

National Bargee Travellers Association

Response to MHCLG Consultation on the Review of the National Planning Policy Framework, 2024

Introduction

This consultation response is from the National Bargee Travellers Association (NBTA). The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice and support for itinerant boat dwellers on Britain's inland and coastal waterways. This includes anyone whose home is a boat and who does not have a permanent mooring for their boat with planning permission for residential use. The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has members on all the major navigation authorities' waterways and beyond. The NBTA deals with at least 200 individual cases each year.

The navigable inland waterway system in Britain is home to an estimated 15,000 to 50,000 Bargee Travellers. There are as yet no accurate statistics for the number of people living on boats either with or without a permanent mooring in the UK. There are at least 21 inland navigation authorities in the UK. Canal & River Trust is the largest, with around 80% of the UK's inland waterways. Other significant navigation authorities are the Environment Agency; the Broads Authority; the Conservators of the River Cam; the Middle Level Commissioners; Peel Holdings (the Bridgewater Canal) and British Waterways Scotland (trading as Scottish Canals). A smaller number of Bargee Travellers live in coastal harbours and estuaries, some of which are controlled by harbour authorities.

We include as an appendix the NBTA Written Evidence to the Housing, Communities and Local Government Committee Inquiry into long-term delivery of social and affordable rented housing originally submitted in 2019.

The NBTA supports and endorses the consultation responses submitted by Moving for Change and GATE Herts (Gypsy and Traveller Empowerment, Hertfordshire) working across a range of Gypsy and Traveller organisations.

Responses to selected consultation questions

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Yes

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Yes but the assessment of housing need should include assessment of the need for both temporary and permanent moorings for boat dwellers, as is required by Section 124 of the Housing and Planning Act 2016.

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Yes as the supply of land for temporary and permanent moorings is likely to be evenly distributed throughout the country and not concentrated in urban areas.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Yes as long as the development of large new communities includes temporary and permanent moorings for boat dwellers where navigable waterways are present in the land used. Both temporary and permanent moorings can contribute to increasing the density of housing. We recommend that all new waterside property developments must have a Section106 agreement to include both temporary and permanent moorings. See Edinburgh's canals and Leith docks for an example of the new development of permanent residential moorings. See Cambridge City Council's Residential Mooring Licence scheme for an example of the development of semi-permanent moorings for boat dwellers.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Yes, as long as this includes development of temporary and permanent moorings because the housing (mooring) situation for boat dwellers is currently unsustainable in that the enforcement action taken against boat dwellers without a permanent mooring by Canal & River Trust, the navigation authority where the majority of boat dwellers live, is unlawful, punitive, interferes with people's right to work, education and family life, and routinely seizes boats making people homeless. In addition there is a chronic undersupply of permanent residential moorings. Further, boats provide affordable housing and this should be recognised by including temporary and permanent moorings for boats in the housing mix. Indeed one local authority, Oxford City Council, has stated in policy that boats provide affordable housing.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Yes and in addition, all LPAs should also continually demonstrate they have in hand a 5-year supply of land for moorings for boat dwellers. This should be both permanent moorings and temporary moorings for nomadic boat dwellers. Permanent moorings should not encroach on land that is already available for use as temporary moorings.

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

Yes

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

Yes as long as this also includes a 5-year land supply for temporary and permanent moorings

Question 12: Do you agree that the NPPF should be amended to further support

effective co-operation on cross boundary and strategic planning matters?

Yes as long as this includes temporary and permanent moorings for boat dwellers, who are highly mobile and frequently cross local authority boundaries. A strategic, regional approach to meeting the accommodation needs of boat dwellers would be welcome.

A significant barrier to providing adequate temporary and permanent moorings for boat dwellers is the way that Section 124 of the Housing and Planning Act 2016 in respect of the accommodation needs of boat dwellers is undermined at local level by decisions by local planning authorities, which are driven by prejudice against Bargee Travellers and boat dwellers. Unless this is addressed, demand for temporary and permanent moorings will always outstrip supply.

