

# Boater briefing

## Managing short stay moorings at Environment Agency-owned locations on the non-tidal River Thames

V1 April 2021

### Introduction

If you received a 2021 boat registration renewal reminder from us, you will be aware from the accompanying newsletter that we appointed District Enforcement Ltd (DE) to help us manage vessels moored in locations where we are the landowner, between our locks, along the non-tidal River Thames.

DE were to implement management arrangements on our behalf based on contract law and setting terms and conditions of use designed to considerably reduce the number of boaters mooring for longer than we gave them permission, and preventing other boaters from enjoying our facilities.

Due to Coronavirus, the introduction of those new arrangements was put on hold.

In the meantime, we have worked with DE to refine the arrangements in response to feedback from boaters and colleagues, and have made some changes to those that previously outlined.

Those revised arrangements are being rolled out to sites from this week, week commencing Monday 26 April.

This briefing note provides more information on those arrangements, so that you are aware of what the new rules are, and why we have introduced them.

We feel they strike a good balance between our twin goals of supporting all types of boating on the non-tidal Thames, and preventing misuse of our facilities by an inconsiderate minority. We hope you agree.

Please note that existing arrangements for short stay moorings at our locks, which are managed by lock and weir keepers, remain the same.

Thank you for your support.

### River Thames Waterways Team

### What has changed?

The main change is that we have decided to remove the requirement that boats register on arrival at any of our sites. Stays of up to 24 hours can be enjoyed at each location without any further action required.

### What arrangements will now be in place?

The arrangements will be set out in full on signage at all the locations that DE will be managing on our behalf. By mooring, boaters are agreeing to the conditions, and the associated fees and charges.

Our fundamental driver for introducing them is to ensure that all responsible boaters are able to use our mooring sites in the way we intend them to be used, and the way responsible boaters themselves want to use them – to stay for a short period of time at a particular location, to enjoy the attractions on offer locally, before moving on to do the same at another location, freeing up the berth for someone else to use.

The arrangements differ slightly between designated short stay mooring sites, and wild mooring sites. The key points are as follows.



## Designated short stay mooring sites

Between our locks, we maintain designated short stay mooring sites at 17 different locations, providing a combined total of more than 3km of safe mooring space. We encourage mooring in these locations, and provide some infrastructure to facilitate it. These sites are listed on [GOV.UK](https://www.gov.uk).

Here, mooring will be permitted for up to 24 hours without fee, and for up to 2 additional days for a fee of just £5 per day. Payments for stays of 2-3 days must be made in advance. By far the easiest way to do this will be via DE's dedicated moorings website: [www.where2moor.co.uk](http://www.where2moor.co.uk). Payments can also be made by phone if it is not possible to access the website for any reason - the number to call is given on the on-site signage. Cash payment is not possible. No return will be permitted within 24 hours.

## Wild mooring sites

We also own other sections of riverbank where we do not encourage mooring, but allow it for a limited period of time, as part of the public right of navigation.

These 'wild mooring' sites are often areas of naturalised riverbank. We do not provide any infrastructure to facilitate mooring, and boaters moor in these locations entirely at their own risk.

Mooring here will be permitted for up to 24 hours only, without fee. No return will be permitted within 72 hours.

Over time and where we consider it appropriate, we hope to develop some wild mooring sites and allow stays of up to 3 days – for a fee – at those locations too

## Monitoring compliance

Trained, uniformed DE employees will carry out regular checks at these sites, recording the presence of boats and evidence of any non-compliance using body-worn cameras to support the application and recovery of any appropriate charges. Users who are in breach of any of the conditions will be charged an additional £150 by DE. DE will send a Mooring Charge Notice (MCN), setting out the amount due and the reasons why. The MCN will also explain how the recipient can pay reduced charges (by paying promptly) or appeal against the notice should they choose to do so.

## Questions and answers?

Q1 How will we know whether any conditions of use apply when we moor in a particular location?

A1 At Environment Agency-owned locations signage will set out what conditions apply and must be complied with. We cannot comment on the arrangements in place at the many additional mooring sites provided by others.

Q2 What has prompted the changes to the arrangements?

A2 We've made the changes in response to some useful feedback from our own staff and from the boating community.

Q3 Are you allowed to appoint DE to manage moorings on your behalf in this way?

A3 Yes. We have the same rights under Land Law as every other landowner to set conditions controlling use of our land, including the application of fees and charges, and to contract with third parties to act on our behalf or exercise certain of our rights.



We provide our consent for boats to moor where our consent is required, under a licence. Historically that licence was implied (unwritten).

