



Port of London Authority. Reflections on an Inquiry

A public inquiry has damaged the reputation of the Port of London (PLA). The PLA's founding Act, the Port of London Act 1968, needed to be updated. This can take place without going back to parliament, using a Harbour Revision Order (HRO) and a process supervised by the Marine Management Organisation (MMO). The PLA started this in 2019 with an informal consultation, followed by a formal consultation led by the MMO, with deadline in October 2021. After the PLA tried negotiating with the most die-hard of the objectors, it was obvious full agreement was not possible, so the next stage was a formal inquiry. That ran 25th February to 14 March 2025 with the chair's report and final decision from the MMO some months away.

The PLA is a closed and largely unaccountable organisation and even though it has major responsibility for the river in the capital, its workings are obscure to many, including it is suspected to our elected representatives. The consultation documents were detailed and complex and difficult to understand. It took much time and determination to read past the superficial reasoning and understand the intentions of the PLA. Those who have grappled with the PLA in the past, or who had ongoing disputes, were a step ahead of others in understanding what could be at stake and so were over-represented among those that responded to the consultation. The inquiry has provided a platform for their grievances to be aired. And what grievances! Had the PLA been less demanding in its proposals, not so much would have come out in public.

Navigational control and shipping should be key functions in a trust port, but the docks have now gone to others and international trade has moved downriver, and what water remains under the PLA is more harbour than port. The PLA was presented by some objectors as now largely a property company, trying to sweat its assets from the very valuable river bed it claims as its own. The PLA has no obligation to get best value when it licenced or leased river space, so has the uncomfortable scope for granting favourable deals when it chooses. It was suggested that had happened already at Cadogan Pier. We have been reminded that the PLA now largely appoints its own Board, has

almost no public accountability, its decision-making is private, it has some built-in conflicts of interest, and for some activities it grants permission to itself without external scrutiny.

A big issue at the inquiry has been the regard being given to the environment, seen by many objectors to be too low among the PLA's priorities. The PLA claimed to rely on general environmental duties in the Harbours Act, rather than anything more specific in their own Act, though they wanted power to introduce relevant byelaws. Failure to undertake various environmental assessments with earlier engagement of the public led some objectors to declare the entire HRO consultation invalid. Others objected to only being expected to consider the PLA's plans for changes, and wanted also to criticise existing functions and suggest what new additions there should have been. There was a long list of difficulties that arose with the consultation process.

Examples of inexcusable behaviour from the PLA were provided by witnesses to the inquiry, ranging from the destruction of ancient moorings at Rotherhithe to grossly excessive charges for balconies that overhang PLA water. Criminal penalties were being proposed without appeal and in some cases with unlimited fines. Many witnesses said they did not trust the PLA, who inter alia were asking for new powers on the basis that the harbourmaster's opinion would be reasonable. As the inquiry proceeded, some of the PLA's reasons for wanting change diverged too far from those given as the justification in the consultation. Examples were provided of the PLA not using or abusing existing powers, and few supported any additional powers. The PLA was presented as asking for special rights and privileges denied other landowners, eg in relation to exemptions from landlord and tenant law, extending the times before adverse possession could take effect, and denial of the establishment of Public Rights of Way. PLA plans for dealing with unserviceable and overcrowded vessels and demanding the identity of boat occupants had potentially wide ramifications, and it was feared if accepted, could well trigger the addition of similar powers in other ports through copycat HROs.

A proposed new way of licensing works in the river would come with some of the transparency currently missing. Another generally welcome measure was a requirement for the installation of grab chains and escape ladders, far too many years after this was recommended in the inquiry after the Marchioness disaster. It took negotiation during the

inquiry to get agreement that the riparian owner would not then be charged for licensing these essential safety measures. There were many more matters of detail.

There were raised voices, overtalking and unseemly arguments between barristers, with the KC appearing for the PLA not giving any leeway when cross-examining objectors. Proceedings were live-streamed and in addition some objectors were alerting journalists to unfolding events. Press reports were favourable to the objectors' case. The chair allowed many matters to be aired, even those the PLA were arguing fell outside the inquiry remit. The chair's final decision on such matters is expected later, but if he concludes the process has been invalid, going through it all again could be a step too far for some. Central costs of the inquiry are met by the PLA, though the very considerable time and effort by the objectors has come without any financial compensation.

Comparisons were made between the PLA and the Post Office and there was gossip about the drama of the inquiry warranting its own TV exposé 'Mr Lacey and the PLA'. Although the PLA's closing statement gave little to the objectors, it cannot be just a coincidence that on the same day they announced an externally-chaired review of the fees to be charged for balconies over the river.

The River Thames Society has been an active participant throughout, operating within our understanding of the rules. The detailed objections from the RTS and all the relevant correspondence is on the inquiry website [www.hwa.uk.com/projects/proposed-port-of-london-authority-harbour-revision-order-inquiry] with our key documents being the RTS proof of evidence and closing statement. The RTS ended the inquiry with 3 specific objections: on demands for the disclosure of identity of boat occupiers; powers over unserviceable vessels; and denial of future public rights of way. Even if the PLA is recalcitrant, we remain optimistic that the chair will be persuaded by our arguments and the final version of the HRO modified to reflect the specific concerns of the RTS.

Whether a different or highly modified body becomes accountable for the tidal Thames in future is not for the inquiry to decide or recommend. Whatever the outcome, it may take a long time for the PLA's reputation to recover.

Hilary Pereira, RTS, 15 March 2025