

1. Introduction

1.1 I am the tidal Thames representative for the Residential Boat Owners Association, of which I have been a member for over 35 years. I have lived on, owned and operated a narrow boat based at Hope Pier, Hammersmith on the tidal Thames for over 40 years. I am a director of Hope Pier Limited, a not-for-profit company, which owns the river works and runs the residential moorings at that location.

1.2 I hold a Diploma in Architecture and a Certificate in Amenity Horticulture. I was employed as an Architect/Planner for British Waterways for 7 years, and was principal of an architectural practice for over 40 years. I have been involved in designing moorings and waterside developments on the tidal Thames and at many other locations in the UK. I am now retired and no longer an architect.

1.3 I commented on the PLA's Thames Vision in February 2016 (**RBOA/3**). I agreed with the stated aims of making the most of the River's multi-functional potential, and said I considered it possible to achieve all those aims safely and sustainably. My main concern about the draft document was that it did not properly address issues arising from the wash of high-speed vessels. Rather, the document saw the nature of the residential vessel and location and type of mooring, rather than the perpetrators of the wash, as being the problem.

1.4 My objections to this HRO and comments on the evidence of other objectors are intended to be constructive. I'd like to believe we have common purpose in wanting a clean, safe and healthy river that is well-used and enjoyed, socially useful and efficiently run, and that any differences between us are about how those objectives might best be achieved.

2. Comments on evidence presented to the Inquiry

Stakeholder engagement

2.1 My evidence is that river works licensees were not consulted about this HRO, even though the PLA invoice them periodically and must have their contact details. The PLA says it has gone beyond what is legally required. However, government guidance is that effective engagement is essential *"to understand stakeholders' views about the harbour and key issues from their perspective"*.

2.2 I have heard arguments from other objectors that there is, or should be, a right to propose additional powers for inclusion in an HRO which might enable a harbour authority to fulfil its duties more effectively. An interactive process seems to me essential in achieving effective engagement by stakeholders, and I offer these comments accordingly.

2.3 An example of successful stakeholder engagement was the PLA's decision to set up a steering group to advise on charges for river works licences for residential use. The result was a report that provided a methodology for calculating charges taking into account the size of the vessel, its location, and inflation and the market over time. The issue had been a bitter bone of contention that poisoned relations between residential boat owners and the PLA for many years. Painful though the process was - "scarred for life" was a comment I heard - the proposals were widely accepted by stakeholders and adopted by the PLA (**RBOA/4**).

2.4 I have heard evidence from other objectors about the perceived injustice of the PLA's charges for balconies overhanging the Thames. A steering group, similar to that in respect of charges for river works licences for residential use, could be set up to determine a methodology and whether the balconies should be the subject of a river works licence for obstructing the public right of navigation, or an easement for occupying airspace over the PLA's land.

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2.5 I suggest the PLA Act might usefully be amended as part of this HRO, requiring all charges to be consulted on, and, if possible, agreed with stakeholders. In view of the PLA's monopoly position, there should be transparency in the process for resolving disputes to reassure stakeholders that they are being treated fairly. So I suggest the provisions for arbitration at Section 67 of the PLA Act could be deleted in favour of a more open forum.

Visitor moorings

2.6 The National Barge Travellers Association (NBTA) is concerned about people who live on boats and travel, whether through choice or lack of affordable permanent residential moorings. I have less experience of the types of problems it deals with, but, having read its evidence, I support its objections to the HRO.

2.7 The NBTA's objections highlight the need for more public and visitor moorings on PLA waters to enable vessels navigating the river to stop and moor. A common law right to do so is well-established in case law. London Plan 2021 Policy SI 16 (**RBOA/5**) recognises the need for both short- and long-term moorings. A guidance document on the permitted development rights of statutory undertakers (**RBOA/6**) prepared by the Canal and Rivers Trust indicates that the PLA, or its lessees, have powers under the General Permitted Development Order 2015, Schedule 2, Part 8, Class B to establish visitor moorings, services and facilities in the river.

2.8 There appears to be no strict rule about how long vessels are allowed stop. It seems to me, especially in the case of residential boats where the exigencies of home-life need to be sustained, it must depend on the circumstances. The proposal in the HRO to limit the duration of stay to 7 days in any month on any part of the river seems unreasonable, indiscriminate and potentially unlawful.

2.9 With the established common law rights to moor, it is difficult to see how the issue of trespass arises, unless some form of nuisance or harm is being caused. Even where there is nuisance or harm, an opportunity should be provided for it to be abated, if possible. Furthermore, the provision of services and facilities, such as mooring rings or bollards, water supply, sewage and refuse disposal, whether by the PLA or its lessees, would reduce the risk of nuisance or harm arising and fall within the PLA's conservancy duties.

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2.10 In view of the above, it seems to me the PLA Act might usefully be amended as part of this HRO to require the PLA to take adequate steps to maintain, improve or provide new facilities in the river for navigating vessels wherever it can be demonstrated there is a need.

