



15th March 2013

RIVERSIDE AREA RESIDENTS: RESPONSE TO CITY COUNCIL MOORINGS CONSULTATION

Some 45 boats are currently moored along the Riverside wall along all stretches where mooring is not prohibited on navigation grounds:

- Observation suggests that between 12 and 15 of these boats are occupied as homes; the rest are either unoccupied or used occasionally.
- The boats vary greatly in appearance and state of repair. Some boats are attractive and well-maintained, while others are in extremely poor condition.
- Three of the boats were moored on Riverside before January 2006, when the City Council introduced licensed mooring on the commons. The rest have arrived since that decision (the most recent arrival since 7th March 2012, when a space arose).

As the City Council is well aware, Riverside is structurally unsuitable for mooring without physical modification. It is a sheer wall with no level access to the river, and boats can be accessed only by climbing over a safety fence. The boats have no legal right to moor here and planning permission has never been granted for residential use. Because the moorings are unregulated, the City cannot control the allocation of mooring spots or enforce rules on vessel condition or behaviour. Residents living nearby have complained about smoke, noise, refuse disposal, highways obstruction and parking impacts. Others have raised concerns about the impact on river users and the river. The 'Do Nothing' option in the consultation does not seem feasible, as it leaves the City Council, as riparian landowner, open to legal challenge should accident or injury arise as a result of the current unregulated situation, planning challenge or complaint to the Local Government Ombudsman by any stakeholder. The City's preamble states: *"..this problem needs to be resolved"* and the option 6 description states: *"..the Council has to take responsibility for users of its land, and has to put some health and safety measures in place as a minimum."* The only realistic options are therefore either to regulate mooring (either licensed residential mooring or visitor mooring) on Riverside, or to ban it.

The Residents' Association response does not endorse or oppose mooring. Individual residents will respond to the consultation options as individuals, based on their own views and experiences, whether positive or negative. Instead, it focuses on the strategic and practical issues that we believe the City must consider when reaching or implementing a decision, based on some core principles. These are:

1. Ensuring the 'Riverside Vision' can be fully and safely implemented in the future
2. Providing adequate and enforceable safeguards to protect the amenity of residents living close by

3. Protecting and enhancing the Conservation Area and the River Cam corridor
4. Managing transition (whatever the final decision) in a sensible and sensitive way.

We feel the decision-making process must focus on these longer term goals as a priority. If the City council decides to permit licensed mooring, 'in principle' planning conditions and mooring rules must recognise the particular constraints of this location and the fact that planning consent is a formal decision with an indefinite lifetime. They should not be watered down because of the circumstances of current Riverside moorers or the condition of current Riverside vessels. However, an 'in practice' transition plan to get from where we are today to a well-managed outcome could or should take account of the personal circumstances of current residential boaters on Riverside.

1. Ensuring the 'Riverside Vision' can be fully and safely implemented in the future

The City Council recognises the strategic significance of Riverside to the City as a whole, as an important *"pedestrian and cycle priority route linking the two green spaces of Stourbridge Common and Midsummer Common"* (Oct 2009 Riverside EIS report) and the final link in a continuous, pedestrian-friendly riverfront route from Quayside to Fen Ditton. The vision is to create a broad 'promenade' alongside the river for the full length of Riverside, with tree planting and seating. The outcome would be *"..a new prestige asset for the City as a whole, as well as local residents. It would create many benefits for transport, the urban environment and nature conservation."* The vision was backed by all Area Committees (October 2009) and Environment Scrutiny Committee (January 2010).

Licensed residential or visitor mooring does not conflict with the vision in principle. Mooring implementation would, however, need to be carefully planned to ensure consistency in practice:

- i. **Location of mooring access infrastructure.** Riverside varies in width along its length and the fence is directly adjacent to the vehicle route in places. Decisions about mooring access points would need to consider street width, and locate gates and any street infrastructure only where there is space for both mooring access and other uses (vehicles, pedestrian thoroughfare, seating, trees). In the narrowest stretches, a riverfront footpath may only be possible by constructing a suspended walkway, which may or may not be possible to combine with mooring pontoons.
- ii. **Ensuring safety along Riverside wall.** The present situation creates risk to moorers themselves and some risk to third parties (e.g. rowers, children climbing over the railings onto unoccupied boats). Any decision should be proportionate to the risk and ideally increase safety for moorers while not reducing safety for other highway users. The draft Local Plan states that access to new residential moorings should meet British Waterways (now Canal & Rivers Trust) safety standards. The Inland Waterways Association advises that moorings should meet current Health & Safety legislation and the requirements of the Disability Discrimination Act 2004. Inserting gates in a safety fence above a wall creates a new potential risk to passers by, particularly children. The number of gates should be kept to a minimum and be self-closing and lockable to prevent them being left open or used to gain unauthorised access to the river below. County Highways would presumably require gates to be as

robust as the safety fence they replace, since Riverside carries vehicle traffic, and not opposite junctions with other streets.

