activities such as wood cutting and maintenance being undertaken on the towpath. No other stakeholders have reported spillover as an issue.**

**London Boaters believe that any issues relating to persistent spillover could be easily addressed through the return of a presence of BW towpath staff in the area. Simple communication, information provision and appropriate enforcement, alongside movement according to the legal requirements of the 1995 Act, is likely to address any issues of spillover of possessions.**

**We believe that activities such as wood cutting and maintenance are legitimate activities which, if undertaken with proper consideration for passers-by and provided they do not result in pollution or nuisance, should not be a matter for enforcement.**

London Boaters have communicated with the Lee Valley Anglers Consortium. Anglers expressed concern that the current proposals do nothing to protect the areas that they consider desirable for angling.

**London Boaters have provided a map to Lea Valley Angling Consortium in order that they can identify specific locations where moored boats present them with problems. We will communicate these sites to boaters and seek to maintain communication in order to monitor new or existing problems. Such solutions will form part of a future 'London Boaters Code'.**

*iv By not paying to moor for long periods an unfair situation is created in comparison with those who pay for long term moorings in the area*

British Waterways has provided no evidence of substantive grievances from those who pay for long term moorings in the area.

83% of the 54 boaters with home moorings surveyed by London Boaters indicate that they were not consulted prior to the publication of the proposals.

56% of those questioned disagreed with the statement that '*By not paying to moor for long periods an unfair situation is created in comparison with those who pay for long term moorings in the area*' (33% agreed whilst 11% did not know or did not answer).

We also understand that both Springfield Cruising Club and CHUG have written to British Waterways disassociating themselves from these views which they see as seeking to create division between different sections of the boating community.

**London Boaters believe that all boaters use the waterways in different ways and that boat owners will have different habits and make different mooring arrangements based on their individual needs, personal preferences and changing circumstances.**

**Boaters with moorings, provided by British Waterways or by private marinas and clubs, receive a range of services in return for the mooring fee. These vary but may include security, electricity hook ups, accessible water points, waste collection, laundry rooms, club house facilities etc. Fees are not related to waterways management and comparisons are therefore spurious.**



**Liveaboard boating without a home mooring is not an easy option. Moving continually throughout the year, managing on limited resources, balancing water and toilet usage with availability of facilities are all challenges that are not required of permanently moored boats. In addition such boaters face challenges related to registration for voting, medical care, schooling and a variety of other issues. These issues should all be factored into any considerations of ‘fairness’ with regard to differential charging for boats with and without home moorings.**

**We also wish to point out that very few moorings are available within the London area. When they do come onto the market inflated reserve prices and the subsequent online bidding process inflates prices beyond the reach of most existing boaters. The current online bidding process has resulted in rogue bids and ‘autobidding’ raising prices to over £15k in some cases.**

- vi There has been an increase in costs for the provision of services such as sewage disposal, water and waste disposal

According to Section 107 of the 1968 Transport Act, BW has a statutory duty to provide services and facilities on cruising and commercial waterways.

No evidence has been provided relating to any increase in costs for the provision of facilities.

The most persistent problem relating to canalside facilities for boaters and other towpath users alike is the failure of British Waterways to adequately service the towpath refuse bins. These are not available for the use of boaters but are frequently left unemptied and overflowing. It is particularly noticeable that popular towpath locations such as Angel, Broadway Market and Victoria Park are not emptied at weekends and bank holidays when they are most used. This results in litter on the towpath and in the canal which reflects badly on boaters and on British Waterways. We believe that it contributes to a perception of congestion and overuse by boaters.

**London Boaters believe that effective management of waterways facilities designated for use by boaters would mean that ‘the money should follow the boats’. If the increase in boats in the London area is due to previously licensed boats being moved to London from other parts of the system then increased**

**costs in London should be offset by decreased costs elsewhere. If the increase in boats in London is a result of new boats coming onto the system then the additional licence fees should enable any additional facilities costs to be met.**

**If British Waterways are unable to effectively manage the existing facilities, or provide new facilities which may be required in order to address the clustering of boats around existing facilities, London Boaters would be interested in discussing options for community ownership or management in order to provide more cost effective use of the relevant assets. We believe local community management would enable us to access new forms of finance such as grants, revenue from diversification of use, renewable feed in tariffs etc.**

**An application has been made to the Asset Transfer Team at Localities in order to obtain technical assistance in producing a business plan for community management of the facilities (See Appendix G).**

**We wish to note that following several months during which British Waterways failed to respond to requests to fix the broken water tap at Angel a London Boater took action to restore the facility for use by local and visiting boaters.**

### *5.1.3 Increase in off-side mooring on privately owned land*

No evidence of the extent or nature of offside moorings has been provided nor has British Waterways published information relating to its audit of this issue.

## **5.2 Response to British Waterways Proposals**

### **5.2.1 Proposals to address offside moorings:**

British Waterways state that an audit and assessment of current unauthorised sites is already underway and that discussions will be held with site owners. The results of the audit will show which sites are suitable for the provision of moorings.

**London Boaters request that the information arising from the audit, identifying suitable mooring sites, is made available to both London Boaters and UL&SBA. We should be involved in such discussions as a key stakeholder**

as an underlying issue, recognised by British Waterways and other waterways users, is the lack of available moorings in the area.

Where audit and negotiation relates to offside sites which are already occupied as long term home moorings for boats the residents and boat owners should be included in any discussions relating to these sites.

Where audit and negotiation relate to offside casual moorings which are not occupied as long term home moorings London Boaters would be interested in discussing options for community ownership or management of sites identified as suitable for offside moorings. Such a partnership approach may be of interest to landowners of currently unmanaged sites who have no objection to moorings being provided on their land but little interest in securing the required authorisations, planning permissions etc.

A number of local boaters have applied for, or are in the process of seeking permission for, the establishment of offside moorings on third party land within the London area. At the public stakeholder meetings held at the beginning of March Sally Ash encouraged local boaters to take such proactive steps to obtain moorings in order to address the shortage of residential mooring sites in the London area.

However the current British Waterways guidance on the development of offside moorings states that '*permission will only be granted [where] there is no prospect (short or long term) of new off-line mooring development within a 30 mile radius*'. This stipulation will make it effectively impossible for any new online moorings to be developed within London, and in most other locations, despite the chronic lack of moorings in the area which is universally acknowledged.

**London Boaters believe that the 30 mile radius is unreasonable in a densely populated urban area and that unless a more flexible approach is adopted by British Waterways it will be impossible to meet the established need for new residential moorings within London. If no flexibility is shown, if British Waterways are not prepared to work in partnership to identify and obtain permission for new moorings sites, and if new draconian measures such as those outlined in this proposal are implemented it would seem reasonable to assume that the intention of British Waterways is not genuinely seeking to**

**address any issues arising from the increase in number s of boats in London but actively seeking to make it impossible to maintain a community of liveaboard boaters in the area.**

#### 5.2.2 Proposals to address short term / casual mooring:

##### i. Neighbourhoods

The proposals to establish 'neighbourhoods' is without foundation in the legislation set out in the 1995 Act and is a substantial extension of any definition of 'place' currently in use on the waterways. The proposals seek to establish 'neighbourhoods' of 6-9 miles in length which cross existing London Borough boundaries. In contrast the neighbourhoods in common usage by local authorities and other statutory authorities such as police and fire services, and those which are being considered for neighbourhood planning purposes, are much smaller and recognisable at a functional community level.

If the proposals are implemented in their current form boats will be forced to travel much further distances, with all boats in the area being required to move approximately 10 miles every 7 - 14 days. Whilst shorter movements can currently be undertaken during evenings by those who work during the day, longer movements are likely to be concentrated during weekends when the waterways are also most popular with other users such as those undertaking leisure cruises, anglers, and rowers.

