



**Lee
Valley
Park**

LEE VALLEY REGIONAL PARK AUTHORITY

**LOWER LEE VALLEY REGENERATION &
PLANNING COMMITTEE**

09 SEPTEMBER 2010 AT 10:30

Agenda Item No:

7

Report No:

LLV/70/10

POLICIES FOR MOORINGS ALONG THE BANKS OF BRITISH WATERWAYS AND ISSUES ARISING FROM MOORINGS AT STONEBRIDGE LOCK

Presented by the Head of Planning and Regeneration

SUMMARY

This paper reports on revised mooring policies recently issued for consultation by British Waterways and what impact they will have on the Regional Park and in particular how far these policies address current issues arising from moorings at Stonebridge Lock.

RECOMMENDATIONS

- Members:
- (1) note the report, and
 - (2) approve the comments set out under paragraphs 14 to 25 as the Authority's response to British Waterways consultation on its Mooring policies and as a basis for addressing the specific issues at Stonebridge Lock.

BACKGROUND TO BRITISH WATERWAYS MOORING POLICY

- 1 British Waterways (BW) is responsible for the operation, maintenance and development of the majority of inland waterways of Great Britain. The use of these waterways (including much of the associated towpath and land) is subject to BW's permission. BW has a broad discretionary power to determine the terms and conditions under which any ship or boat may use any of the inland waterways that it owns or manages and this covers both mooring and navigation.
- 2 BW have several categories of mooring:
 - Residential moorings – a long-term mooring which has planning

permission and BW permission for the boat to be used as the occupant's sole or primary residence. There are no residential moorings in the Park.

- Long term moorings – where a boat is lawfully kept when not being used for cruising, users classify these as their 'home mooring', examples residential, leisure, trade moorings and
- Visitor mooring - a length of bank designated for temporary use for short periods of less than fourteen days only. Restrictions on use, including time limits should be clearly signed
- All other lengths of bank, unless signed as 'no mooring' are available for casual mooring for up to fourteen days

The distinction between residential and long term mooring is that planning permission is required for residential moorings and that users of long term moorings are not expected to occupy the boat permanently.

- 3 British Waterways has identified a growth in demand for moorings along the line of the waterways and a serious shortage of authorised residential moorings. Some areas of the canals are beginning to show signs of congestion with a fixed amount of towpath-side mooring space and a continuing growth in licensed boats some form of rationing is considered inevitable.
- 4 BW considers that residential moorings on its waterways are an acceptable use provided that mooring sites are suitably located, planning permission has been given, appropriate facilities are provided, the vessel complies with BW's boat standards and there is no conflict with other users.
- 5 BW are concerned that many of the 'visitor' mooring points are not used for casual cruising but as permanent mooring points. BW estimate that throughout the network about 25% of its directly managed mooring points may be in use as primary residences without the benefit of planning permission. This unauthorised activity may give rise to unsightly boats and use of the towpath for various activities which impede walking and cycling.
- 6 Where unauthorised sites are identified either the Local Planning Authority (LPA) or BW take enforcement. This can result in the unauthorised use moving when boats move to other mooring points or if the boat is seized causing homelessness requiring the local authority to find accommodation and pay housing benefit.
- 7 Following a period of research and policy development with stakeholders (including the Authority) during 2009 and early 2010 BW have now produced a policy document covering:
 - Long term moorings which deals with online mooring reduction and residential moorings; and
 - Short term towpath moorings including enforcement procedures, local mooring strategies, mooring zones and transient mooring permits.

Comments on this document have been invited pending its approval by BW Executive Board by the end September.

