

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 NBTA 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.

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