

PLA ref: HRO/2020/00005

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Kristina

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Re: Port of London Authority Harbour Revision Order HRO/2020/00005

You wrote to the River Thames Society (RTS) at the end of January, asking whether we still had objections to changes being proposed to their Act by the PLA. There has been correspondence between the RTS and the PLA, with all that which was significant to the HRO being copied to the MMO at the time. So you should be aware that although some of our earlier objections have been resolved, we still have issues with 120A (unserviceable vessels), 138 (identity of houseboat residents) and 175A (rights of way).

120A. Our original objections were: Unserviceable vessels. “These new powers over vessels deemed unserviceable, and for which there appears to be no appeal rights, are unnecessary. The justification given appears to be already served by other provisions in the Act”. On the 7th June 22 the PLA wrote: “The PLA does not consider that it would be appropriate for there to be a right of appeal in relation to a power which may need to be used urgently and rapidly. The PLA is always under an obligation to behave reasonably and so this would apply when exercising the power to deal with unserviceable vessels. It should also be noted that, except in the case of emergency, the PLA is required to give 28 clear days’ notice of its intention to use the power. Any use of the power would be open to challenge in the court if unreasonable”. We responded on the 8th June 22 “On unserviceable vessels 120A, the balance of power seems overweighted towards the PLA. Appeal only through the Courts for unreasonableness would be an unnecessarily high barrier for owners of the less serviceable vessels”. There has been some movement to protect houseboats, but we still see here the PLA being able to be judge and jury on what they deem unserviceable, maybe ignoring the importance of historic and other vessels awaiting restoration. Our objections remain.

138 Identities. Our original objections were “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. It is unclear how the stated rationale could be substantiated.” There has been no useful dialogue from the PLA on this issue, hence this objection remains.

175A Rights of Way. Our original objections were as follows. “No new rights of way on/over PLA land are to be permitted. We object, since it is unclear that the PLA need such a blanket denial of the establishment of rights of way, which can bring important public benefits. Each case can be argued on its merits and we note there is also scope for

the case-specific removal of rights of way to be argued and then permitted (eg through a separate HRO)". We are unconvinced by counter-arguments from the PLA, as made on 13 April 22, on the public benefit of a ban on new rights of way which comes from protecting the river for the long term. So this objection from the RTS also remains.

In addition, we have had dialogue with the PLA about the **tidal Brent** (Schedule 1. 2 (1) and (2)), mostly shared with the MMO. We did not raise any objections at the consultation stage but indicated we were unable to comment because the consultation was internally inconsistent. There was also inconsistency in relation to the Kensington Canal, but unlike the tidal Brent, there was no dispute over current responsibilities at that location.

There were several other issues on which we made representations, a few of which remain relevant to the current draft HRO. However, we have been pleased to see the modifications the PLA have made to various of their earlier proposals and hope with a bit of further movement from the PLA, this process can be brought to a satisfactory conclusion.

Mrs Hilary Pereira
Chair, Upper Tideway branch, River Thames Society
On behalf of the tidal RTS

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cc: Ashleigh.Evans@pla.co.uk, Port of London Authority