Impacts of increased movement may include:

##### On British Waterways:

- Increased wear and tear on locks and other facilities
- Increased maintenance costs
- Increased pressure on very limited water and waste facilities on the Upper Lee
- Increased monitoring and enforcement costs - see (v) below

On other users:

- Increased congestion at locks and water points
- Disruption of the enjoyment of the waterways by rowers and anglers
- Increased wash of juvenile fish downstream from spawning grounds through increased flows through locks
- Increased use of water resulting from increased lock usage resulting in drainage of some sections of the rivers and canals during busy periods

On the environment:

- Increased erosion of banks
- Increased disturbance of sediments resulting in increased biological and chemical oxygen demand, reducing the oxygen available to aquatic flora and fauna
- Disturbance of nests and other habitats
- Increased emissions from diesel engines resulting in increased levels of particulates and CO<sub>2</sub> and other greenhouse gases
- Increased use of water in an area of the UK that is already experiencing significant water stress
- Increased turbulence caused by propellers of motor driven craft - this is proven to reduce zooplankton populations, reducing their ability to graze down algal blooms (already a problem on the lower Lee) and impacting on the aquatic food chain
- Increased spread of problematic alien species such as floating pennywort (*Hydrocotyle ranunculoides*) which is already a problem on the lower Lee

On liveaboard boaters:

- Disruption to access to work  
72% of boaters surveyed travel to work and 94% said they would be affected by increased time and costs associated with travelling to work
- Disruption to childcare and education  
18% of boaters surveyed have children.  
Increased travel to school distances can impact on a child's ability to take part in after school activities
- Disruption to healthcare and family commitments  
66% of boaters surveyed are registered with a local GP.  
Continuity of care and a good doctor-patient relationship are important aspects of personal care especially for those with health problems (11% of those surveyed have a recognised disability). Greater and more frequent movement will result in increased use of walk-in clinics, discontinuity of care, stress and poorer health services.  
4% of those surveyed have care responsibilities for a disabled or elderly adult.
- Disruption of home life and increased take up of benefits  
66% of boaters surveyed owned their own boat (91 individuals).  
Of 109 individuals who responded to the question: 'How would the proposals affect you; 62 said they would have to sell their boats, 52 that they would have to move to rented accommodation. 43 say they would face homelessness.  
Currently only 13% of those surveyed claim any benefits – this is a very low figure considering that 57% earn less than £20,000 per annum and 39% less than £10,000 per annum.  
Of 109 individuals who responded to the question: 'How would the proposals affect you; 31 stated that they would have to claim benefits or claim more benefits.

**London Boaters believe that in proposing any new strategy British Waterways should undertake a proper, professional and independent impact assessment which, at a minimum, seeks to identify and quantify the impacts on the environment and on the stakeholder groups outlined above.**

## ii. Return Periods / Annual Time Limits

The proposals require licence holders to spend no more than 61 days in one neighbourhood effectively restricting return periods.

There is no provision in the law which enables British Waterways to stipulate return periods or prescribe cruising patterns for boats without moorings or to set restrictions on return to particular places (House of Commons Select Committee on the Waterways Bill, 1993-94).

In addition to the impacts outlined in (i) Neighbourhoods, above, any artificial annual limit within any defined area will result in increased complexity and unwarranted restriction on freedom of movement on liveaboard boaters. Boaters require flexibility for a range of practical reasons including access to a range of essential facilities and services which are not evenly distributed throughout the network such as; water, sewerage, waste, fuel, boatyards, chandlers.

By requiring licensed boaters to split their time evenly between neighbourhoods there is a risk that boaters will be disenfranchised. Individuals without a residential address are required to make a 'statement of personal connection' in order to register to vote. The statement requires the individual to identify the place at which they spend the majority of their time.

**London Boaters reject the proposals for the introduction of neighbourhoods of any size. We believe that British Waterways has no powers to stipulate a pattern of use for any boater and that a common sense understanding of 'place' such as has been in use since its introduction is sufficient to enable appropriate enforcement under the 1995 Act.**

## iii. 7 day mooring zones

British Waterways does not have the legal power to enforce 7 day mooring zones. BW's powers to set mooring restrictions of less than 14 days, and to erect notices or signs designating mooring restrictions of less than 14 days, are limited to the power to set advisory restrictions and erect advisory notices or signs. (House of Commons Select Committee on the Waterways Bill, 1993-94).

The proposals state that the 7 day zones are required to free up spaces at 'hot spots' or popular locations for leisure cruisers. The sites identified on the lower Lee are:

- The entire length of the Hertford Union
- Bow Lock to the A12
- Lea Bridge to the North Circular

Local boaters are well aware that these sites are not popular with visiting boaters who perceive them to be unsafe and who would be unwilling to moor at them, let alone leave their boats unattended for days or weeks, whilst 'cruising'.

This perception was confirmed by cruising clubs present at the stakeholder meeting organised by the Upper Lee and Stort Boaters Association on 4<sup>th</sup> April 2011 who stated that these were not desirable sites for their members.

Any proposals to increase the frequency of boat movements would have impacts similar to those outlined in (i) Neighbourhoods above.

**London Boaters rejects the imposition of 7 days mooring zones on anything other than an advisory basis.**

#### iv. Charges

BW does not have the power to impose fines for contravention of mooring time limits and/ or mooring restrictions (House of Commons Select Committee on the Waterways Bill, 1993-94).

Although the proposals describe excess mooring "charges", the level of the proposed charges are punitive in comparison to the stated average annual mooring fee of £1,500 to £2,000. The excess mooring "charge" incurred after 7 days would amount to £7,160 per annum at £20 per day and £14,320 per annum at £40 per day.

London Boaters also note that Defra have committed the new waterways charity to maintaining free access to towpaths and believe that charging for casual towpath moorings is at odds with this commitment which must include access from the water.

**London Boaters rejects the imposition of punitive new fees, charges or fines.**



v. Increased monitoring and enforcement

The proposals which include a mixture of 7 and 14 day moorings zones, return period restrictions, two tier charging and annual neighbourhood stay restrictions are extremely complex.

A Freedom of Information request provided the following calculation of costs and income. It appears to assume that charges will only be made to cover the period between the proposed new 7 day limits expiring and the 14 day legal requirement to move. Assumptions about revenue raised are therefore dependent on a 7 day zone being included in the final proposals. We have already stated that we do not believe that British Waterways can implement anything more than advisory limits below 14 days.

*Figures provided by British Waterways:*

**Costs (pa):**

*£61,000 Data Collectors x 4 (on a pro rata contract)*

*15% transaction cost (dependent on price of extended stay charge, but based on figures below it would be £11,250)*

*Total costs = £72,250*

**Income (pa):**

*150 boaters paying 15 extended stay charges pa @ £20 = £45,000*

*150 boaters paying 4 extended stay charges pa @ £40 = £24,000*

*Total income = £69,000*

*This would give us a **nominal deficit of £3,250.***

This does not include any of the management, capital investment, back office, monitoring and oversight or enforcement costs. No estimates were given for these costs, which are likely to be substantial, and no range of scenarios was provided.

If the proposed 7 days mooring areas are not carried forward to the final proposal, or if fewer boater are prepared to pay the fee, then the scheme as it stands will make

even less money. British Waterways do not present any evidence regarding willingness to pay the proposed charges which might have informed the above figures.

Research conducted by London Boaters found that only 13% of boaters with home moorings in London would be prepared to pay a fee for overstaying (Appendix C). 83% of boaters without a home mooring said that they could not afford the proposed charges (Appendix A).

**London Boaters conclude that British Waterways have either not disclosed the full information related to the business case for the proposed approach to charging, or are prepared to subsidise a loss making operation at a time when other services are being cut simply in order to make life more difficult for boaters on the Lee & Stort. This goes some way to supporting the proposition that the current proposals are not a genuine attempt to develop a local mooring strategy but is in fact a process intended to drive liveaboard boaters off London's waterways in which British Waterways is prepared to invest a substantial amount of additional resource.**

### **5.3 Wider Impacts of the Proposals**

It is important not just to respond to each individual issue and proposal contained within the draft policy but to give proper consideration on the overall impact of the proposals. As stated above the impacts fall not only on liveaboard boaters in the London area but also upon the environment, on other waterways users, on the character of local communities and their engagement with the waterways, and on British Waterways itself.

The proposals have arisen in response to a perceived 'problem' of an increase in the number of liveaboard boats in London, reported to be 39% in the past five years. However it is clear that, whilst the increase has resulted in some minor and localised issues, primarily relating to lack of availability of visitor moorings at some locations and at some times of the year, it has also had many beneficial impacts.

Towpath surveys undertaken by London Boaters at 6 locations show that (of 123 respondents):

- 96% liked the presence of boats on the canal / river
- 84% stated that the presence of boats encouraged them to use the towpath
- 90% felt the presence of boats made them feel safer using the towpath

Leisure boaters can obviously provide some of the colour and movement that attracts non-boaters to the waterways but only the year-round presence provided by a critical mass of liveaboard boaters can ensure that London's towpaths remain safe and welcoming to casual towpath users. London Boaters are only too aware that, where only a few boats are moored, sites that may be considered desirable 'hot spots' quickly become uninhabitable due to violence, theft and vandalism

Likewise the presence of liveaboard boaters with a local connection provides a network of links between boaters and local communities through family, work and social ties. These connections link local canalside communities to the waterways in a manner that passing leisure boaters do not. Liveaboard boaters demonstrate a different way of life – one that is not tied to place, that is off-grid and has a low environmental impact. This can have a profound impact on the local community and contributes to long term sustainable development. The pleasures of liveaboard boating are increasingly being showcased on television and radio programmes and in lifestyle magazines – all of which bring the waterways to a new audience and which British Waterways understandably keen to promote and exploit as the move to charitable status brings a need for new stakeholders, supporters, donors and volunteers.

