



Statement of Case from the River Thames Society (RTS) for the public inquiry into the Harbour Revision Order (HRO) proposed by the Port of London Authority (PLA)

17 Dec 2024

The RTS has 3 remaining substantive objections to the PLA's proposals and another where we have a specific comment on the adequacy of the consultation documentation.

120A Unserviceable vessels. These new powers over vessels deemed unserviceable, and for which there appears to be no appeal rights, are unnecessary. The concerns of the RTS include that the assessment of a vessel being unserviceable for river service is to be made by the harbour master alone. The PLA's initial justification for this proposal was the assisting in the interests of safe navigation: we had difficulty reconciling this with the proposals as drafted. Additional reasons have since emerged from the PLA, relating to undefined 'conservancy' and even land development. We are pleased to have had houseboats exempted but have concerns that other worthy vessels could fall foul of this provision.

138 Identities. Occupiers of vessels should not be required to have their personal details disclosed and as there is no equivalent power affecting any other form of habitation, this would discriminate against live-aboards. The PLA argues "there are valid and proportionate safety reasons for being able to establish the identity of a person responsible for a vessel on a navigable waterway" but has not explained what these safety reasons might be and why the identity of the master of a vessel is insufficient. So it is unclear how the stated rationale could be substantiated.

175A Rights of Way. No new Rights of Way on/over PLA land or PLA-licensed structures are to be permitted. We object, since it is unclear that the PLA needs such a blanket denial of the establishment of Rights of Way, which can bring important public benefits. The PLA has given insufficient regard to the very many stakeholders who use the banks of the river and the points of access to it. In future, the bank may need to be refashioned in response to the increased flood risk, with new routes and PLA-licensable structures. Most of the river banks are well away from the commercially-used areas covered by the legal precedent being quoted. It is unacceptable to deny any future Rights of Way by/over the banks of the entire tidal Thames.

The RTS has also had a dialogue with the PLA over the **discrepancy between the text and the chart** in the consultation, in relation to the port limits and the extension of the Kensington canal and the tidal Brent. We pointed this out to the PLA at the start of the consultation but there was no subsequent public correction, so in the formal response the RTS reply had to be "The additions and subtractions to the port limits are inconsistent between the text (Sch 1.1) and the explanatory map. The RTS cannot make valid comment without knowing which is right". We now know that the text was right for the Tidal Brent and the chart right for the extension of the Kensington Canal.

Our initial response included other areas, some of which have now been resolved. There are 2 clauses where we had concerns, albeit not to the level for which formal objections were made, and which remain live issues for others in this inquiry. Firstly there is the newly-proposed definition of **houseboat** in 2(1) which the RTS thought was not fit for purpose. There have since been some amendments to this definition but some anomalies remain. Secondly, we indicated we preferred not to increase the time for **adverse possession** as in 175B.