- iii. **Use of the highway.** We appreciate that boats provide limited space for their owners. However, the Riverside highway has often been obstructed by boat owners carrying out maintenance or storing items (Appendix 1). The City's mooring rules state that boat owners must not "*store, hang or place anything that might cause a disturbance or obstruction (excluding on the boat)*", and the mooring contract also stipulates that they must '*ensure that the use of the Mooring does not impede any footpath in any way*'. Since Riverside is a public highway with no space between boats and path (unlike the commons moorings, which are separated from the footpath) this is a difficult rule to observe, and enforcement would need to be more stringent than for commons moorings. Enforcement responsibilities for obstruction need to be clear, as they are currently divided between City, County and the Cam Conservators. Many other mooring site rules specify that no repairs or other works should be carried out to the vessel at the mooring (e.g. Ely, Oxford, Clarence Dock, London Docklands); we believe this should be added to the City's rules. Bicycle racks would help protect railings and avoid obstruction. A suggestion has been made that the Riverside railings be moved back from the river by a few feet to provide private space for boats. This would also improve safety for passers by, and could be a mutually acceptable solution where street width permits.

2. Providing adequate and enforceable safeguards to protect amenity of residents nearby

This section deals with safeguards to protect residents from adverse impacts if the City should decide to permit licensed residential mooring. Riverside wall is far closer to residents than any commons mooring. It is therefore reasonable to suggest that boats moored on Riverside may need to comply with more stringent mooring conditions than those moored on the commons, and that mooring rules will need to be more robustly enforced than is currently the case with commons moorings.

Complaints about smoke, generator noise, parking and refuse disposal have been a common theme among residents living closest to moored boats. We welcome the news that the City Council is now providing a refuse collection service to boats, which will take pressure off street and resident bins. We believe that similar *structural* solutions also need to be put in place to address other issues, e.g. providing electricity for moorers, and/or agreeing new planning conditions and mooring rules. The alternative is a situation in which boats and residents are forced into constant dispute over whether smoke or noise are bad enough to constitute *statutory* nuisance, which is not an attractive prospect for anyone.

Smoke and noise problems are the inevitable consequence of boats and houses being in very close proximity. For this reason, most local authorities with moorings near houses only allow visitor mooring there (e.g. Ely, Islington) or put additional mooring site rules in place (e.g. Clarence Dock, London Docklands). If residential mooring is permitted, structural safeguards are essential to try and avert problems before they arise. Prevention is better than intervention.

- i. **Power provision:** Draft Local Plan policy option 120 on new residential moorings states: "*The moorings would require adequate services including water supply,*