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

- Local authorities have failed to plan for boat dwellers in any significant way
- Local authorities are required to assess the need for moorings under Section 124 of the Housing and Planning Act 2016 but the consultation does not even mention this
- There should be a legal requirement on local authorities to meet the identified need for temporary and permanent moorings in England, like there is in Wales
- The NPPF consultation does not mention permanent or temporary moorings, boats or houseboats at all, despite Section 124 of the Housing and Planning Act 2016 - and it should do
- Boat dwellers need a separate, specific policy within the NPPF because their land use needs are different from the populations who live on land
- Any planning policy relating to boat dwellers should exist on a national level, that is, within the NPPF, and should be designed to be applied nationally and to be binding on local authorities. This is in order to cater for: the mobile, cross-boundary nature of living on boats; the lack of connection with any local authority; the different boundaries that apply on the waterways; and to override objections and refusals of planning consent at local level that are driven by anti-boater prejudice
- Planning policy should recognise that culturally appropriate accommodation for boat dwellers is boats and moorings, not bricks and mortar
- This consultation does not mention keeping in hand a 5-year supply of land for moorings even though this is mentioned for housing
- Bargee Travellers need a network of temporary moorings on all waterways except Canal & River Trust (CRT) where this already exists by means of the right to moor anywhere on the towpath for 14 days or longer if it is reasonable in the circumstances.
- Bargee Travellers need a network of temporary moorings of at least 14 to (for example) 56 days on all waterways and this is unlikely to require planning consent as mooring for temporary periods is permitted within the use class of the waterway: see PINS APP/E3905/C/06/2019638: (Wilcot, Kennet and Avon Canal, decision 2007)
- The Government should work with navigation and other authorities to increase the availability of temporary moorings for itinerant boat dwellers and/or reduce the enforcement against the boat dwellers who use the existing such mooring space especially on CRT waterways; this would reduce vastly the number of households at risk of homelessness
- Bargee Travellers need to be exempted from enforcement unless they have stayed for more than (for example) 6 months in the same location

- The impact of using a leisure mooring residentially is minimal therefore there should be a presumption of lawful use rather than planning enforcement if a leisure mooring is used residentially
- There should be a separate planning use class of residential moorings that is distinct from bricks and mortar housing due to the much lower impact of residential moorings, and the two should be treated differently, with consent for development of residential moorings made much easier to obtain: see PINS APP/E2001/C/10/2122441 (Driffield Navigation decision 2010).
- New moorings both residential and temporary can contribute to meeting housing targets
- Granting planning consent for residential use to existing leisure moorings can contribute to meeting housing targets
- New residential moorings attract the New Homes Bonus
- The fact that an unquantified number of boat dwellers are living on their boats under the radar on coastal and inland leisure moorings means that the demand on local infrastructure of implied consent for residential use would be less than the total number of consents, as the infrastructure is already coping with the demand from this population
- Consent for residential use of moorings either those already used residentially or new moorings would add to the arguments and funding for better infrastructure such as GP surgeries, schools etc
- Information from the 2021 census is incomplete in this respect and led to significant under-counting of boat dweller households
- The loss of mooring sites because of waterside property development has been significant in last 15-20 years leading to significant undersupply which needs to be rectified
- All waterside property developments must have a Section106 agreement to include both temporary and permanent moorings
- Where waterside residential and commercial property developments have not provided for mooring, or actively prevent it, retrospective requirements to provide moorings must be imposed
- More public value for our national infrastructure should be extracted from private waterside property development, such as contributions to navigation authority waterway maintenance budgets for dredging, bank maintenance, lock and bridge repairs
- Living on boats forms part of our national heritage in that boat dwellers, especially Bargee Travellers, are the modern embodiment of the preservation of a way of life and of traditions that almost disappeared. This intangible heritage deserves to be protected.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

No because this does not reflect alternative forms of housing and mobile homes such as boats and caravans. Boats, caravans, vehicles and other non-standard housing, both static and mobile, should be recognised and included in the baseline count and/or in household projections. Household projections would be the most transparent means of including boats and other non-standard accommodation.