MOORINGS IN THE LEE VALLEY REGIONAL PARK AND SITUATION AT STONEBRIDGE LOCK

- 8 1,000 boats use the Lee Navigation. BW estimates that about 7% (70-80) of these are 'unlicensed'. 10% of boats are classed as continuous cruiser whereby boaters may moor for 14 days on any part of the towpath legally, unless notices advise otherwise.
- 9 Moorings if not managed well can detract from the amenity of the canal and the wider amenity of the Regional Park. At Stonebridge Lock there is a complicated mix of moorings, both long term and visitor, some of which officers understand maybe in unauthorised residential use. The location of these sites is shown on the plan included in Appendix A.
- 10 Cllr Bevan (LVRPA Member for London Borough of Haringey) has specifically raised concerns about the state of moorings at Stonebridge Lock and their impact on the local area. These are attached as Appendix B. As a result officers from the Authority met with BW in order to review the situation and establish a way forward, using Stonebridge Lock as a case study against which to test BW's emerging mooring policies.
- 11 The Park Plan (2000) recognises that boats are part of the river scene and can add character and life to the waterside without spoiling the environment if appropriately located. Residential moorings, however, are a permanent residential use and therefore contrary to the purpose of the Park. In addition, residential development is contrary to national Green Belt policy. The Park Act does allow the Authority to remove vessels and deal with house boats but only on waterways over which the Authority has control. In the case of the canals of the Lea Valley there are no waterways under the control of the Authority with the exception of a stretch of the River Lea in the Olympic Park adjoining the Authority's land holding.
- 12 The Park Plan does recognise that: "Permanent moorings can obstruct the navigation for recreational users such as rowing clubs or inexperienced pleasure boaters. There is also a visual difference between residential narrow boats and houseboats, the former being of a traditional design and capable of cruising. The Plan is supported by detailed criteria adopted by the Authority in 1993 which define appropriate circumstances for the location of residential moorings in the Park, (Paper D 811 Development Committee 23 September 1993 attached as Appendix C)
- 13 The Park Development Framework (PDF) includes a proposal under Visitor Access to the Park that seeks "to facilitate and support use of the navigation as a recreational, leisure and commercial transport network". The PDF identifies Stonebridge Lock as a secondary node where there should be new investment in the visitor facilities at the site. Officers are working with a range of partners to identify funding streams to deliver this.

COMMENTS ON BW MOORING POLICY & WAY FORWARD AT STONEBRIDGE LOCK

- 14 It is proposed that the following comments are forwarded to BW as the Authority's response to the mooring policies. Those policy areas that will assist

in addressing issues at Stonebridge Lock (as set out in Appendix B) have been highlighted; together will matters that require further attention and discussion with BW.

Comments On Long Term Mooring Policy

- 15 The Authority welcomes the criteria based policies 1 to 4 which seeks to regularise new online moorings and to reduce the number of online long term moorings. The current scope of clause 1d that new online moorings will only be acceptable if there are "no operational or environmental constraints to online moorings at the proposed location." where constraints are defined as including high boat traffic volumes, water availability and navigational safety should be expanded. New online moorings need to take account of and be assessed in terms of their impact upon the landscape value of the waterways, their leisure use (by anglers, pleasure boating, cyclists and walkers) and their ecological role.
- 16 Clause 2(ii) warrants review. This is considered an acceptable exception to the criteria discussed above. It states that "a proportion of visitor moorings may be allocated temporarily to boaters requiring a home mooring for winter months only". As with other aspects of the mooring policy the enforcement regime will be critical to the successful implementation of policy. The Authority would be concerned about the more lasting and extensive impact on the Park and its environment of semi – permanent home moorings, compared to visitor moorings and is also concerned that this exception might limit opportunities for visitors to moor up when travelling through the Park.
- 17 The revised policy wording under Residential Moorings policy 6 that new residential moorings are not acceptable alongside the towpath is supported and welcomed. The option for exceptions to be made in the context of local mooring strategies is appropriate.
- 18 Policy 12 which sets out how BW will respond to unauthorised full time residential use at long term leisure moorings is helpful. The Authority is concerned however that this policy may not resolve complicated cases of unauthorised residential use such as can be found at Stonebridge Lock.
- 19 The policy places the onus on the Local Planning Authority to establish whether a mooring is being used as a primary residence and whether planning enforcement is necessary. This is a critical issue at Stonebridge Lock where it is understood that the LPA has not taken enforcement action and where there are clearly difficulties in establishing the history and type of use and therefore the breach of planning control. Ultimately the Local Planning Authority has discretionary powers to take enforcement action against breaches of planning control. This will only apply to sites where there is clear evidence that permanent residential uses are being carried out at visitor and long term sites. Local authorities are also housing authorities and have a duty to find accommodation and pay housing benefit to people who may be made 'homeless' as a result of any enforcement action. The policy should be re-drafted to account for a shared enforcement role with both the local planning authority and BW. A protocol to implement this should be included in the policy.
- 20 The Authority itself has no powers of enforcement but is willing to facilitate a resolution to situations which arise in the Regional Park such as that found at Stonebridge Lock. As part of the discussions with BW, Officers have offered to