- electricity, and disposal facilities..”* By applying this policy on Riverside, a major source of conflict with residents could be removed. It is possible to provide metered power to floating pontoons via utility pillars. Boats could use electricity to power their batteries as an alternative to running their generators. They would need to be capable of using electricity, however, which is not the case for all Riverside boats. Additional safeguards would therefore be needed, at least as an interim measure for existing boats (electric power use capability could be a requirement for new boats).
- ii. **Smoke:** Riverside is within the Cambridge Air Quality Management Area, so air quality will be a relevant planning issue when deciding whether to give consent for licensed moorings. At present, Riverside boats discharge smoke at street level (Appendix 2) directly opposite houses (which limit smoke dispersal) and beneath the pedestrian and cycle bridge. This creates a cumulative polluting effect on the Riverside ‘corridor’ at times when multiple boat stoves are emitting, but this is not something Environmental Health enforcement can tackle: statutory nuisance applies only to emissions from individual boats. As boats are deemed ‘mobile’ structures, they are exempt from Buildings Regulations that require house smoke to be discharged above roof level, and from the Clean Air Act 1993. There is currently no City Council mooring rule that requires boats to use diesel heating, burn smokeless fuel and/or avoid unsuitable fuels such as cheap softwood or house coal. We believe more protection is needed on Riverside if permanent residential moorings are permitted. If existing boats are unable to comply with new requirements, a transition plan will be needed e.g. temporary waiver pending necessary adaptations, or require these boats to swap places with commons-moored boats that can comply. It cannot be right to locate the most polluting boats on the sites closest to residential dwellings.
- iii. **Generator use:** Inland Waterways Association mooring policy guidance states: *“Mains electricity is desirable for residential moorings in order to reduce the anti-social and environmentally unfriendly practice of running engines and generators.”* If the City permits residential moorings without providing power, better mooring rules protection will be needed for residents nearby, as the permitted period of 8am to 9pm is lengthy and the threshold for statutory noise nuisance is high. Residents living near to boats have compared generator noise to a lawnmower running daily for two hours, and the smell of petrol fumes is often noticeable. If power cannot be provided for residential mooring, visitor moorings offer greater protection for residents and the local environment, since travelling boats arrive with fully-charged batteries and have no need to run generators.
- iv. **Parking:** Draft Local Plan policy option 120 also states: *“Any car parking would be at an appropriate level”*. It is not clear what this would mean in practice if residential or visitor mooring were permitted and more detailed proposals would be needed. The East Area Committee has requested action on parking near Stourbridge common, which will most likely result in resident-only and no parking areas, but will also reduce overall capacity.

Prompt and robust enforcement of regulated mooring rules would obviously be essential. Riverside is a very different site to the commons moorings: the mooring zone adjoins a busy

pedestrian and cycle route with many residents living nearby. A single well-publicised enforcement route would also be desirable; the division of responsibilities between multiple agencies currently creates difficulty and confusion for residents when problems arise.

3. Protecting and enhancing the Conservation Area and the River Cam corridor

Riverside is a Conservation Area opposite a nature reserve. It is also an important gateway to Cambridge for visitors arriving by boat, or walking or cycling through Stourbridge Common. The new National Planning Policy Framework stresses the importance of *'contributing to protecting and enhancing our natural, built and historic environment'*. Both current and draft Local Plans stress that any permitted development must protect or enhance the character and appearance of the area and avoid or minimise harm to nature habitats.

- i. **Protecting and enhancing the Conservation Area.** Attractive well-kept boats could contribute positively to the character and vibrancy of the area. Historic boats would be consistent with Riverside's unique industrial heritage and background as a site for trading and working boats. The late Cllr Wright suggested that events involving historic boats could complement the Museum of Technology's work. The presence of moored boats may also deter graffiti on the concrete wall.

At present, some Riverside boats are attractive and well-kept, but the majority are self-evidently not. Unregulated mooring has made Riverside a dumping ground for boats which would not meet standards in any other mooring location. Some of the worst offenders are unoccupied boats parked by owners unwilling to pay mooring fees, but some occupied boats are also in poor condition. Visitors on the waterway are greeted by a line of neglected boats which detract from the river as a tourist asset and from the appearance of the Conservation Area.

Should the City Council decide to permit licensed mooring, the challenge is how to ensure that existing residential boats and new arrivals enhance the Conservation area rather than detract from it. As 'mobile' structures, boats are largely exempt from normal planning controls. The City cannot serve an enforcement notice on a boat as for a house, either to request improvements in appearance or to tackle unauthorised development inconsistent with a Conservation Area. However, some sites are more specific, for example the London docklands agreement stipulates: *"Your boat must always be clean and in good repair, preferably decorated in a traditional style. For avoidance of doubt, paintwork and brightwork must be maintained to a reasonable standard and deck clutter kept to a minimum"*). The City's mooring contract specifies only that boats must be *"cleaned and maintained to a good condition."* A further mooring rule on appearance seems worth having in a Conservation Area (and on commons mooring sites as well). If some existing boats were unable to comply due to financial hardship, perhaps a one-off council grant could be made.

- ii. **Protecting and enhancing the River Cam corridor.** The wider amenity value of the River Cam for residents and visitors is also an important planning consideration.

Draft Local Plan policy option 23 suggests a comprehensive policy for the River Cam corridor to include: “*Enhancement of the River Cam corridor’s unique physical, natural and culturally distinctive landscape. Planning for appropriate development and use that restores and protects the river*” and “*Identification, and enhancement of views of the river and from the river corridor*”. Other policy options propose a general pollution policy including water quality, and policies to enhance biodiversity and protect habitats.