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is

available to adjust the standard method's baseline, is appropriate?

No because this does not reflect the cost to earnings ratio of either living on a boat without a permanent mooring, or the cost to earnings ratio of living on a boat with a permanent mooring whether residential, high-use or leisure mooring or any other form of non-standard housing. These ratios should either be included in the overall ratio, or as a suffix to the overall ratio. Living on boats is a way of bringing home ownership in reach of those who would otherwise be excluded

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

The standard method should also factor in the affordability of moorings and boat licence fees.

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

Local authorities are required by Section 124 of the Housing and Planning Act 2016 to assess the housing needs of people living in static and mobile boats and caravans. All assessments of overall housing need must include and state transparently the housing needs of people living on boats.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

Yes, providing that this definition explicitly recognises that many canalside and riverside sites where moorings could be sited are previously developed post-industrial brownfield land such as wharves and that all of the canals and canalised rivers and parts of river navigations in the UK were previously and originally developed as industrial sites for transport of goods, loading, unloading, storage and maintenance.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Yes, provided that the development of temporary and permanent moorings is classed as development that is 'not inappropriate' in the Green Belt, on the grounds that:

- Canals; canalised rivers; parts of river navigations and ancillary operational waterside land such as the towpaths were previously and originally developed as industrial sites for the transport of goods, loading, unloading, storage and maintenance.
- Moored boats on a river or a canal do not interfere or prevent "openness" of a view, since the presence of moored boats does not interfere with views of the water in the same way that buildings do; furthermore their presence is not permanent and does not permanently interfere with a view over the water. This would prevent decisions such as the refusal by Elmbridge Council to grant planning consent for residential moorings at The Wharf, Cherry Orchard Gardens, KT8 1QY in spite of this being PDL and in spite of the assessed need for moorings for boat dwellers within the Borough.

- The impact of moored boats used as homes, even in the Green Belt, is minimal compared to the impact of bricks and mortar housing, and cannot easily be differentiated from the impact of moorings for boats used for leisure: see PINS APP/E2001/C/10/2122441 (Driffield Navigation decision 2010).

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

The definition of PDL should be expanded to include all canals; canalised rivers; parts of river navigations and ancillary operational waterside land such as the towpaths, on the grounds that the waterways and ancillary land were previously and originally developed as industrial sites for the transport of goods, loading, unloading, storage and maintenance. This will not affect horticultural production.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Yes, provided that the definition is expanded to include all canals; canalised rivers; parts of river navigations and ancillary operational waterside land such as the towpaths, on the grounds that the waterways and ancillary land were previously and originally developed as industrial sites for the transport of goods, loading, unloading, storage and maintenance. These should be taken out of the Green Belt altogether indeed some Green Belt boundaries already acknowledge this such as the exclusion of the Grand Union Canal from the Green Belt surrounding it in Harefield, Middlesex.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes. Guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful and should be contained in the NPPF itself.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

The proposed Guidance is not fully appropriate because it does not contain advice that all canals; canalised rivers; parts of river navigations; and ancillary operational waterside land such as towpaths and wharves, were previously and originally developed as industrial sites and should be classed as PDL.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

No, the proposals do not fully support the release of land in the right places because they do not include guidance that canals; canalised rivers; parts of river navigations; and ancillary operational waterside land such as towpaths and wharves, were previously and originally developed as industrial sites and should be classed as PDL.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

No because this does not include guidance regarding the low impact nature of temporary and permanent moorings compared to bricks and mortar buildings and the previous industrial use of the waterways making them PDL/ grey belt.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

No. Local decision making driven by anti-boater prejudice should not be allowed to subvert the application of Section 124 of the Housing and Planning Act 2016. Guidance should be included regarding the low impact nature of temporary and permanent moorings compared to bricks and mortar buildings, making them 'not inappropriate' in the Green Belt; and regarding the previous industrial use of the waterways making them PDL and therefore grey belt rather than Green Belt.