host a workshop to allow BW to explain to all riparian boroughs (including Harlow) the joint approach needed to help solve illegal mooring and suspected breaches of planning control.

Comments on Short Term Towpath Moorings Policy

- 21 The Authority supports BW's policy 13 to strengthen its enforcement processes in order to better target persistent breaches of licence terms and conditions. The issue of enforcement and the need for regular monitoring of towpaths and boaters is central to preventing unauthorised mooring and associated activities that impact upon visitor enjoyment of the Park such as the dumping of rubbish, structures appearing on the towpath, and rebuilding work carried out on boats adjacent to the towpath. It should also prevent the occurrence situations similar to that arising at Stonebridge Lock.
- 22 Officers have offered to assist with monitoring and data collection by developing a process of joint working between BW enforcement officers and the Authority's Ranger service, with BW providing the initial training. The Authority understands that BW has recommenced weekly patrols that cover the whole navigable length on the Lee and Stort to address these concerns. BW's initial focus for action has been in the LLV because of the Olympics but officers advised that this needs to be balanced with attention on the Navigation around the Lee Valley White Water Centre and other "hot-spots". BW have a system in place to enforce non licence holders and abandon boats, but it is lengthy and protracted and requires a dedicated enforcement resource.
- 23 BW has introduced a policy (14) to apply charges for extended stays at short term towpath moorings and the Authority supports this as an additional measure to deter over-stayers and help change behaviour. It will of course depend upon regular monitoring and enforcement as set out in Policy 13 and the Authority hopes revenue raised from the charges can be invested in the monitoring process and help to fund joint working with the Authority as mentioned above.
- 24 The Authority is interested in BW's policy (15) to develop local mooring strategies in those areas of the network where pressure on space along the waterway is most acute. This may be the way forward in the Regional Park offering a comprehensive approach to ensure 'problems' do not just move further along the waterway and could provide an additional mechanism for dealing with issues at Stonebridge Lock. The Authority would be interested in pursuing this matter further with BW and relevant riparian authorities.
- 25 The Authority notes BW's policy 17 to introduce an optional 'transient mooring permit' to meet the needs of residential boat owners who wish to cruise only within a limited area of the network the extent of which is insufficient to meet the qualifying requirements for continuous cruising. Clause 17.3 states that this may include a fixed location winter mooring for the months of November – March. Although BW's policy suggests there may be a limited number of permits issued the Authority would be concerned if this permit opened up the opportunity for residential use in the Park particularly if there is a need for residential winter moorings.

Conclusions

- 26 The long term impact of implementing all these policy changes on the numbers of boats using the Regional Park will have to be assessed. The Policy should be piloted and reviewed after 1 or 2 years.

