

Statement of Case from the Barge Association (DBA) for the public inquiry into the Harbour Revision Order (HRO) proposed by the Port of London Authority (PLA)

Consultation process

The Barge Association submitted a response to the MMO's consultation by the deadline [our record is for 21.55 on 11th Oct 2021]. Like all others it seems, we did not receive any acknowledgment from the MMO. When others were known to have received some feedback from the PLA, the DBA checked with the PLA and was reassured on 01/04/2022 that our submission was with the PLA's solicitors. Since we have no record of making ourselves any sideways copy to the PLA of the submission made to the MMO in October 2021, the PLA's copy could only have come from the MMO. That implies that it should have been registered properly in the system as an objection. There are claims from the PLA, now public in the inquiry bundles, about the DBA submission being disregarded by them since it was made after the submission deadline. The evidence suggests there has been an error in recording the DBA's submission by both the MMO and PLA, and the DBA hopes for an apology and public correction. This also raises questions on how many other consultation responses submitted by the deadline could have been 'lost', maybe never to reappear.

Limits on casual moorings [70(1)(b)]

There has been some helpful movement and explanation from the PLA on this. Our current views are as stated in early September 2024. We are still unclear of the position for dinghies left at the bank, say when its barge has been anchored but crew need to go ashore. Also, we remain unclear about the new proviso of "(g) any vessel mooring at a work for which no works permission is required". It would help if the DBA could be persuaded these new powers would not be used under the sorts of exceptional disruptions to through passage we have seen in recent years, eg closure of Hammersmith Bridge, and many months of flood conditions/red boards on the non-tidal river. For now, this objection remains but it might not take much movement from the PLA to persuade us otherwise.

Unserviceable vessels

Not every barge looks its best all the time, but there would now be a new danger of the harbour master deciding the barge is 'unserviceable', to standards that are not explicit but dependent on his opinion being reasonable, with some notice but without any appeal. Such 'unserviceable' barges, which could include those awaiting restoration, could be seized and sold by the PLA. This proposed change in 120A is not needed and should be omitted, or else heavily modified to become limited to any vessels which are (a) genuinely a potential but unrealised hazard to navigation (the initially-stated rationale); and (b) have been truly abandoned by their owners but somehow excluded from the existing s120(1), and (c) have no intrinsic historical significance and (d) with full rights of appeal. A protection for houseboats has been added here, but otherwise nothing to address the concerns raised by the DBA, so these objections remain.

Overcrowding

For private vessels like the barges of our members the judgement of how many people could be invited to a party on a moored vessel should be for the vessel owner, not the PLA with their

undefined standards of 'overcrowding'. The DBA still argues that non-commercial vessels should be exempted from 110(1).

Demand for information

Demands for information on a boat's occupier ignores common decency, privacy and the GDPR. It may be counter to s8 of the Human Rights Act and be discriminatory against those that live aboard. The case for the PLA to need such information has not been made. The DBA still asks for the omission of those proposals in s138 which were to be applied to occupiers.

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