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

It should be made clear that development of grey belt land includes the development of temporary and permanent moorings, triggered by an assessment of the housing needs of boat dwellers, to meet the assessed need.

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

The approach above should not apply to temporary and permanent moorings for Bargee Travellers/ boat dwellers. A national policy is needed that is binding on local authorities.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

The assessment of need for temporary and permanent moorings should be included in the determination of whether a local planning authority should carry out a Green Belt review, and Green Belt reviews should recognise that temporary and permanent moorings have a far lower impact than bricks and mortar buildings and do not interfere with "openness" of views, and that artificially constructed, canalised or semi-canalised waterways are former industrial PDL.

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

No. Boats should be included in the definition of affordable housing. Living on boats, especially without a permanent mooring, brings home ownership into the reach of people who would otherwise be excluded: for example a narrowboat can cost as little as £20,000, or less than that if it needs work done; a GRP cruiser can cost far less than £20,000, even

less than £2,000 if it needs repairs. For example, Oxford City Council voted to recognise boats as affordable housing on 9th December 2020. However, mooring fees are not necessarily affordable, and moorings with planning consent for year-round residential use are the most expensive and least affordable of all (and very hard to find). The development of genuinely affordable temporary and permanent moorings for boat dwellers should be included as an essential element in the affordable housing tenure mix.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

No. The definition of public access to green space should be expanded to include access to moor boats temporarily on the towpaths and banks of canals and rivers.

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

Boats should be included in the definition of affordable housing. Given that there is a scarcity of permanent residential moorings, and given the unaffordability of mooring fees for all types of permanent moorings, additional contributions should be sought for affordable moorings and affordable semi-permanent mooring schemes (such as that run by Cambridge City Council) in order for supply to catch up with demand.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

The MHCLG should work with navigation and other authorities to increase the availability of temporary moorings for Bargee Travellers and to reduce the enforcement against boat dwellers who use the existing temporary mooring space, especially on Canal & River Trust waterways; this would vastly reduce the number of households at risk of homelessness.

Local authorities should not have the power to refuse planning consent for permanent residential moorings by designating moored boats on a river or a canal as interfering with or preventing "openness" of a view, since the presence of moored boats is not permanent and does not permanently interfere with a view over the water and further, moored boats are a normal part of the waterway scene that is within the existing Use Class of the waterway regardless of the way the boat is used or the length of time moored.

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Yes provided that policy on affordable housing requirements includes boats and both temporary and permanent moorings.

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

No, 10% is too low and the percentage of affordable housing should include temporary and permanent moorings for boat dwellers where the development includes navigable water space.

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

No, and any definition of First Homes should be amended to reflect the fact that boats are affordable housing and they bring home ownership into reach for people who would otherwise be excluded.

Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

Any definition of First Homes should be amended to reflect the fact that boats are affordable housing and bring home ownership into reach for people who would otherwise be excluded. An additional definition of "Later Life Homes" should be included and provision made, that includes the recognition that boats are a viable way for older people to downsize from bricks and mortar homes that may be too large, freeing these homes for families with dependent children. A significant percentage of boat dwellers are pensioners.

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Yes providing that the mix of tenures and types includes temporary and permanent moorings for boat dwellers.

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Including temporary and permanent moorings for boat dwellers where there are navigable waterways within the development area would improve the percentage and social mix of affordable housing. The development of temporary and permanent moorings for social rent would address the unaffordability and scarcity of residential moorings.

Question 54: What measures should we consider to better support and increase rural affordable housing?

Boat dwellers should be catered for under self-build and affordable housing policies, including rural exception site policies where appropriate. The changes to the grey/green belt will push land prices up again, so boat dwellers will need to benefit from appropriate exception site policies to recognise special requirements.

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Yes, but this should also be amended to include the boat dweller/ Bargee Traveller community, as it does not include them.

Question 56: Do you agree with these changes?

The live-aboard boating community must be enabled to have a genuine and meaningful role in shaping the provision of temporary and permanent moorings. This opportunity has been sadly lacking so far.