ENVIRONMENTAL IMPLICATIONS

- 27 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 28 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 29 There are no human resource Implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 30 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 31 There are no risk management Implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

NAME	DATE
Policies for Moorings Along the Banks of the BW Waterways	September 2010

PREVIOUS COMMITTEE REPORTS

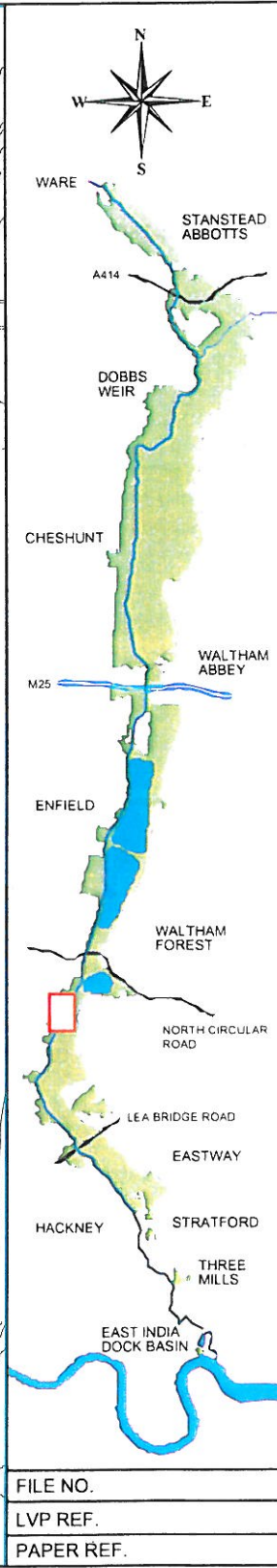
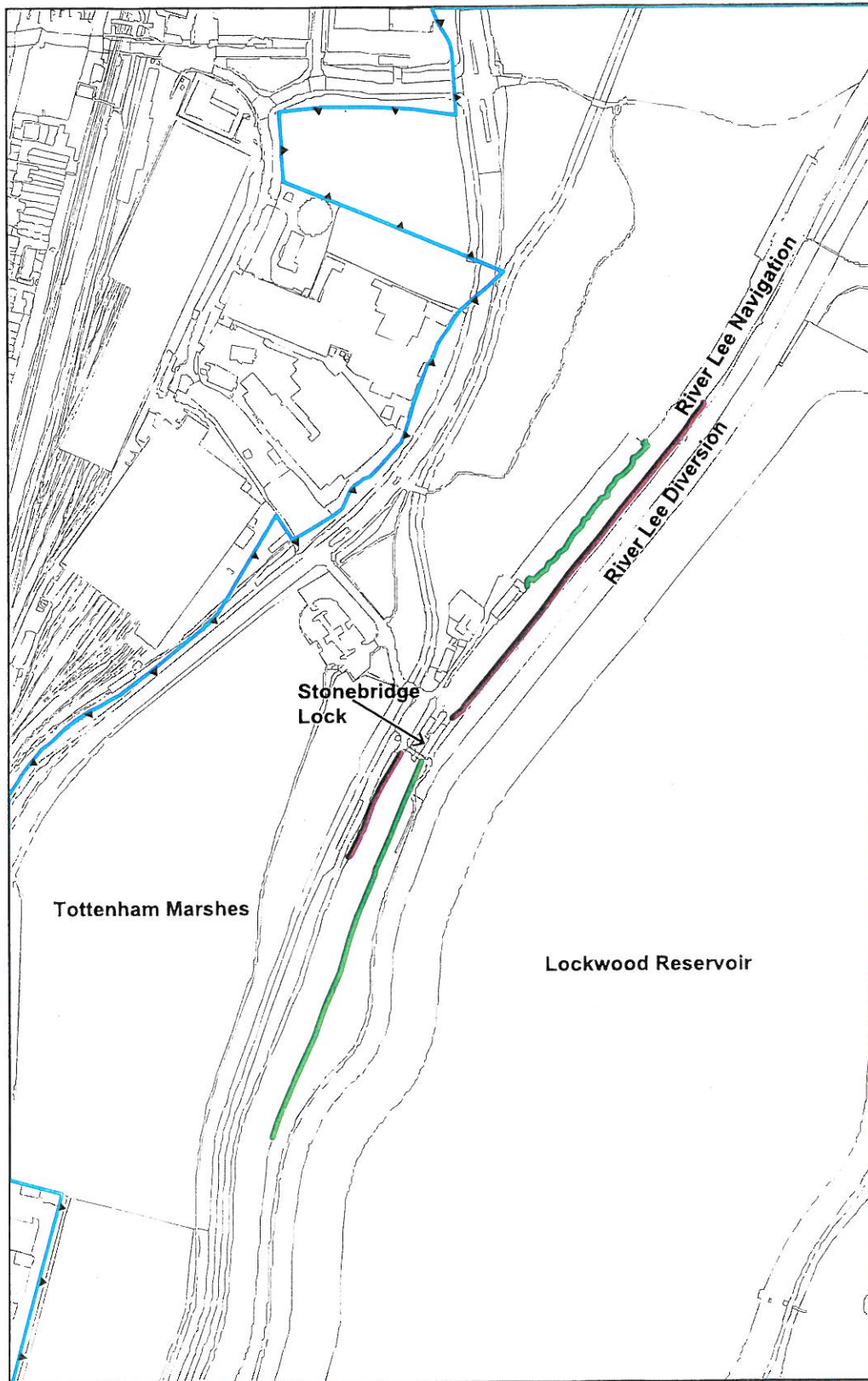
COMMITTEE	REPORT NO.	REPORT NAME	DATE
Development Committee	Paper D.811	Residential Mooring Policy	23 September 1993