The vibrancy of the London waterways is becoming internationally renowned, often featured on foreign TV and radio programmes about the city – and will become more so with the prominent place being given to the presence of boats in publicity for the forthcoming Olympic Games.

British Waterways and London are already in effect trading on the image and romance of a vibrant and colourful alternative community which exists on the city's waterways. This is not an image that could be so effectively marketed if the only

boats on the system were limited to passing leisure cruisers present for only a few summer months or parked up in offline marinas.

The proposals set out by British Waterways are based on little publically available evidence and have caused anger and resentment amongst many stakeholder groups who feel that their views have not been sought or who have been misrepresented in the way that the issues have been presented.

Taken together the mixture of 'neighbourhoods', 7 & 14 day zones, annual restrictions on total number of days per neighbourhood and two tier system of punitively high 'charges' combine to create a set of proposals that Sally Ash has described as 'draconian', and which we believe to be overly complex, disproportionate, irrational, discriminatory and unlawful.

They would require a large-scale, timetabled, weekly movement of hundreds of boats across large distances irrespective of personal, professional or family commitments or the practical necessities of fuel, water, waste disposal, boat maintenance and repair. They are either intended to make liveaboard boating in London impossible, or have been designed with no understanding of the practicalities faced by boaters of any type or the impacts of such large scale movements on other waterways users. Either way if implemented they will force many people off the waterways and destroy or radically diminish the vibrant community that has been built up over two centuries and on which British Waterways and London hope to capitalise over the coming 12 months as they launch the new waterways charity and the Olympics respectively.

The loss of London's liveaboard communities would damage both the waterways and the city. We have already outlined the environmental and structural damage to the waterways that would occur if all the boats currently on the system were to follow the new proposals. More likely however is that significant numbers of boaters would leave the waterways either in response to the practical requirements of the proposals or the destruction of the sense of freedom resulting from an over bearing enforcement regime brought in to police them.

The results of such an outcome would be:

- More crime and graffiti on towpaths resulting in reduced visitor numbers, increased costs and reduced support for the new waterways charity
- More abandoned and unlicensed boats which would require costly enforcement and removal operations
- A reduction in the value of boats due to an increase in supply as a large number of boats come onto the market
- More people on low incomes needing to claim income and housing benefits as the liveaboard option of affordable housing is denied to them
- Break up of family and social ties as boaters moved out the area
- The breaking of ties between local communities and their waterway
- Loss of local water based knowledge and expertise which currently saves British Waterways money by ensuring that locks are closed, pounds do not drain, obstructions are cleared and problems are reported

We believe the current proposals present a serious risk of destroying a community that is an asset to London, to the canalside communities we live alongside and to British Waterways.

## 6. General Issues & Observations

British Waterways has repeatedly stated that it does not have responsibility for 'housing' and yet the Association of Inland Navigation Associations (AINA) stated in its 2010 advisory report 'Residential Use of Inland Waterways' that '*residential use of waterways is a form of housing and residential boaters are recognised by Government as a specific household group*'. British Waterways states that the provision of residential moorings is a matter for local authorities. However by issuing licenses for liveaboard boats without home moorings British Waterways is, de facto, a body with responsibilities for housing – albeit a form of housing that is unconventional and itinerant. It should take its responsibilities seriously, working with those it accommodates to ensure that facilities are adequate, that the rules are known, understood and are fairly enforced. It should also empower those who use the waterways to take more responsibility for facilities, and self regulation.

London Boaters have been dismayed by the attitudes shown to liveaboard boaters by British Waterways both throughout the development of the current proposal, including the current consultation, and in relation to the provision of visitor towpath moorings at commercial rates during the Olympic period.

No attempts have been made to consult with the community prior to the publication of the current proposal, or the decision to allocate large stretches of London towpath moorings for sale for several weeks during the summer of 2012 – both of which have serious potential consequences for the community who pay their licence fees and the vast majority of whom abide by the legal requirements of their license.

Not only have we not been engaged in decisions which impact directly and immediately on us, we have been addressed by British Waterways staff in meetings as 'you people' and 'continuous moorers' and wrongly painted as law breakers and freeloaders by British Waterways in the press. Serious human rights concerns regarding healthcare, loss of voting rights, education and family life have been dismissed as 'lifestyle choices'.

We believe that our treatment is a result of deep seated antipathy towards liveaboard boaters without home moorings within British Waterways. This institutional hostility predates the 1995 Act and results in a dismissive and discriminatory approach to a

legitimate group of boaters who are living within the letter and the spirit of the law, and who are a valuable, but undervalued, stakeholder group.

It is clear that different groups of boaters use the waterways in different ways and have different needs. It is also a fact of history that the use of the canals has changed dramatically over time and that it is continuing to change in response to wider social changes. Conflicts are perhaps inevitable but British Waterways should not simply take sides when different groups come into conflict, reinforcing prejudices and deepening divisions between different users. As a responsible public body it should take an even handed approach, recognising the value and validity of each of its stakeholder groups and facilitating better understanding and accommodation between them. It should also be willing to accommodate change.

In seeing livaboard boaters as a nuisance or a problem to be dealt with, rather than a legitimate stakeholder and an asset to the waterways, British Waterways has developed an approach that is confrontational, discriminatory, antagonistic and enforcement-based rather than flexible and based on respect and consensus. It has galvanised a community to come together which it now has the opportunity to engage with positively to realise a range of mutual benefits.

## **7. An Alternative Approach**

London Boaters has already undertaken an extensive range of engagement with other waterways users and the canalside communities.

These meetings and communications have raised a range of real issues related to where boats moor, and the attitudes and behaviours of some boaters. It has also identified a range of simple solutions and areas of basic misunderstanding and lack of communication.

British Waterways should recognise that rather than impose change through the introduction of complex new regulations it must adopt a new approach based on:

### **7.1 Better Communication**

Most of the issues raised by other stakeholder groups so far have been minor and easily addressed through better and more regular communication both between user groups and boaters and between boaters ourselves. These include:

- mooring on lock landings
- mooring on specific sites of interest to rowers and anglers
- mooring on particular stretches or sites when other user groups are planning events / cruises / regattas etc

We will develop a London Boaters Code to ensure both locally resident and visiting boaters are aware of such local agreements.

### **7.2 Appropriate Enforcement**

The three key issues raised by British Waterways of overstay, congestion at 'hot spots; and overspill of belongings all appear to be over stated and are best addressed by more effective communication, information and enforcement by British Waterways towpath staff.



Enforcement should be based on the current rules and should not seek to extend the existing legislation through regulation.

### 7.3 Mediation and Facilitation

Some issues may be more difficult to deal with through better communication and appropriate enforcement.

The boating community is as diverse as any, and more diverse than most. It cannot be expected to entirely regulate itself but nor should the only response to difficult issues be to devise new and complex regulation.

Where issues are identified which are evidenced and which are not able to be immediately resolved, British Waterways should seek to ensure that they are independently and respectfully mediated or facilitated until agreement is reached.

The provision of sufficient visitor moorings or the provision of alternative moorings during the Olympics are issues that might fall into this category.

### 7.4 Positive Partnership

London Boaters are committed to the maintenance of a working accessible waterway that is environmentally sustainable and which meets our needs and the needs of others who live on and alongside it.

The canals and waterways provide a bond between us, the other users of the waterways, the local communities and British Waterways.

We would like to explore the possibilities of working more closely to ensure provision of new facilities and new moorings in order to address some of the perceived issues of congestion raised in the proposals.

**LONDON BOATERS**  
**MAY 2011**

## Response from London Borough of Hackney

I am seeking any views or information you may have about these issues. At this stage I am particularly interested in:

- Mooring demand - such as numbers (for London if possible) of permanent residential boats, continuous cruisers, mooring occupancy/vacancy rates or other indications; also any recent (past ten years) changes in these figures.

*There has been an observed rise in the number of living boats on Hackney's stretch of regent's canal, which has seen an unequal distribution of boats with higher concentrations around the more desirable areas on the canal, namely around Broadway Market where boats can moored three deep.*

- Mooring supply - the numbers of moorings available on London waterways, whether residential moorings, visitor moorings or others; also any recent gains or losses of moorings; and affordability of moorings.
- Air and noise pollution - the environmental effects of engines, generators, stoves etc, including how the rules governing these are applied and enforced.