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

The definition should be amended to include temporary and permanent moorings for boat dwellers on the basis that boats are affordable housing.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Temporary and permanent moorings for boat dwellers are not being considered as part of the housing mix when they should be. There are numerous small sites where temporary and permanent moorings could be developed.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

The Framework should include a stipulation that “Openness” and the visual appearance of boats should not become factors in a decision whether or not to grant planning consent for moorings for boat dwellers. The framework should reflect the principle that nobody has a right to a view, which is frequently subverted by decision making at local authority level where wealthy, powerful residents of “beautiful” waterside homes act together to deny some of the poorest among the population the opportunity of a modest temporary or permanent mooring on the grounds that their boats are “unsightly” and other prejudiced, unfounded accusations.

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

There should be a separate planning use class of residential moorings that is distinct from bricks and mortar housing due to the much lower impact of residential moorings, and the two should be treated differently, with consent for development of residential moorings made much easier to obtain: see PINS APP/E2001/C/10/2122441 (Driffeld Navigation decision 2010).

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Public infrastructure includes waterways. More public value for our national infrastructure should be extracted from the private development of waterside sites, such as contributions to navigation authority waterway maintenance budgets for dredging, bank maintenance, lock and bridge repairs. The loss of mooring sites because of waterside property development has been significant in the last 15-20 years leading to significant undersupply which needs to be rectified. All waterside property developments must have a Section 106 agreement to include both temporary and permanent moorings. Where waterside residential and commercial property developments have not provided for mooring, or actively prevent it, retrospective requirements to provide moorings must be imposed.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities?

Living on boats, especially without a permanent mooring, is an active way of life that requires physical effort and being outdoors. It is a healthy way of life for children and older people. Living on the water and the physical activity it requires promotes mental as well as physical wellbeing. The community of people who live on boats is a strong and interdependent community, which helps to alleviate mental ill-health. If national planning policy were to genuinely support living on boats, this would assist local authorities to promote healthy communities and address obesity.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

Flood risk should be assessed differently when considering planning applications for moorings. Flood risk for people living on boats is different from flood risk to bricks and mortar buildings. Measuring flood risk when considering applications for moorings must take different factors into account and need not be a barrier to development of temporary and permanent moorings in the same way that it is for buildings.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

The NPPF should facilitate living on boats, because boats are low impact, environmentally friendly housing and can contribute to Net Zero targets, even in the Green Belt. The use of solar and wind power on boats contributes to Net Zero targets. The off-grid nature of boats used as homes makes for resilient homes and communities: boats are self sufficient in heating, lighting and electricity.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

People living on boats use far less treated, potable water than an average bricks and mortar dweller. Facilitating and promoting living on boats via the planning system would enable more people to live in a way that reduces the use of treated, potable water.

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

Involve inland navigation authorities in discussions regarding water supply infrastructure.

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APPENDIX 1

National Bargee Travellers Association

Written Evidence to Housing, Communities and Local Government Committee Inquiry into long-term delivery of social and affordable rented housing.

Executive Summary

- The evidence proposes that boats should be considered within the housing mix.
- There is a mismatch between the provision of moorings that boat dwellers can afford and the numbers of boat dwellers seeking transit or permanent residential moorings.
- The evidence focuses on two of the questions in the inquiry:

What other providers should be in the long-term delivery of affordable social housing?

What lessons can be learned from alternative approaches to social and affordable rented housing delivery in other countries and jurisdictions?

Introduction

The National Bargee Travellers Association (NBTA) is a volunteer organisation formed in 2009 that campaigns and provides advice for itinerant boat dwellers on Britain's inland and coastal waterways. This includes anyone whose home is a boat and who does not have a permanent mooring for their boat with planning permission for residential use. The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has members on all the major navigation authorities' waterways and beyond. The NBTA deals with approximately 200 individual cases each year.