Those conditions are now set down in writing, and displayed at our mooring sites. We are not giving DE authority to do anything we ourselves could not do, including applying the same conditions of use, and associated fees and charges.

Q4 Section 79(2) of the Thames Conservancy Act 1932 states all vessels have the statutory right 'to anchor moor or remain stationary for a reasonable time in the ordinary course of pleasure navigation'. Section 136 of the same Act states 'no charge shall be made for vessels tied up or moored at night or for a reasonable time'. Does this not prevent any fees or charges being applied at all?

A4 No. The Act sets limitations, but does not prevent fees or charges being applied outside of those parameters. Section 136 of the Thames Conservancy Act 1932, as amended 1972, states: 'The Conservators [whose role is carried out by the Environment Agency] may from time to time demand and receive in respect of vessels using any of the moorings in the Thames belonging to the Conservators the charges appointed by the Conservators from time to time.'

However, it remains the case that no charge is made for vessels 'tied up or moored at night' – in fact, no charge is made for use of our mooring sites between locks for the first full 24 hours of any stay, not just at night, including for vessels which 'anchor' or 'remain stationary' there. 24 hours is also the period which we deem to be 'a reasonable time', long established through custom and practice, including by our predecessor navigation authorities.

Q5 Are DE staff dealing with boat registration and other offences under navigation legislation relating to boats using our mooring sites too?

A5 No. They are solely responsible for ensuring the conditions of use are met, and to take action relating to any breaches of those conditions, nothing else.

Q6 What arrangements have you got in place to ensure I am not considered to be in breach of the conditions of use if I am moored at one of your sites but prevented from moving off due to strong stream warnings in place, or engine trouble, or ill health?

A6 Conditions and any associated fees and charges will not apply within any reach where strong stream warnings are displayed on <http://riverconditions.environment-agency.gov.uk>

If you are unable to move from one of our mooring sites for any other reason, you must make DE aware and request an extension to your stay. Failure to do so will result in mooring charges being applied with any extenuating circumstances only being considered by DE if you choose to appeal.

Requests for limited extended stays will be considered by ourselves or DE depending on the circumstances.

However, boaters should have contingency plans in place so that their vessel can be returned to its base mooring, or an appropriate alternative location, if they are not able to navigate it themselves. If vessels remain beyond any permitted extended period, in addition to mooring charges being applied, we, or DE, may remove it to an alternative location and seek to recover all associated costs from the owner.



Q7 Who do I complain to if I am unhappy about any aspect of the service provided by DE?

A7 District Enforcement on either 01785 336780 or [enquiries@district-enforcement.co.uk](mailto:enquiries@district-enforcement.co.uk). If you feel you have been wrongly or unfairly issued with a MCN, you can appeal. The MCN sets out how to do that.

Q8 The tone of the signage is quite abrupt –does it have to be written that way?

A8 DE's signage has been drafted to be both legally binding and informative and to set out plainly the actions that DE will take if users do not comply with the conditions.

Q9 Why can't you carry on managing these sites yourself?

A9 We could, but the service being provided by DE will ensure that these sites will be managed more effectively, and cost-effectively, than by us continuing to do it ourselves, and the overall experience will be better for users too.

At other sites managed by DE for their other clients, including riverside councils, initial compliance with the conditions of use at those sites is an impressive 96%. Given that the conditions at our sites are even more straightforward, we expect to see an even higher rate of compliance. This would represent a significant decrease in the abuse of our mooring sites by a relatively small number of boat owners who attempt to remain for far longer than we allow. This denies reasonable boaters the opportunity to use that space, and interferes with their enjoyment of the river. The arrangements we are putting in place, managed on our behalf by DE, will resolve that issue. Not only that, they will also free up more of our officers' and lawyers' time to deal with other compliance and enforcement matters, such as compliance with our boat registration requirements, speed and wash offences and so on.

That said, we may still choose to take action ourselves against vessels overstaying at our mooring sites using our rights and powers as landowner and navigation authority. This may be instead of or in addition to action taken by DE.

Q10 Why can't I pay by cash if I want to stay at one of your designated short stay moorings for 2-3 days?

A10 It is not possible for us to offer this facility in a sufficiently straightforward and efficient way. If you are unable to pay online or by phone, then to avoid additional charges you should move to another location after 24 hours. Cash payments are accepted for short stay moorings at some of our lock sites, but this may depend on when you intend to arrive. Please check in advance by emailing [WaterwaysThames@environment-agency.gov.uk](mailto:WaterwaysThames@environment-agency.gov.uk) or calling us on 03708 506 506.

## More information

Should you require more information, please email [WaterwaysThames@environment-agency.gov.uk](mailto:WaterwaysThames@environment-agency.gov.uk)