Environmental harm arising from vessels in the river

2.11 I have heard evidence from the River Residents Group, which has highlighted issues of harmful emissions from vessels using the Thames in the form of sewage pollution, air pollution from engine exhausts, noise from engines and party boats, and excessive wash from high-speed vessels.

2.12 In examination the PLA's response has been:

- sewage from commercial vessels is a difficult problem to deal with because of the the quantities involved and the difficulties of retrofitting holding tanks in some older vessels
- noise and exhaust emissions are the responsibility of either the Port Health Authority or the riparian local authority
- very few instances of vessels exceeding speed limits or causing excessive wash have been proven.

2.13 In 2012, the PLA introduced a by-law making it an offence for vessels to discharge sewage into the river. As a consequence many river works owners installed sewage pumping facilities from vessels moored at their works to the mains sewer on-shore. Often this involved laying drains over extensive distances, in difficult ground conditions and close to flood defences, requiring permissions from riparian owners, highway authorities and/or the Environment Agency, all at the river works owners' expense, typically involving tens of thousands of pounds,

2.14 For several decades, until about 1998, sewage sludge from the Crossness and Barking sewage works, which serve much of London, was routinely transported and deposited in the North Sea by ships, known as Bovril Boats, and named after London boroughs. The PLA should explain why it has not been possible to use such ships to collect sewage from visiting vessels, such as cruise liners, and transport it to the sewage works, presumably at the expense of the visiting vessel's operators.

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2.15 Another question, I suggest, should be why the PLA hasn't required all piers on the river (some owned by the PLA) to install sewage disposal facilities for use by visiting boats and passenger vessels with holding tanks. The number of piers on the river might enable even older vessels with small holding tanks to avoid discharging sewage into the river.

2.16 On the matter of exhaust and noise emissions, it is acknowledged that prosecution of an offence rests with Port Health and/or the local authority. However, I suggest the HRO could usefully amend Section 125 of the Act to enable the PLA to refuse, revoke, suspend or terminate a licence for a vessel to operate within the port, whether issued by the PLA or the MCA, if it causes environmental harm. Even if the provision were never invoked, it would enable the PLA to issue warnings and might incentivise operators to comply with the relevant environmental standards.

2.17 On the matter of wash from high-speed vessels, based on my observations and from reports I have heard, I consider it more probable than not that the degree and frequency of wash generated by clippers is responsible for causing serious harm to the occupants of residential boats, wildlife, the foreshore and structures in the river. It has not been possible so far in this Inquiry to ascertain from the PLA if any assessments have been carried out.

2.18 In examination, the Chief Harbour Master suggested that increased rainfall and water flows could be responsible for changing the nature of the foreshore. Independent ecological assessments of areas of foreshore within and outside the stretch of river where clippers operate, would quickly indicate whether or not clippers are causing serious environmental harm.

2.19 If clippers are causing environmental harm, speed and other operational restrictions would need to be reviewed, I suggest under the aegis of a steering group including stakeholders. Additional powers provided by an amended Section 125, as proposed above, would also enable the PLA to refuse, revoke, suspend or terminate their licences to operate as appropriate.

3. The RBOA's original objections to the HRO

Article 4: Definition of "houseboat"

3.1 River works and mooring permissions enable the PLA to control how they are used. Where they involve residential use the consideration is based on the size of the vessels moored at the works using the methodology for houseboats adopted by the PLA. They are referred to as "houseboats" whether or not the vessels are in fact "used primarily as a place of habitation".

3.2 The RBOA remains unconvinced that a definition is necessary or helpful. The main issue seems to be whether or not a vessel is for the time being someone's home, requiring it to be treated differently from a vessel that is not. I would be guided by the NBTA on this point.

Articles 30 & 31: Revocation and termination of works permissions

3.3 The PLA has agreed to delete the word "convenient" at Section 66(2)(a) of the amended Act. We therefore withdraw our objection on this point.

3.4 However, Section 66(2) of the Act still allows the PLA to vary, suspend, revoke or terminate works permissions on grounds of navigation, conservancy or environmental issues. In view of the problems some boat residents experience from persistent and excessive wash, we propose, as already noted above, that Section 125 of the Act should be amended so that the PLA can also vary, suspend, revoke or terminate the licences of vessels causing navigation, conservancy or environmental issues.

Article 66: Identity of master and owner or occupier

3.5 The evidence of the Chief Harbour Master was that circumstances triggering a request for information might be fireworks or lights detrimental to navigation. He said the PLA keeps no record of unlicensed vessels using the river, and acknowledged making a request for information in writing might be difficult if the identity of the owner, master or occupier is unknown. It should also be noted that no time limit is given within which the owner, master or occupier must reply before committing an offence.

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3.6 We recognise the desirability for owners and masters of vessels to be identifiable. However, we remain concerned about the requirement to provide identities of occupiers, and consider that the explanations given do not justify contravention of Article 8 of the ECHR.

Clive Wren

Tidal Thames Representative, RBOA

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