The navigable inland waterway system in Britain is home to an estimated 15,000 to 50,000 Bargee Travellers. There are as yet no accurate statistics for the number of people living on boats either with or without a permanent mooring in the UK. There are at least 21 inland navigation authorities in the UK. Canal & River Trust is the largest, with around 80% of the UK's inland waterways. Other significant navigation authorities are the Environment Agency; the Broads Authority; the Conservators of the River Cam; the Middle Level Commissioners; Peel Holdings (the Bridgewater Canal) and British Waterways Scotland. A smaller number of Bargee Travellers/ boat dwellers live in coastal harbours and estuaries controlled by harbour authorities.

For further information about the rights of Bargee Travellers and the constant threat of eviction that many of them face, please see the written evidence submitted by the National Bargee Travellers Association to the Women and Equalities Select Committee Inquiry into Inequalities faced by Gypsy, Roma and Traveller Communities in 2017, available here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/tackling-inequalities-faced-by-the-gypsy-roma-and-traveller-communities/written/69196.pdf>

or

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/tackling-inequalities-faced-by-the-gypsy-roma-and-traveller-communities/written/69196.html>

For information about assessing the housing needs of Bargee Travellers and boat dwellers under the Housing and Planning Act 2016, see:

<http://www.bargee-traveller.org.uk/best-practice-guide/>

Specific questions

Other public sector providers that should be in the long-term delivery of affordable social housing are those which can provide or facilitate the provision of temporary moorings and permanent moorings for Bargee Travellers and boat dwellers, are as follows:

Local authorities with jurisdiction and/or ownership of riparian land; navigation authorities, especially Canal & River Trust (which manages 80% of the UK's inland waterways), Environment Agency, Port of London Authority, Middle Level Commissioners, Broads Authority and the Conservators of the River Cam. There may also be a role for private sector providers of temporary moorings and permanent moorings, given that a majority of riparian land is thought to be owned privately.

The lessons that can be learned from alternative approaches to social and affordable rented housing delivery in other jurisdictions, namely the jurisdictions of the UK's navigation and harbour authorities, are as follows:

As there is already a significant number of people living on boats in the UK, boats should be considered within the housing mix and the Inquiry should investigate the provision of affordable temporary moorings and affordable permanent moorings for residential use. Most people who live on boats are either working people and families on low incomes or retired people on low, fixed incomes. A majority of Bargee Travellers and boat dwellers own their boats, either through a marine mortgage or bank loan, or outright. The cost of buying a boat to live on varies considerably but it can be significantly less than the purchase or part-ownership of a house. Small, fibreglass boats with minimal equipment can be very cheap and affordable for people who might otherwise be sleeping rough. Conversely, one can pay more than £100,000 for a new, fully-equipped, luxurious widebeam narrowboat.

The higher property prices that waterside locations can generate has resulted in the loss of both temporary and permanent mooring space in favour of luxury housing, business or leisure developments. Thousands of mooring spaces have been lost to property development by both public and private bodies in the past 15 years and many more are under threat.

Temporary or transit moorings should allow for a reasonable amount of time in any one place to enable Bargee Travellers to continue to access employment, education and health care. Time limits more than 14 days are the most helpful, and definitely not less than 7 days. Ideally a network of temporary moorings is required, or alternatively the freedom on all waterways to moor anywhere on the towpath subject to a time limit in any one place, as is already the case on Canal & River Trust waterways.

Over 90% of permanent moorings are non-residential (“leisure moorings”) and most of these are in private marinas. Permanent residential moorings that boat dwellers can lawfully live on are in very short supply. Where they exist, they are very expensive (up to £25,000 and more per year in London). The majority of marinas will turn away people known to live on their boat. If boat dwellers live on leisure moorings they risk having planning enforcement action taken against them for unauthorised residential use. In London and the south of England there is a severe shortage of moorings and mooring fees are vastly inflated. Many of Canal & River Trust's own directly managed moorings are priced using an auction system where the highest bidder wins. Some moorings managed by other bodies or private companies have waiting lists of 9 years and more.

Despite a consultation on the subject by the Office of the Deputy Prime Minister in 2006, there is no security of tenure for moorings. Boaters can be evicted at the whim of the marina owner with the minimum of notice.