*Complaints received by the Council have usually involved issues related to smoke from the burning of unauthorized fuels, the noise from generators; music from businesses on boats, unlicensed bars/live music on boats and from private parties.*

*These activities have been found difficult to enforce due the transient nature of the temporary mooring and restrictions from the database used by the Council, means that such complaints cannot be logged correctly.*

*Within the last 12 months there has been a significant change in the nature of these complaints caused by the canals diversification, which has seen complaints relating to noise and anti-social behaviour from licensed and un-licensed activities and events.*

*A number of Council departments are working in partnership to effective control these activities.*

*We are currently discussing with residents and the police to see if CCTV would stop crime along a particular area of the towpath.*

- Overcrowding, congestion and overstaying at moorings and associated facilities and on the waterways
- Issues around mooring rules and enforcement - mooring rights, rules and time limits, and how they are administered and enforced; also the extent and pattern of breaches of overstaying or other breaches of mooring rules.
- Any views on steps that responsible bodies could take to address these issues.

*A major problem is canal boats owners not bother to get a licence or pay any of the taxes and charges therefore impossible for the Canal & River Trust to enforce anything. There seems to be nothing local authorities can do to remove these boats from the canal. If it was a car we would remove it immediately and eventually have it crushed.*

*Because they don't have a licence, the boat owners don't care about overstaying, where the boat is moored or any of the other rules associated with using the canal.*



# ISLINGTON

Pollution Projects Team  
Public Protection Division  
222 Upper Street  
London N1 1XR

T 020 7527 3048  
F 020 7527 3059  
E [sukky.choongh@islington.gov.uk](mailto:sukky.choongh@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref:  
Your ref:

Date: 14 June, 2013

Jenny Jones AM  
City Hall  
The Queen's Walk  
London  
SE1 2AA

This matter is being dealt with by:  
**Sukky Choongh**

Dear Ms Jones

## **London Assembly investigation into waterway moorings**

Thank you for your letter of 8 May 2013.

The London Borough of Islington has been working with local residents and the Canal & River Trust (CRT) (formerly British Waterways) for over two years. We have observed an increase in the number of boats moored along the section of Regents Canal that runs through Islington. Anecdotal evidence would suggest that this increase is due to more people choosing to live on the waterways.

We have been receiving complaints from residents in Noel Road regarding noise and smoke emanating from boats moored at Islington visitor moorings. When responding to complaints about smoke nuisance I have found that the smoke causing most offence is derived from burning of waste wood or non-smokeless fuel.

The main issues are of noise from running of engines; as these are diesel powered there are harmful emissions to be considered also. Also smoke from burning of waste wood gives off high levels of Particulate Matter (PM<sub>10</sub>) which we know to be prejudicial to health as well as causing a nuisance.

CRT has signage stating that only smokeless fuel should be burned in this area however this is not an enforceable condition. This area of Islington is covered by a smoke control order which means that only authorised fuels should be used, however Section 44(6) of the Clean Air Act 1993 states, "*Except provided in this section, nothing in Parts I to III applies to smoke, grit or dust from any vessel*", thus making all boats exempt from the act.

When enforcing nuisance legislation under the Environmental Protection Act 1990 (EPA), an authorised officer needs to witness the alleged nuisance from the property being affected. Once this has been done and a statutory nuisance has been established, the officers are obliged to serve a notice under section 80 of the EPA. Case law and the enforcement concordat require that we take a reasonable approach and allow the source the opportunity to abate the nuisance informally. Normally boaters burning smoky fuels will either switch to smokeless fuel or move on when asked to do so. Repeat offences from the same boat can be served an enforcement notice after they've been spoken to but on almost all occasions we find that the boat has moved

on, only to be replaced by another boat causing the same nuisance, at which point we are required to witness the nuisance from a resident's home again.

Whilst my main concern is about the health impact of boater's behaviour on other boaters and surrounding residents, it has come to our attention that most of the boaters mooring in this area are living on board their boats and not using this mooring location for visiting purposes as it is designated. Approximately 12 boats will be moored along the visitor mooring on most occasions, the same boats have been observed on numerous occasions which suggests again that they are not visitors but residential boats.

We are currently working with CRT to try to resolve this issue and have applied to the Mayors Air Quality Fund for financial assistance to help with signage, enforcement and raising awareness. Ultimately we are reliant on CRT changing the licence agreements or the rules for the visitor moorings before any substantial change to this area can be made.

Yours sincerely

**Sukky Choongh**  
**PRINCIPAL TECHNICAL OFFICER**

Communities, Localities & Culture  
Safer Communities

Ms Jenny Jones AM  
City Hall  
The Queens Walk  
London  
SE1 2AA

Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

Enquiries: Rita Craddock  
Tel: 020 7364 5008  
Fax: 020 7364 6831  
App Ref: 191759  
Your Ref  
Email: [rita.craddock@towerhamlets.gov.uk](mailto:rita.craddock@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Date: June 13<sup>th</sup> 2013

**Re: London Assembly investigation into waterway moorings**

Dear Ms Jones,

The London Borough of Tower Hamlets has received numerous smoke and odour complaints from local residents living along canals in the borough in the past year. The main complaints relate to the part of Regents Canal which runs along by Sewardstone Road and Victoria Park however, we have also had reports of dark smoke and odour from boats moored at Millwall Dock.

Smoke from burning of waste wood and fumes from diesel powered engines may cause nuisance and can produce high levels of Particulate Matter (PM<sub>10</sub>) associated with mortality, exacerbation of airways diseases, and decrement in lung function (*Occupational and Environmental Medicine* 1996; 53:817-822)

The whole of Tower Hamlets has been designated a Smoke Control Area under the Clean Air Act 1993. It is an offence to emit smoke from a chimney of a building, from a furnace or from any fixed boiler within the Borough. It is also an offence to acquire an "unauthorised fuel" for use within Tower Hamlets unless it is used in an "exempt" appliance ("exempted" from the controls which generally apply in the smoke control area). The same Act exempts boats under section 44(6) "Except provided in this section, parts I to III applies to smoke, grit or dust from any vessel".

Corporate Director  
Communities, Localities & Culture  
**Stephen Halsey**



EQUALITY  
FRAMEWORK  
FOR LOCAL  
GOVERNMENT  
EXCELLENT



INVESTORS  
IN PEOPLE

M:\Control\Apptemplates\EnvProt\M01\_Letter.dot

Smoke and odour can also cause nuisance under The Environmental Protection Act 1990, section 79(1) (b) and (c). Section 79 (1) (b) smoke emitted from premises so as to be prejudicial to health or a nuisance; and (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance.

This legislation is difficult to enforce as Local Authority Officers must witness nuisance from a complainant's home and following the service of Notice allow the person responsible to abate the nuisance caused. Offenders may change the type of fuel they use or move the boat to another location. The cycle tends to repeat itself as another boat moves to the former space and similar problems occur again.


Other complaints include noise from loud music from moored boats and increased waste build up along the tow path.

The majority of the moorings on Regents Canal between Broadway Market Bridge and Mile End Bridge are visitor moorings however, it seems that the same boats present are moved to a different mooring every couple of weeks. This appears to indicate that they may be in use as residential boats. In some wider sections of the canal the boats are two to four across.

The primary concern of this department is the health of the residents of the borough however; it is difficult to apply legislative powers to support this in the aforementioned circumstances. Local Authority meetings are scheduled with Canal and River Trust to develop an education/awareness system for those using the canal. Some focus is also required regarding an enforcement policy and a more rigorous licencing agreement for canal users in visitor moorings.

It is hoped that this will enable both Authorities to work together to facilitate a solution to the issues mentioned in this letter.

Yours sincerely,



Rita Craddock  
Environmental Health Officer.

Corporate Director  
Communities, Localities & Culture  
Stephen Halsey



EQUALITY  
FRAMEWORK  
FOR LOCAL  
GOVERNMENT  
EXCELLENT



INVESTORS  
IN PEOPLE

**From:**  
**To:**  
**Subject:** Moorings on London Waterways  
**Date:** 06 June 2013 16:55:22

---

Dear Mr Williamson,

As the manager of the London Waterbus Company, a passenger boat operator on the Regents Canal, I would like to make the following comments on moorings on the canal.

Boat owners who live on board their boats have the option to try to find a residential mooring or take out a continuous cruising Licence. A residential mooring in London would be very difficult to find and very expensive - £10,000 plus per year. As property to rent has become expensive in London more and more people have bought canal boats and live on board with a continuous cruising Licence which has no mooring charge. There has also been a big influx of these boaters from other parts of the country. They are occupying the few visitor moorings and parts of the towpath where there are no buildings(Kensal Green). With land value being so high in London there will not be the possibility for more residential marinas and most continuous cruisers would not want to pay for a mooring.

Passenger boat operators and other commercial carrying operations on the canal have been affected by the number of boats moored linearly along the towpath as it has increased the length of time it takes to make a journey and in places double mooring has restricted the navigation.