Any thinking about the contribution of regulated moorings to local landscape and views should be integrated with thinking about Conservation Area appearance.

With regard to pollution, poorly-maintained boats and sinking boats on Riverside clearly create a serious pollution risk. It is vital to ensure that moored boats anywhere on the Cam are in good physical condition, but particularly in a sensitive site such as this. We find it hard to believe that all boats on Riverside have a current valid Boat Safety Scheme Certificate. This certificate does not, in any case, cover river-worthiness and there are no Cam Conservators bye-law requirements covering hull condition or flotation. We assume that the City Council will seek to remove derelict and unoccupied boats from the Riverside wall at some point, to protect the visual and natural environment. We believe the City and/or Conservators must also act to control or ban occupied boats that are not river-worthy. The City’s mooring contract specifies that boats must be “*cleaned and maintained to a good condition*” (a condition which many Riverside boats would not meet). Perhaps the details of this requirement could be made more specific and explicit.

The City’s mooring rules forbid the discharge of sewage into the river, and it is also a criminal offence. However few if any Riverside boats use the Jesus Green pumping station as they do not (many cannot) move, and it is unclear how residential moorers are disposing of sewage locally. The City Council’s mooring contract requires boats to have working engines and be capable of independent propulsion. Some mooring sites forbid sea toilets and request use of biodegradable detergents. Given close proximity to the nature reserve, and substantial recreational use by anglers and small craft, similar and *strongly enforced* safeguards appear essential if residential or visitor mooring is permitted on Riverside.

4. Managing transition in a sensible and sensitive way

The preceding sections outline the policy and practical issues residents would like the City to consider should it decide to permit regulated mooring on Riverside. As commented above, if current residential moorers would find it difficult to meet new mooring conditions, appropriate transition arrangements might need to be developed.

Should the City decide against this, the transition should clearly be managed in a thoughtful and sensitive way that minimises hardship for residential boaters currently on Riverside. The consultation invites consultees to comment on whether Riverside boats should be offered alternative moorings or asked to vacate. The impact of these alternatives is hard to

gauge since the document provides no information on the number of alternative moorings that might be available or created, or the length of notice that might be offered. In the event of a ban, giving all residential Riverside boats a City mooring nearby would clearly be a painless way to manage the move. Since occupied residential boats on Riverside are comparatively few in number, and the City is currently assessing whether to renew all existing licenses following occupancy checks, there may be more licenses than the consultation document implies, though we recognise that issues of fairness arise given a long moorings waiting list. There may also perhaps be scope to temporarily expand the number of commons sites.

If there are fewer than 12-15 licenses available, leaving some Riverside boat dwellers without alternatives in the City, we would expect the Council to devise a more sensible and sensitive strategy than summary notice to vacate. A longer notice period would give Riverside moorers more time to find new sites, or there could be an explicit agreement to gradually manage down the numbers of residential moorers on the wall as City spots come available, while banning new boats. A practical issue with the above options is that the City remains legally responsible for health and safety on the wall. The use of temporary pontoons might form part of a managed process, though it is unclear how temporary safe access to these could be provided. There is also a structural problem with limited availability of widebeam sites in Cambridge, but it is unclear whether Riverside is a suitable location for widebeam mooring.

As an immediate practical step, we suggest the City Council puts an immediate moratorium on new boats arriving to moor on Riverside wall, pending the outcome of the decision-making process. At present, if an empty or derelict boat leaves Riverside it is likely to be replaced by a new occupied boat, which will increase pressure on the City Council for new mooring licenses should these be required.

Conclusion

The City Council knows that it must take action to address the current unsafe and unregulated mooring situation on both legal and practical grounds. The Residents' Association does not take a view on whether to ban or license mooring. Nor do we suggest that every boat or boater is a problem, or seek to make any boater homeless. However, given the City's own current and emerging policies, the physical characteristics of this site and the close proximity of boats to residential neighbours, we feel the principles discussed above must be considered by any responsible mooring authority.

Attractive, well maintained boats could add to the colour and character of the area, and regulated mooring could work if appropriate safeguards are in place to protect residents, other Riverside users and the natural environment. Strategic decisions on mooring locations and infrastructure would also need to be carefully thought-through to ensure the Riverside vision is capable of being implemented in the future. If the City decides against regulated mooring on policy, financial and/or other grounds, the transition should be managed in a thoughtful and sensitive way that minimises hardship for residential boaters currently on Riverside.