Boat dwellers who make complaints about the mooring or the services provided, or who are found to be living permanently on their boats, often have their mooring agreements terminated. The NBT is aware of cases where mooring agreements have been terminated because the boat dweller is pregnant or because there are children living on the boat. Mooring agreements can also be terminated to make way for property or leisure developments, which is a regular occurrence on the inland waterways.

Navigation authorities exercise very tight control over the establishment of new permanent moorings, including preventing the use of moorings that have not recently been used. Landowners may establish moorings on their land only for the boaters using them to face enforcement action on the grounds that the mooring “is not a valid mooring”. Navigation authorities appear to be acting beyond their statutory powers in this respect.

In planning decisions, residential moorings are often treated in the same way as bricks and mortar houses, regardless of the fact that the impact of new residential moorings, or residential use of leisure moorings, is about 10% of the impact of new houses. This has led to a situation where demand for residential moorings far outstrips supply, and mooring fees are vastly inflated as a result.

The creation of new residential moorings attracts the New Homes Bonus for local authorities. Local authorities need to recognise that the impact of a residential mooring is very much less than that of a house, and that there is very little difference in the impact of residential moorings and that of leisure moorings.

Housing and Planning Act 2016

Section 124 of the Housing and Planning Act 2016 places a duty upon local authorities to “consider the needs of people residing in or resorting to their district with respect to the provision of ... (b)places on inland waterways where houseboats can be moored”. This means that Bargee Travellers and boat dwellers must now be included in the accommodation needs assessments that local authorities have a duty to carry out. In March 2016 the DCLG published *Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats*. A few local authorities have carried out such accommodation needs assessments at the time of writing.

Recommendations

MHCLG should work with riparian local authorities and navigation authorities (including Canal & River Trust in respect of rivers but not canals) to establish a network of temporary moorings for Bargee Travellers with durations of between two weeks and twelve weeks on waterways other than Canal & River Trust canals (where there is the right to moor anywhere on the towpath subject to a 14 day time limit in any one place).

Such a network of temporary moorings should be managed by a permit system that is available only to people whose only home is their boat. Any permit system needs to be genuinely affordable, and all such moorings should include an initial free-of-charge period of up to 14 days. In our opinion the establishment of a residential temporary mooring permit system would not amount to a change of use of the riparian land, as the use of mooring space for temporary periods by leisure boaters also includes the boater residing on their boat for the duration of their cruise or holiday, and there would be a turnover of boats.

Any provision of additional permanent moorings should not be made by utilising existing temporary mooring sites. The removal of temporary mooring sites forces more Bargee Travellers onto permanent moorings and therefore destroys their nomadic way of life.

Residential moorings should not be treated in the same way as bricks and mortar housing by the planning system. There should be a presumption of planning consent to reflect the minimal impact of the residential use of a mooring compared to the impact of bricks and mortar housing. A presumption of lawful use should be introduced in relation to any leisure mooring that is used residentially. See the following Planning Inspectorate decisions:

Appeal Ref: APP/E3905/C/06/2019638: Canal Bank, West of Ladies Bridge, Wilcot, Pewsey, Wiltshire SN9 5DP;

Appeal Ref: APP/E2001/C/10/2122441: Land at the Driffield Navigation Canal and its East and West banks, North and South of Bethell's Bridge, Hempholme, Brandesburton.

Secretary of State's decision letter, South Bucks District Council and High Line Yachting Ltd , 9th October 1990.

Planning policy and local plans should protect inland and coastal waterways from the loss of temporary and permanent mooring space on the banks of inland waterways; in harbours; on wharves, docks and boatyards; and in former industrial sites, especially when making decisions about conditions of planning consent for property development. Section 106 agreements should be considered as a way of achieving this.

Security of tenure for residential moorings should be introduced.

Navigation authorities should be prevented from restricting the supply of permanent moorings and from blocking the establishment or re-use of moorings on private land for either temporary or permanent use.

**National Bargee Travellers Association
July 2019**