Although the Canal and River Trust has the power to deal with continuous cruisers who do not follow the Terms of the Licence and although they won a court case over this issue they have still taken no action to curb the growth of these boats. A further problem is that there are now a lot of boats with no Licence at all and some that are in very poor condition. There have been 4 that have caught fire since January 2013 and a further 2 sank last year. Some of these boats are rented out and yet no one would be allowed to rent a building out in such condition. Also boats very often double moor so if one explodes or catches fire it will take the one alongside with it.

While there were less boats on the canal pollution was not a big issue. However now with stoves producing smoke it is surely time that they had to comply with the Clean Air Act and used smokeless coal and recommended wood logs. All engines in private canal boats should be subject to emission standard as are all other vehicles. There are already rules about generator use but there will be no one to police their use and no sanctions applied to those who misuse them.

Now almost 200 years old the canal is part of London's heritage with value as an attraction for Londoners, visitors and tourists alike. It offers an insight into the history of industry, transport, architecture that linked London to the rest of the UK, and the way of life of a community almost gone. It also offers a green, rural, peaceful and open visual space which would be lost if the canal is turned into a boat park, full of moored boats with no activity either to watch or participate in. Realistically there will never be

Enough moorings for the number of boats who want them but do not want to pay for them so controlling the numbers must be done by economic means and better enforcement of rules.

Yours sincerely

Maggie French, Manager, London Waterbus Company Ltd

**From:**  
**To:**  
**Subject:** Moorings  
**Date:** 13 May 2013 09:27:17  
**Attachments:** [Clean Air and boats.pdf](#)  
[Ringelman ob table.pdf](#)  
[Ringelmann Smoke Chart.pdf](#)  
[Smoke Tpage.pdf](#)

---

Dear Matt,

Attached is a copy of a document I compiled and made publicly available a while ago to try and explain the law regarding smoke from boats stoves and its enforcement. There seems to be a great deal of confusion leading to claim and counter claim and various myths taking on lives of their own. These myths doesn't take into account the legal status that a vessel, has in UK marine law, which includes even narrowboats. If this legal status was formally acknowledged as it should be, it would have far reaching effects on the Canals and Rivers Trust operating procedures and the way it provides services to vessels on its waterways.

I think the document is clear as possible but if anything more is needed or anyone wishes to speak to me about this or any other matters connected. I can be contacted on using the details below.

Marcus Jones  
Master Mariner, TechIIMS, Registered Marine Surveyor  
J&M Marine Services



## **Application of smoke control legislation to boats on UK Waterways**

**Author Marcus Jones**

**Published  
January 2013**

### 1. Introduction.

1.1 This has been written in response to leaflets issued to owners of boats by The Canal And River Trust. After local residents complained to the Canal and River Trust about smoke from boats chimneys. In both King Cross and Little Venice, and Angel Islington. These leaflets cited the Clean Air Act 1956. This response is intended to try and explain the way that both the Clean Air Act 1956 and Clean Air Act 1993 apply to boats on the waterways managed by the Canals and Rivers Trust (CRT), formally British Waterways. The following questions need to be addressed.

- 1.2 What are the Clean Air Act 1956 and 1993?
- 1.3 What status do the boats have under the Clean Air Act 1993, if any?
- 1.4 How should the provisions of the Clean Air Act 1993 be applied to boats on CRT waters?
- 1.5 How are smoke control orders created?
- 1.6 Dark Smoke, what is it. And how is it measured?
- 1.7 Causes of the present situation with regard to vessels

### 2. About the Author.

Marcus Jones has over 25 years experience dealing with boats of all kinds and is a boat owner himself. Since gaining a Masters certificate in 1992 he has worked on the waterways in London on MCA class V passenger vessels as Master and in cargo and Lighterage operations with tugs on the tidal river Thames. In 2011 he graduated as a Marine Industry Surveyor after completing a diploma from the International Institute of Marine Surveying (IIMS). And is now a Technician member of the IIMS. He has also, over the years completed reports and consultations for waterways interest groups, both on the application of the UK Merchant Shipping Acts to boats on waterways managed by the Canal and River Trust, and various freight projects that have been proposed for London's waterways. Marcus Jones also runs J&M Marine Services with two work colleagues, who also have many years experience in the marine industry. He is also has an interest in meteorology and a member of the Cloud Appreciation Society.

### 3. Summary.

3.1 The Clean Air Act 1993 does apply to boats on CRT waters but only under the provisions made in Part VI Section 44 as boats on CRT waters fall within the definition of "Vessels" given in the Clean Air Act 1993 Part VII Section 64. The content of Smoke Control Orders have no effect on vessels covered by Part VI section 44. Overall it seems, that the consistent enforcement of the provisions in the Clean Air Act 1993 is seen as difficult by local authorities as far as any boats are concerned, which may explain how the present muddled situation has arisen since the commencement of the first Clean Air Act in 1956.

### 4. Abbreviations used.

CRT: Canal And River Trust

Act: Clean Air Act 1993

SCO: Smoke Control Order made under Part III section 18.

## 5. Questions.

### 5.1 What is the Clean Air Act 1956 and the Clean Air Act 1993?

- 5.1.1 The Clean Air Act 1956 was created after the major smogs that caused deaths in London up until the mid sixties due to the large volume of sulphurous sooty smoke produced by the burning of poor quality coal in London. This modified the natural Autumn and Winter fogs that form in the Thames river valley.
- 5.1.2 The Clean Air Act 1956 prohibited the emission of what it called Dark Smoke from chimneys on buildings whether used as domestic or industrial premises.
- 5.1.3 It also prohibited the sale and purchase of fuels that produce Dark Smoke, within Smoke Control Zones made under the Act by local authorities using Smoke Control orders.
- 5.1.4 The Clean Air Act 1993 consolidated and made small changes to the provisions made by the Clean Air Act 1956 which it also repealed on its commencement. The Clean Air Act 1993 commencement date was on 27<sup>th</sup> May 1993.
- 5.1.5 So its the Clean Air Act 1993 that frames Smoke Control Legislation today.

### 5.2 What legal status do boats have under the Clean Air Act 1993, if any?

- 5.2.1 The Clean Air Act Part VI Special Cases Section 44 makes a provision that applies to vessels. So does this apply to our case?
  - 5.2.1.1 In Part VII General Section 64 the Act states :

*"vessel" has the same meaning as "ship" in the Merchant Shipping Act 1995*
  - 5.2.1.2 So what does the Merchant Shipping Act 1995 define as a ship?
  - 5.2.1.3 Merchant Shipping Act 1995 Section 313 Definitions states:

*" ship " includes every description of vessel used in navigation.*
  - 5.2.1.4 So it would be safe to say, under the Clean Air Act 1993 any description of vessel that is used for navigation falls under this definition. So this would include narrowboats, barges, or any other description of vessel that has an engine or other means allowing it to move, or navigate from one place to another. Thus the provisions made by Part VI Special Cases section 44 "Vessels" applies.

**5.3 How do the provisions of the Clean Air Act 1993 apply to boats on CRT waters.**

5.3.1 Part VI Section 44 of the Clean Air Act 1993 can be applied to boats used in navigation as prescribed by that section. It provides for the Prohibition of dark smoke emissions from both chimneys and a vessel's engine. And allows for the prosecution of the person in command or charge of the vessel for an offence under this section. In full it reads:

*44.—(1) Section 1 (prohibition of emissions of dark smoke) shall apply in relation to vessels in waters to which this section applies as it applies in relation to buildings.*

*(2) In the application of section 1 to a vessel—*

*(a) for the reference in subsection (1) of that section to the occupier of the building there shall be substituted a reference to the owner of, and to the master or other officer or person in charge of, the vessel;*

*(b) references to a furnace shall be read as including references to an engine of the vessel; and (c) subsection (5) of that section shall be omitted;*

*and a person guilty of an offence under that section in relation to a vessel shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

*(3) For the purposes of this Act a vessel in any waters to which this section applies which are not within the district of any local authority shall be deemed to be within the district of the local authority whose district includes that point on land which is nearest to the spot where the vessel is.*

*(4) The waters to which this section applies are—*

*(a) all waters not navigable by sea-going ships; and*

*(b) all waters navigable by sea-going ships which are within the seaward limits of the territorial waters of the United Kingdom and are contained within any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under any Act to make charges in respect of vessels entering it or using facilities in it.*

*(6) Except as provided in this section, nothing in Parts I to III applies to smoke, grit or dust from any vessel.*

*(5) In subsection (4) "charges" means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.*

- 5.3.2 Looking at the elements of Section 44 in more detail. Subsection (4),(a),(b) further defines its application by defining the waters the vessel has to be in, for the provisions in this section to apply.

