



Elmbridge Borough Council

... bridging the communities ...

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12 January 2021

Dear Dominic

Unauthorised mooring update

Thank you for your letter dated 11 January 2021 in which you sought a further update on the action that Elmbridge is taking to manage the issue of Unauthorised Moorings.

Officers continue to work with neighbouring boroughs, Surrey County Council, Surrey Fire and Rescue, Surrey Police and the Environment Agency to seek a consistent, long term way forward to manage, and enforce the challenge of unauthorised moorings and will report back to Cabinet with any recommendations. We are aware that a PSPO is one option to control this, which is favoured by some, however this was not universally supported through the consultation and in many cases was strongly opposed.

The introduction of a PSPO would also have to carefully consider how such powers would be enforced. Without additional funding, Elmbridge does not have the resources to patrol the length of the Thames in the Borough and manage land which is in the ownership of the EA or other agencies. This is why the Council is seeking a joined-up approach with the EA and neighbouring Boroughs to ensure that all parties can deploy appropriate resources to manage their land, but in a consistent and joined up manner with its neighbours.

After a successful tender process, the Environment Agency have recently appointed District Enforcement to manage the EA moorings. The contract was due to go live on 2 December however river enforcement has now been suspended under the recent guidelines under the current Covid pandemic. District Enforcement have already trained and allocated staff as well as installing signage along the river banks and will be recommencing with enforcement activity once Covid restrictions allow.

I have personally met with the Environment Agency to discuss the mobilisation of this contract in October jointly visiting a number of the boats moored in Molesey and was reassured by their planned approach. I am sure you will agree is a positive step forward to address this challenge.

At the same time, the Council has taken positive action where we are the landowner and using powers that are available to us:

The 1-year enforcement pilot at Cigarette Island, Ditton Reach and Albany Reach to enforce no mooring has been going well. Signage has been in place at these 3 locations and enforcement taking place since 7 September 2019.

Before lockdown this had been a very effective means of managing Council owned land with very few boats overstaying. The pilot was due to come to an end in September 2020, however as enforcement has been suspended due to Covid for long periods of this pilot, it has been agreed to extend this until September 2021 to allow for an effective review of the effectiveness of this approach.

As Elmbridge continue to use District Enforcement to manage our land there it is important that there is a joined up and consistent approach to managing the moorings which avoids boats moving between different agencies land. Similar conversations are ongoing with Surrey County Council who are considering the same approach on their land.

Elmbridge's Planning Compliance Team have issued 9 Enforcement Notices in relation to the moorings located north west of Cherry Orchard Gardens and adjacent to the towpath. The subsequent appeals against the Notices were invalidated by The Planning Inspectorate on 13 January 2020. As a result, the Notices came into effect on that day. The Notices require the use of the land for the permanent mooring of a boat(s) to cease, and any structures, fencing or enclosures, which have been erected in association with the use of the Land for the permanent mooring of a boat(s), to be removed.

Despite further challenges by those served with the Enforcement Notices, the Planning Inspector reconfirmed on 21 May 2020 that the appeals they had received were invalid and have been turned away. Subsequently, a number of applications seeking retrospective planning permission for the use of the land as a permanent mooring have been submitted. On the 18 December 2020, all the planning applications were refused. The applicants do have a right of appeal against the refusal to grant planning permission, the receipt of valid appeals may well dictate when further action is considered likely to be taken.

The Council, working closely with Surrey Police, has also served Community Protection Notices on a number of occasions to deal with specific anti-social behaviour. These have been used to move a boat that was blocking access to Walton Rowing Club and was also served on 'persons unknown' for removing vegetation along the riverbank. These notices can be used in other areas but have to have a specific purpose for stopping a specific behaviour.

The latest position can also be found on the Council's web page, which is updated frequently:

<https://www.elmbridge.gov.uk/moorings-unauthorised/>

As I have repeatedly stated, it remains my concern that the EA, being a government body is clearly underfunded to be able to carry out its responsibilities along the riverbank and would encourage you as part of the government to ensure that the EA is adequately funded to manage the river bank for the wider use and enjoyment of the community.

I hope this clarifies the position, but please do not hesitate to contact me, should you need anything further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Selleck', with a horizontal line underneath.

Cllr Stuart Selleck,
Leader of the Council