APPENDICES ATTACHED

Appendix A	Map showing location of moorings at Stonebridge Lock
Appendix B	Issues relating to Stonebridge Lock
Appendix C	Paper D 811 Development Committee 23 September 1993

LIST OF ABBREVIATIONS

ABBREVIATION	IN FULL
BW	British Waterways
LBH	London Borough of Haringey



FILE NO.	
LVP REF.	
PAPER REF.	

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Mooring Policy: Stonebridge Lock, Tottenham March, Watermead Way, london, N17 0XD

 Long Term Mooring
  Visitor Mooring
  Park Boundary



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Issues relating to Stonebridge Lock

Cllr John Bevan (LVRPA Member for LB of Haringey) had suggested the following actions for the Authority to consider to resolve the situation at Stonebridge Lock:

- designate stretches of river bank as overnight mooring – this may help deter over stayers from ‘squatting on the rivers edge’. We will need to do this in partnership with both BW, LBH and LVRPA staff working together to enforce these ‘controlled zones’. This will need a dedicated resource, time and perseverance;
- review the planning issues with LBH to legitimise and improve the moorings at Stonebridge Lock. It is understood that many of the moorings are being used as permanent accommodation (against planning designation) and residents in some circumstances are receiving housing and other benefits. If this use was in some way legitimised we could then begin to enforce new mooring site conditions which would improve the look of these areas;
- identify other locations to moor boats – it is understood that there is a huge waiting list for moorings in London with very few designated residential moorings – the Authority will need to work with the riparian boroughs and adjacent owners to see where we may be able to create small eco / sustainable moorings by indenting the river bank and establishing services;and
- ring fence income derived from these residential moorings for investment in the area and mooring enforcement.

Paper D 811

LEE VALLEY REGIONAL PARK AUTHORITY

DEVELOPMENT COMMITTEE - 23 SEPTEMBER 1993

**RESIDENTIAL MOORINGS:
POLICY**

Report by Director of Development

1. BACKGROUND

- 1.1 At the meeting of the Development Committee on the 25th February, 1993, Members considered a report which reviewed the Authority's policy with regard to residential moorings (Paper 773). It was agreed that Officers should undertake a full examination of the issues concerning residential moorings.
- 1.2 This report reviews the policy initiative taken by British Waterways to regulate the mooring of houseboats on the canals and rivers in Britain. Pressure to create a number of authorised sites within the boundaries of the Park, along the River Lee, has increased over the last twelve months. The most recent proposal by British Waterways involves the establishment of moorings adjacent to an existing recreational facility, on the River Lee in Hackney. This proposal prompts an examination of the Park's policy towards this type of use, as set out in the 1986 Park Plan. The Park is confronted with a dilemma between resisting the establishment of a use which is mainly residential in character or encouraging an activity which could help rejuvenate the river scene.