*(4) The waters to which this section applies are—*

*(a) all waters not navigable by sea-going ships; and*

*(b) all waters navigable by sea-going ships which are within the seaward limits of the territorial waters of the United Kingdom and are contained within any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under any Act to make charges in respect of vessels entering it or using facilities in it*

- 5.3.1 Section 44 Subsection (4) para (b) would cover wide canals that can be used by sea going ships, like Dutch barges, Thames sailing barges, and yachts etc. And Subsection (4) para (a) covers the narrow canals that are not navigable by sea going ships. The subsection (5) makes Section 44 include waters run by bodies like the Canal and River Trust who make any charges with the exception of light dues etc. By defining the meaning of the word “charges” These subsections of Section 44 read:

*(a) all waters not navigable by sea-going ships; and*

*(b) all waters navigable by sea-going ships which are within the seaward limits of the territorial waters of the United Kingdom and are contained within any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under any Act to make charges in respect of vessels entering it or using facilities in it.*

*(5) In subsection (4) "charges" means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.*

- 5.3.2 The subsection (6) of section 44 below means that Part I Section 1 the Prohibition of Dark Smoke as provided in Section 44 section 1 is the only part of the Act that can be applied to vessels; and no other Part of the Act from Parts I to III with regard to smoke,grit,or dust from a vessel covered by Section 44. Grit and dust would include ash or soot in smoke.

*(6) Except as provided in this section, nothing in Parts I to III applies to smoke, grit or dust from any vessel.*

#### 5.4 What are Smoke Control orders?

- 5.4.1 These are made by the local authorities, under Part III section 18 section 1 and create Smoke Control Zones. But the content of such Smoke Control Orders (SCO) has no effect on smoke, grit, or dust from vessels covered by Part VI Section 44 of the Act due to Section 44 subsection (6). However we will explain what a Smoke Control Order is and the Smoke Control Zone it creates.

*Section 18.—(1) A local authority may by order declare the whole or any part smoke control of the district of the authority to be a smoke control area; and any order area by local made under this section is referred to in this Act as a "smoke control authority, order".*

- 5.4.2 The definition of a local authority is given in Part VII section 64 "local authorities". It reads:

*"local authority" means—*

*(a) in England and Wales, the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; and*

*(b) in Scotland, an islands or district council;*

- 5.4.3 Section 18 subsection (2) allows for the content of a SCO to apply in different ways to different parts of the Smoke Control Zone. These changes can define how Section 20 (prohibition of emissions of smoke) applies to different classes of buildings, fireplaces, fixed boilers and industrial plant, and can even exempt specified classes of buildings, fireplaces, or industrial plant from the provisions that apply to the rest of the Smoke Control Zone made by the SCO.

*(2) A smoke control order—*

*(a) may make different provision for different parts of the smoke control area;*

*(b) may limit the operation of section 20 (prohibition of emissions of smoke) to specified classes of building in the area; and*

*(c) may exempt specified buildings or classes of building or specified fireplaces or classes of fireplace in the area from the operation of that section, upon such conditions as may be specified in the order;*

*and the reference in paragraph (c) to specified buildings or classes of building include a reference to any specified, or to any specified classes of, fixed boiler or industrial plant.*

5.4.4 If any changes need to be made this must be done by the issue of another SCO by a local authority as required by the provision in Section 18 subsection (3) shown below.

*(3) A smoke control order may be revoked or varied by a subsequent order.*

5.4.5 Schedule 1 defines the due process that must be followed to create a Smoke Control Zone with the issue of Smoke Control Order under Section 18.

### **SCHEDULE 1**

#### **COMING INTO OPERATION OF SMOKE CONTROL ORDERS**

*1. Before making a smoke control order the local authority shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order will relate a notice—*

*(a) stating that the local authority propose to make the order, and its general effect;*

*(b) specifying a place in the district of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and*

*(c) stating that within that period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.*

*2. Besides publishing such a notice, the local authority shall post, and keep posted throughout the period mentioned in paragraph 1(b), copies of the notice in such number of conspicuous places within the area to which the order will relate as appear to them necessary for the purpose of bringing the proposal to make the order to the notice of persons who will be affected.*

*3. If an objection is duly made to the local authority within the period mentioned in paragraph 1(b), and is not withdrawn, the local authority shall not make the order without first considering the objection.*

*4. Subject to paragraphs 5 and 6, an order shall come into operation on such date not less than six months after it is made as may be specified in it.*

*5. An order varying a previous order so as to exempt specified buildings or classes of building or specified fireplaces or classes of fireplace from the operation of section 20 (prohibition of smoke emissions in smoke control area) may come into operation on, or at any time after, the date on which it is made.*

### **SCHEDULE 1 CONTINUED**

*6. If, before the date on which the order is to come into operation, the local authority—*

*(a) pass a resolution postponing its coming into operation; and*

*(b) publish a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order will relate, the order shall, unless its coming into operation is again postponed under this paragraph, come into operation on the date specified in the resolution.*

*7. In the application of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.*

### **5.5 Who can enforce the provisions on the Clean Air Act 1993?**

5.5.1 Local authorities have a duty to enforce the provisions of Part I to Part IV of the Act. A local authority under the Act means a London Borough, City of London, Treasurers of Inner Temple Middle Temple in London and a district council of England and in Scotland a island or district council.

*"local authority" means—*

*(a) in England and Wales, the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; and*

*(b) in Scotland, an islands or district council;*

5.5.2 This means that only a local authorities that fulfil this definition can enforce the provisions of the Act not the Canal And Rivers Trust. However the CRT could make the emissions of smoke a condition of the CRT licensing terms and conditions. Any breach would be dealt with as, a breach of contract by the vessels owner or master which is covered by another area of law. But any such condition would have to take account of the provisions for vessels in Part VI Section 44 of the Act as any conflict could be challenged.

5.5.3 The only possible term that could be used from British Waterways "General Terms and Conditions for Boat Licences" is 7.5. But would really need modification before it could be used effectively and fairly. Which would require a consultation to be undertaken with boat owners and operators.

### **5.6 Dark Smoke. What is it, and how is determined?**

5.6.1 As we have explained only the Prohibition of the emission of dark smoke in Part I Section 1 of the Act can be enforced with regard to vessels on the CRT's waters. So what is "Dark Smoke" and how is it measured to give evidence that an offence has been committed under the Act.



5.6.2 The definition of Dark Smoke is given in Part I Section 1 Subsection 3 which reads:

**3.—(1) *In this Act "dark smoke" means smoke which, if compared in Meaning of the appropriate manner with a chart of the type known on 5th July 1956 (the date of the passing of the Clean Air Act 1956) as the Ringelmann Chart, would appear to be as dark as or darker than shade 2 on the chart.***

**(2) *For the avoidance of doubt it is hereby declared that in proceedings—***

***(a) for an offence under section 1 or 2 (prohibition of emissions of dark smoke); or***

***(b) brought by virtue of section 17 (smoke nuisances in Scotland), the court may be satisfied that smoke is or is not dark smoke as defined in subsection (1) notwithstanding that there has been no actual comparison of the smoke with a chart of the type mentioned in that subsection.***

**(3) *Without prejudice to the generality of subsections (1) and (2), if the Secretary of State by regulations prescribes any method of ascertaining whether smoke is dark smoke as defined in subsection (1), proof in any such proceedings as are mentioned in subsection (2)—***

***(a) that that method was properly applied, and***

***(b) that the smoke was thereby ascertained to be or not to be dark smoke as so defined, shall be accepted as sufficient.***

5.6.3 Smoke is in fact solid micro particles of soot, dirt, or grit in high enough concentrations to make the smoke visible. There are also other gases that are invisible too. The volume and nature of these micro particles can produce a smoke that can appear thin and translucent, or thick and opaque and coloured grey, brown, black, or yellowish if there is a lot of sulphurous soot making up the smoke.

5.6.4 Smoke emissions are measured using Ringelman Charts that a Professor Maximillian Ringelman created while in Paris in 1888. A set of these charts are included in Annex 2. An offence is committed under the Clean Air Act 1993 if any emissions of smoke is seen from a chimney over a period of time that appears darker than the Level 2 (40%) grid in the Ringelman chart series. The procedure forms used to make such observations using the Ringelman Charts is also given in Annex 1.

