

 <p>LEE VALLEY REGIONAL PARK AUTHORITY</p> <p>LLV REGEN & PLANNING COMMITTEE</p> <p>10 FEBRUARY 2011 AT 10:30AM</p>	<p><u>Agenda Item No:</u></p> <p>9</p> <p><u>Report No:</u></p> <p>LLV/80/11</p>
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BRITISH WATERWAYS MOORINGS MANAGEMENT PLAN

Presented by the Head of Planning and Strategic Partnerships

SUMMARY

Following on from the adoption of a new National Moorings Policy, officers from British Waterways are now working on the production of a Moorings Management Plan covering the Lee and Stort Navigations.

RECOMMENDATIONS

Members Note: (1) the report.

BACKGROUND

- 1 In September 2010 (Paper LLV/70/10) Members were consulted on a revised national mooring policy being proposed by British Waterways (BW). A copy of the Authority's response is attached at Appendix A to this report.
- 2 Following on from British Waterway's adoption of the new policy, Cllr John Bevan and LVRPA officers met officers from British Waterways at Stonebridge Lock to illustrate the Authority's concerns, in particular:
 - Apparent residential use of long term moorings;
 - unacceptable appearance of some craft; and
 - excessive towpath mooring including boats overstaying permitted timeframes and unacceptable uses of the towpath.
- 3 A meeting was recently held with the Authority's ranger team and Head of Green Spaces Manager and staff from BW. At the meeting it was agreed that where resources allow the ranger team will provide information on an adhoc basis if they suspect unauthorised mooring activities.

RESIDENTIAL MOORINGS

- 4 BW re-iterated the issues relating to boat occupation when long term leisure

moorings may become used for permanent residential accommodation. Their policy, having undergone national public consultation, states that unauthorised residential use may be contrary to planning control and it is for the Local Planning Authority to establish use as a primary residence, and whether planning enforcement is necessary. Where there are concerns about a site, BW will assess its suitability for residential use and seek an appropriate resolution.

- 5 BW would welcome the Authority's support for the establishment of residential mooring sites, owned and managed by private operators, along the Valley as they feel that the granting of planning permission for new sites could carry appropriate conditions regulating future upkeep and maintenance as well as strengthening the local authorities' ability to enforce breaches.
- 6 The Authority's officers have informed them that the Authority is consistent in seeking to resist residential use given that it is contrary to the purpose of the Park.

APPEARANCE OF CRAFT

- 7 All boats need to meet the requirements of the Boat Safety Scheme which is designed to ensure safety and fitness for navigation but BW have no powers to oblige owners to ensure that their vessels are aesthetically pleasing, other than a condition in agreements for BW moorings requiring the owner to keep the outside of the boat in reasonable repair. However this issue does remain a concern given the poor state of many boats and the appearance of some of the compounds around the long term moorings. Officers have agreed that where resources permit they will report to BW on matters of concern.

CONTINUOUS CRUISING

- 8 BW has consulted the Authority on draft management proposals which it is developing for managing towpath and visitor moorings on the River Lee. These proposals will be consistent with the recently adopted national policy. The River Lee has been identified as a priority for BW because of the high concentrations of boats moored on visitor moorings and towpaths, the detrimental effect on genuine cruising and the forthcoming 2012 Olympics creating a security need for tighter control of boats, along with high demand for visitor moorings.

NEXT STEPS

- 9 BW will consult with stakeholders in due course to help inform its emerging management plan.
- 10 It is intended that BW will attend the April Authority meeting to present their emerging Mooring Management Plan for the Lee and Stort and to discuss any implications that this will have for LVRPA and the riparian local authorities.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 12 There are no financial implications arising directly from the recommendations in

this report.

HUMAN RESOURCE IMPLICATIONS

- 13 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- 15 There are no risk management implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

LLV	LLV/70/10	Policies for Moorings along the banks of British Waterways and issues arising from Moorings at Stonebridge Lock	September 2010
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LIST OF ABBREVIATIONS

BW	British Waterways
LVRPA	Lee Valley Regional Park Authority

APPENDICES ATTACHED

Appendix A	Authority's Response: Consultation on Moorings Policy September 2010
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Appendix A to Paper LLV/80/11



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Sally Ash
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10 September 2010

Dear Sally

Lee Valley Regional Park Authority Response: Consultation on Moorings Policy Sept 2010

Thank you for consulting the Authority on the revised Mooring Policy document dated September 2010. It is noted and welcomed that a number of the comments made by officers on the earlier draft policy have been taken on board by BW. These revisions together with the very informative discussions held between officers last month provide a useful and positive way forward in respect of moorings in the Regional Park.

The Mooring Policy document was considered by the Lower Lee Valley Regeneration and Planning committee on the 9 September 2010 and the Authority's comments as approved by Members are set out below. These comments will reach you in time to be considered prior to the meeting of your Executive Board. The Authority is anxious that its comments regarding the enforcement of long term moorings are referred to the Board as a matter of priority.

Our comments also refer to the unacceptable state of the moorings at Stonebridge Lock which is of particular concern to Members.

Comments on Long Term Mooring Policy

The Authority welcomes the criteria based policies 1 to 4 which seek 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.

Clause 2(ii) warrants review. This is considered an unacceptable 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.

The revised policy wording under Residential Moorings policy 6 that new residential moorings are not acceptable alongside the towpath is supported and welcomed.

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.

Furthermore by placing 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 policy implicitly acknowledges that BW has insufficient capacity to manage and enforce long term moorings without the risk of them obtaining residential status and lawful use (which can be established after 4 years).

This is a critical issue at Stonebridge Lock where it is understood that the local planning authority 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 between both the local planning authority and BW. A protocol to implement this should be included in the policy which identifies how and when evidence is collected to address this issue when it arises at specific sites.

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

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.

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.

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.

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.

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.

Finally the Authority would conclude that 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.

Yours sincerely

Stephen Wilkinson
Head of Planning and Regeneration

Cc Denise Yelland and Richard Rutter