2. BRITISH WATERWAYS STRATEGY

- 2.1 British Waterways accept that residential moorings on canals and rivers are an acceptable use provided that:
 1. Mooring sites are suitable.
 2. Planning permission has been given.
 3. Appropriate facilities are provided.
 4. The vessel complies with BW's boat standards.
 5. There is no conflict with other users.

The waterways were constructed for the passage of boats so there is a need to regulate the numbers of residential moorings to ensure that there is room for all users of the waterways.

- 2.2 At present there is an acute shortage of authorised residential moorings with many boats moored at random locations, convenient to the owner. These moorings lack consent both from British Waterways and the local planning authority. They lack facilities for the disposal of rubbish and sewage and this leads to problems of pollution. Generators used for electricity, and solid fuel for heating cause noise and smoke pollution. Unauthorised moorings may contain very old craft with adjacent sheds, shacks and vehicles alongside, creating eyesores such as at Tottenham Marsh in Haringey. Many visitor moorings are occupied by these unauthorised boats causing problems for people who are cruising on the waterways.

- 2.3 British Waterways estimate that there are approximately 600 unauthorised houseboats in the South East, with about 200 of these being within the London area.
- 2.4 The strategy adopted by British Waterways is firstly to establish additional permanent residential moorings. In addition, a programme of clearing sites that are causing environmental problems has been instigated. Over time British Waterways anticipate that a substantial number of vessels will be accommodated on authorised sites. At the same time, however, many boatowners who comply with British Waterways standards, and who would be willing to pay to moor their boats at properly established residential moorings, will be unable to do so because of the shortage of available sites. British Waterways propose, therefore, to establish temporary mooring sites for short term occupation subject to planning permission. These sites will not have the full range of facilities and will be limited to a maximum life of five years.
- 2.5 Houseboat dwellers who registered with British Waterways by 31st October 1991, and whose boats were found to be fit for human habitation and inherently safe were issued with a consent for temporary use of their boat as a houseboat and a mooring permit for a period of five years until 30th April 1996.
- 2.6 In future, all boats will have to comply with Boat Standards which cover all aspects of boat safety. Boat Standards are to be linked to the issue of boat licences and certificates. The scheme will be applied to all boats on the waterways irrespective of the age of the boat.

3. PARK PLAN ISSUES

- 3.1 The meaning of development is set out in the Town and Country Planning Act 1990 Section 55. Whilst not making specific mention of the mooring of houseboats, the situation has been made clear in a number of Appeal decisions that the mooring of a boat otherwise than in the normal course of navigation involves a material change of use of the land over which it is moored, and that where the boat was being used for living accommodation then the prime use is for residential purposes.
- 3.2 The 1966 Act gave the Authority a remit confined essentially to leisure and recreation within the boundaries of the Park. Several policies in the 1986 Park Plan are designed to assist the Park in the exercise of its remit.

GEN1 THE AUTHORITY WILL NORMALLY RESIST PROPOSALS FOR DEVELOPMENT OF A NON-RECREATIONAL OR NON-LEISURE USE WITHIN THE PARK PARTICULARLY WHERE SUCH PROPOSALS WOULD CONFLICT WITH THE AUTHORITY'S OWN PLANS FOR AN AREA.

Given its location in relation to Greater London, the Park has been subject to continuing pressure for residential development. To resist this pressure the 1986 Park Plan set out a clear policy position:

RES1 THE AUTHORITY WILL NORMALLY RESIST NEW RESIDENTIAL DEVELOPMENT WITHIN THE PARK.

- 3.3 The Park does not automatically support a development proposal merely because it is recreational in nature as explained in the recreational policy:

RCN1 THE AUTHORITY WILL CONSIDER CAREFULLY PROPOSALS FOR NEW OR EXTENDED RECREATIONAL DEVELOPMENTS WITHIN THE PARK EITHER FROM LOCAL AUTHORITY OR PRIVATE INTERESTS. SUCH PROPOSALS SHOULD BE APPROPRIATE TO THE PARK,

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