**5.7 Causes of the present situation with regard to vessels.**

- 5.7.1 It seems that local authorities are unsure how to enforce the Clean Air Act 1993 when it comes to boats in waters that are close to their boundaries and are covered by the Act.
- 5.7.2 Resulting in confusion among boat owners over Smokeless coals and there use.
- 5.7.3 The CRT issuing leaflets sighting the repealed Clean Air Act 1956 and Smoke Control Orders made under it, just further confuses boat owners as to how the law applies.
- 5.7.4 Local Authorities also seem to be unable to enforce the provisions of Part III with regard to the sale and purchase of unapproved fuels within a smoke control zone. An example of this is the growth in the sale of such fuels by garages etc. within London over the last 10 to 15 years. However this is not applicable to boats covered by Part VI Section 44, which would include the coal delivery boats working in London.

**23.—(1) Any person who—**

***(a) acquires any solid fuel for use in a building in a smoke control area otherwise than in a building or fireplace exempted from the operation of section 20 (prohibition of smoke emissions in smoke control area);***

***(b) acquires any solid fuel for use in any fixed boiler or industrial plant in a smoke control area, not being a boiler or plant so exempted; or***

***(c) sells by retail any solid fuel for delivery by him or on his behalf to—***

***(i) a building in a smoke control area; or***

***(ii) premises in such an area in which there is any fixed boiler or industrial plant, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.***

***(2) In subsection (1), "solid fuel" means any solid fuel other than an authorised fuel.***

***(3) Subsection (1) shall, in its application to a smoke control area in which the operation of section 20 is limited by a smoke control order to specified classes of buildings, boilers or plant, have effect as if references to a building, boiler or plant were references to a building, boiler or plant of a class specified in the order.***

***(4) The power of the Secretary of State under section 22 (exemptions relating to particular areas) to suspend or relax the operation of section 20 in relation to the***

*whole or any part of a smoke control area includes power to suspend or relax the operation of subsection (1) in relation to the whole or any part of such an area.*

*(5) In proceedings for an offence under this section consisting of the sale of fuel for delivery to a building or premises, it shall be a defence for the person accused to prove that he believed and had reasonable grounds for believing—*

*(a) that the building was exempted from the operation of section 20 PART III or, in a case where the operation of that section is limited to specified classes of building, was not of a specified class; or*

*(b) that the fuel was acquired for use in a fireplace, boiler or plant so exempted or, in a case where the operation of that section is limited to specified classes of boilers or plant, in a boiler or plant not of a specified class.*

## **6. Conclusions.**

6.1 The provisions made in Part VI Section 44 Vessels do apply to boats on the waterways managed the Canal and Rivers Trust, and can be enforced by local authorities that have these waterways within their boundaries.

6.2 However such enforcement, would require a big change in the way boats on these waterways are perceived by all the parties concerned with regard to there legal status under maritime law. Such a change may create issues in future over the way the Canal and Rivers Trust manage the waterways under its care, and the way it supplies services to boats using them.

6.3 Local authorities seem unaware of the relevant provisions in the Clean Air Act 1993 and how to enforce them with regard to boats.

6.4 The Canal And River Trust has no lawful power to enforce the provisions of the Clean Air Act 1993 as it is not an enforcement authority under that Act.

6.5 This has resulted in flawed information being given to both local residents and boat owners by all the authorities involved.

6.6 Resulting in conflict and confusion between boat owners and local residents who now live in developments in close proximity to waterways in cities like London.

**Annex I Use of Ringleman Charts**

**Annex 2 Ringleman Charts**

Observations made over time 30 minutes or longer for a commercial stack.

Recorded by			
Date			
Point of observation			
Distance from source			
Direction of Wind			
Wind Speed			
Colour of background behind smoke column	Dark or Light:		
	Colour:		

Measurement Number	TIME	Ringelman Chart Number
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
Total		

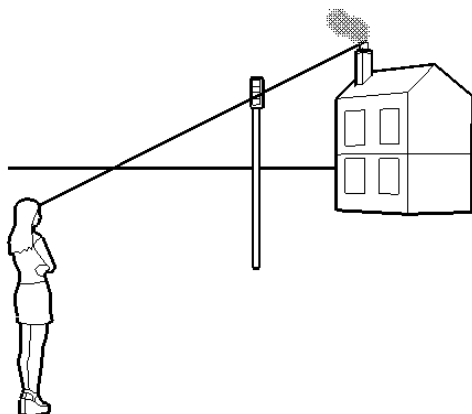
		Average Ringelman No:	Average smoke density %
Total Ringelman numbers	Divide	=	*20=
Total number of observations			

# The Ringelmann Smoke Chart

## CONTENTS

- Page 1 Explanation
- Page 2 Miniature Smoke Charts
- Page 3 Recording Table
- Page 4 The Ringelmann Smoke Chart

**Dark smoke** is partially burned particles of fuel, the result of incomplete combustion. It can be dangerous because small particles are absorbed into the lungs. **White smoke** is mainly tiny water droplets, generated when vapour released during combustion condenses in cool air. Generally, dark smoke is clearly visible against a light sky but difficult to see at night or against a dark background, white smoke is visible in darkness when illuminated but will be more difficult to see against a light sky background.



Smoke is commonly measured in terms of its apparent density in relation to a scale of known greyness. The most widely-used scale is that developed by Professor Maximilian Ringelmann of La Station d'Essais de Machines in Paris in 1888. It has a 5 levels of density inferred from a grid of black lines on a white surface which, if viewed from a distance, merge into known shades of grey.

There is no definitive chart, rather, Prof. Ringelmann provides a specification; where smoke level '0' is represented by white, levels '1' to '4' by 10mm square grids drawn with 1mm, 2.3mm, 3.7mm and 5.5 mm wide lines and level '5' by all black. A popular version is that published by the U.S. Bureau of Mines in circular 8333 of 1967. The British Standard version (BS2742:1969) alters Ringelmann's specification to give a chart similar, on modern paper with modern ink, to the probable appearance of charts produced on earlier, possibly darker, paper, with paler ink.

It should be remembered that the data obtained has definite limitations. The apparent darkness of a smoke depends upon the concentration of the particulate matter in the effluent, the size of the particulate, the depth of the smoke column being viewed, and natural lighting conditions such as the direction of the sun relative to the observer while the accuracy of the chart itself depends on the whiteness of the paper and blackness of the ink used.

## USING THE CHARTS

The large chart on page 4 should be printed with black ink onto very white card and mounted vertically on a board. It is preferably fixed to a pole or held by an assistant at a sufficient distance (typically c20m) for the lines to appear to merge into uniform grey rectangles and to be seen in line with the top of the chimney. The addition of a white (No. 0) square can provide a useful indication that both the chart and chimney are equally illuminated. If a larger chart is needed, the shaded rectangles can be made up into larger ones as mosaics.

The observer glances from the smoke, as it issues from the stack, to the chart and notes the number most nearly corresponding with the shade of the smoke. A clear stack is recorded as No. 0, and 100 percent black smoke as No. 5.

There is very little value in making a single observation. A series of observations should be made, preferably by two or more observers, over an extended period, at regular intervals. There is an example of a recording table on page 3.

**The Miniature Charts** on page 2 are not the official Ringelmann chart, but a handy interpretation of it, intended to be held at arm's length.



## PRINTING THESE CHARTS



Print this document on very white A4 size (210mm x 297mm) card – when printed, the box below should be 150mm long and 10mm high. For the charts on page 4, use only highest print quality and only black ink – you may have to adjust your printer settings.



**Smoke Laws** in both the UK and RoI define the level of smoke prohibited by law as 'dark smoke', darker than shade 2 of the Ringelmann Chart

**RoI: The Control of Atmospheric Pollution Regulation (1970)** prohibits the emission of dark smoke from non-domestic premises for more than a very few (specified) minutes per day.

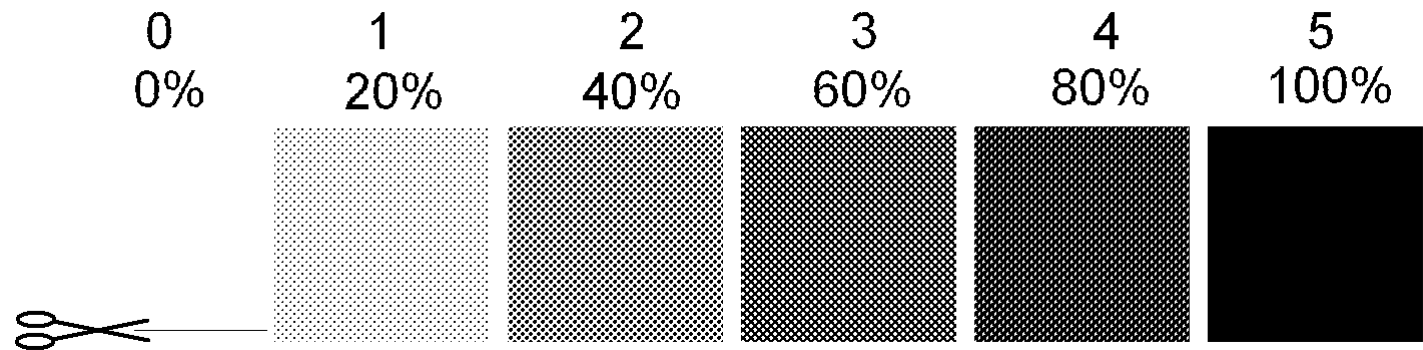
**UK: The Clean Air Act (1993)** prohibits the emission of dark smoke from all industrial premises and from domestic premises in designated smoke control areas, but allows a defence that the heating equipment was cold and being first lit.

**MINIATURE SMOKE CHARTS**

These charts are not the official Ringelmann chart, but simplified interpretations of it for everyday use.

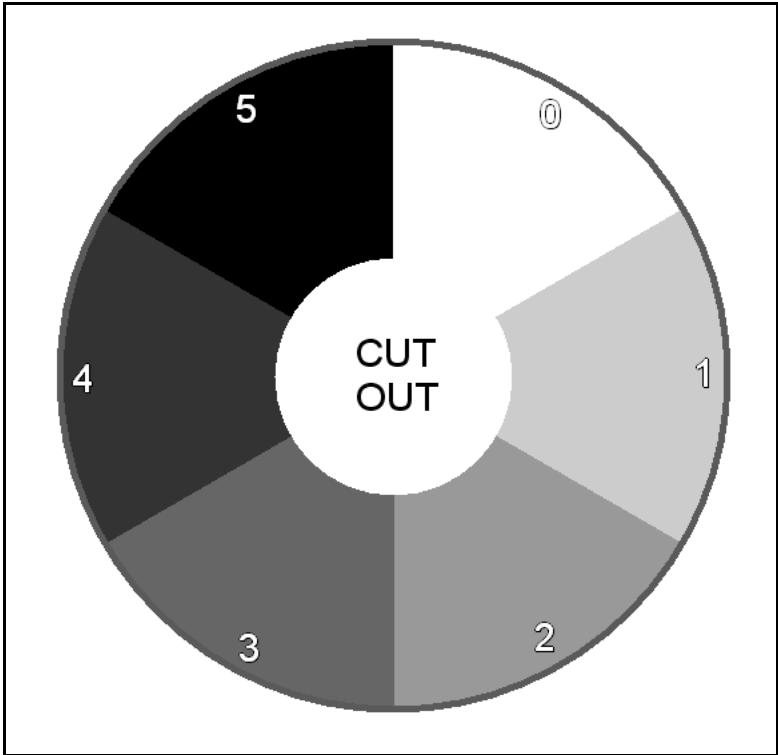
**BAR TYPE**

Black and white print. Cut along the edge shown, hold at arm's length and compare the smoke source with the cut edge.



**CIRCLE TYPE**

Grey-scale print. Cut out the central hole and hold at arm's length and view the smoke source through the hole.





## Ringelmann Smoke Observations Record

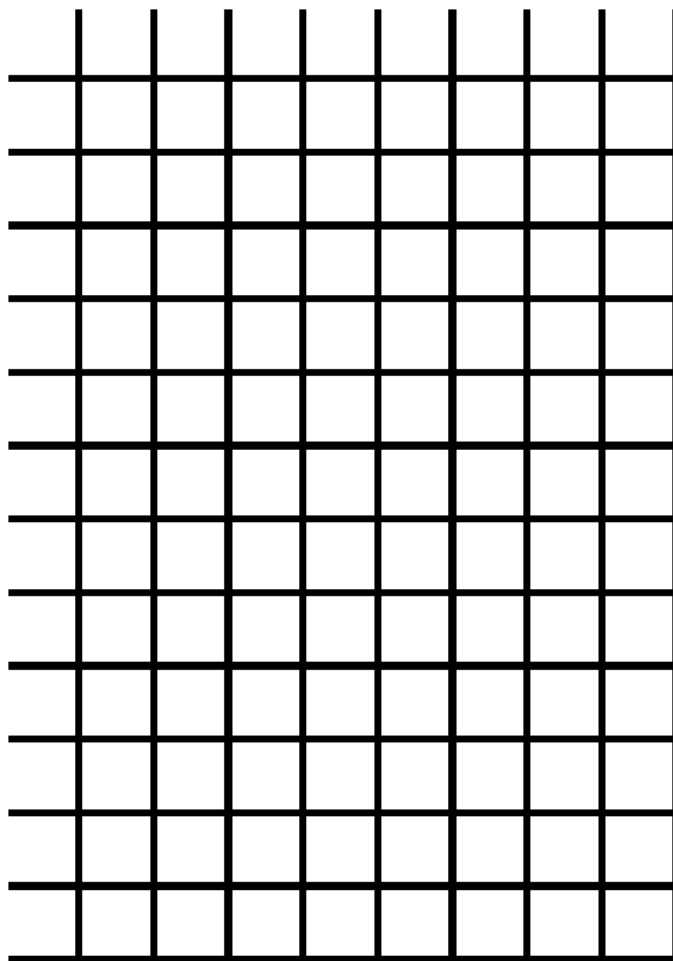
An example of a smoke observation record made every minute over a half-hour period. For observations of a commercial smokestack observations might be made every two to five minutes over 24 hours.

<b>Recorded by</b>	
<b>Date</b>	
<b>Point of observation</b>	
<b>Distance to stack</b>	
<b>Direction of wind</b>	
<b>Velocity of wind</b>	

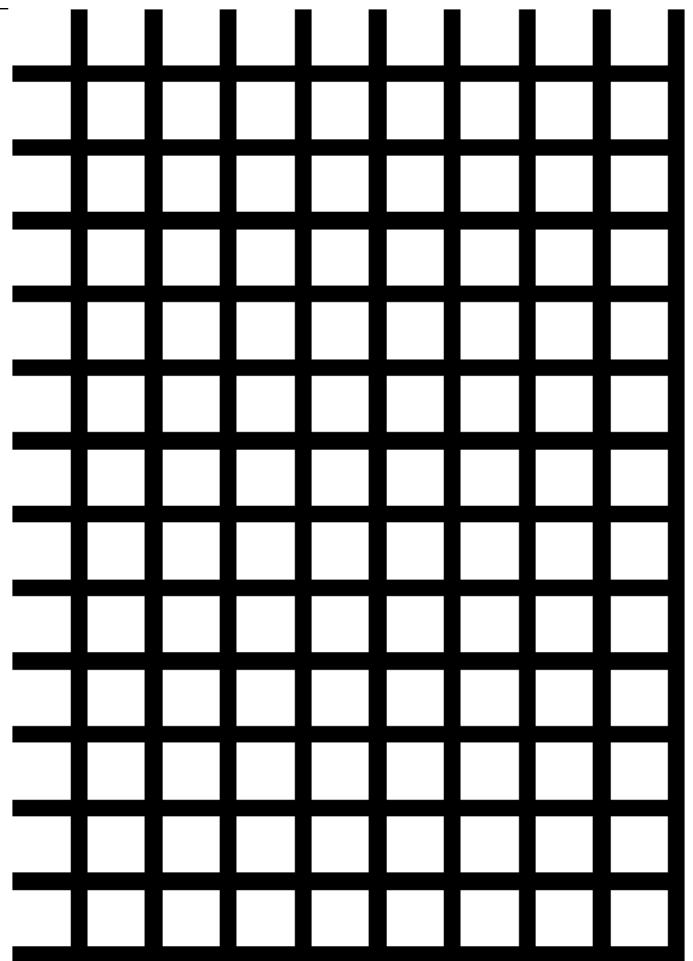
MEASUREMENT NUMBER	TIME	OBSERVED RINGELMANN NUMBER
1	12:00	0
2	12:01	0
3	12:02	0
4	12:03	0
5	12:04	0
6	12:05	0
7	12:06	1
8	12:07	1
9	12:08	1
10	12:09	2
11	12:10	2
12	12:11	2
13	12:12	0
14	12:13	3
15	12:14	3
16	12:15	3
17	12:16	1
18	12:17	1
19	12:18	1
20	12:19	1
21	12:20	1
22	12:21	1
23	12:22	1
24	12:23	1
25	12:24	1
26	12:25	3
27	12:26	3
28	12:27	3
29	12:28	3
30	12:29	3
	<b>TOTAL</b>	<b>42</b>

### SUMMARY

		Average Ringelmann Number		Average smoke density, %
Total of Ringelmann Numbers	<b>42</b>			
		<b>= 1.4</b>	<b>x 20</b>	<b>= 28</b>
Total number of observations	<b>30</b>			



270mm



← Ringelmann Grids

1: 20%  
3: 60%

2: 40%  
4: 80%

190mm

