

## **NBTAL position on the recent red “no mooring” areas updated Jan 2022.**

### **Context:**

This NBTAL response is based on the stated position of CRT that the full “safety” zones are not being implemented, but only existing rules are being implemented. We expect a different conversation and response when/if CRT decide to action the “safety” zones in other ways. Therefore this response focuses on the legitimacy of the interpretation of “existing rules”.

It was useful for CRT to present a high level overview of the zones on 29 October, but it is disappointing that Matthew A has not followed up with more information as requested and agreed at that meeting.

### **Our understanding of the regulation and guidance:**

In accordance with the Public Right of Navigation, which exists on the River Lea, boats have the right to moor for temporary periods. The Public Right of Navigation, as stated in Halsbury's Laws of England, 5th edition, paragraph 691, states:

"The public right of navigation includes the right... to remain for a convenient time, to load and unload, to moor and fix temporary moorings in the waterway."

The length of time that can be considered "convenient" cannot be determined in advance. According to Moore v British Waterways [2013] EWCA Civ 73, paragraph 63, a reasonable right of stopping: "...must depend upon circumstances. You cannot lay down à priori what is reasonable".

This is a Common Law right and cannot be extinguished by Byelaws or Terms and Conditions, therefore for CRT to designate these new areas as 'no mooring' areas is unlawful.

At the same time, keeping the waterways navigable requires some areas to be off limits for general towpath moorings. We understand and accept the 1995 Waterways Act and CRT's obligation to ensure free passage of the network.

The guidance that CRT present in the boaters handbook and mooring booklet are supposed to assist waterway users to interpret the legislation. In the main this guidance is based on traditional canal structures with narrow channels and low bridges that narrow the channel further and with occasional sharp bends. We accept that there are many bridges and sharp outside bends across the network where it is not appropriate to moor.

Many of the 'no mooring' sites within the 'water safety zones' fall outside the definitions in the Booklet and Handbook and therefore, in the 'water safety zones', CRT has invented new 'restrictions' to compensate for the fact that many of the 'no mooring' sites do not fit into the definitions in the Booklet and Handbook.

There are many examples of wide & high bridges across the canal network where mooring does not impede navigation. There are also plenty of examples of bends where mooring does not significantly restrict views or impede navigation. Indeed there are examples of areas under bridges and on bends where mooring is accepted, encouraged and sometimes monetised by CRT. Here are some limited examples of this:

- Paddington (A4206 bridge)
- Rickmansworth (on the outside of a bend above Batchworth lock)
- Broxbourne Cruising Club (on the outside of a bend)
- Rye House (on the outside of a sharp bend)
- Stonebridge; South Island Marina (on a bend)
- Barge East Mooring (near to a bridge)
- Burnt Mill Lock (on a bend)
- Sheering Mill Lane (on a bend)
- Brentford (Snakes & Ladders, on the outside of a bend).

We do not think that the above list of bends and bridges are inappropriate places to moor, but we are pointing them out to show that mooring on bends and under bridges should not automatically be assumed to be improper mooring.

**Breakdown of areas and response:**

We have divided the areas into 7 groups presented below, the first group are areas where we will not challenge no-mooring signs, the second group are areas where we will challenge no-mooring signs. The lists have been agreed by consensus with NBTAL members.

LL1-31 are Lower Lee, B1-9 are Broxbourne, they are indicated on the accompanying maps.

## LISTS A-D

We will not challenge no-mooring signs in lists A-D.

### LIST A:

We accept that the following areas in the list of red zones are a narrowing of the channel or low bridge and we agree that it is appropriate that the narrowed area is no mooring and we will therefore not challenge this. Each area should be no more than 10-20m in length.

LL2	Tottenham Lock	48m	Bridge 23 Railway Bridge
LL8	Springfield Park	41m	Horseshoe Bridge
LL9	Springfield Park	42m	Horseshoe Bridge
LL17	Filter Beds	20m	Walthamstow Crossover Bridge
LL25	Hackney Wick	41M	Eastway (A106) Bridge

See also list H, it may be legitimate to have 20m of restriction directly under the narrowed bridges at LL23, LL28 and B8

In addition we also think that the areas between bridge 18 and Walthamstow crossover bridge should be designated no mooring for ALL vessels.

### LIST B

We accept that the following areas in the list of red zones are on a sharp outside bend and would cause difficulties with navigation. We will therefore not challenge no mooring signs in these areas.

B6	Upper Main Section	89m	
----	--------------------	-----	--

### LIST C

We accept that the following areas in the list of red zones are currently used for access or safety, even if they may not contravene existing regs. It is appropriate that they remain off limits for general towpath mooring and we will not challenge no mooring signs in these areas as long as the length has not been extended beyond established practice.

LL7	Springfield Park	124m	High Bridge
LL10	Springfield Park	104m	Leaside Trust

### LIST D

Whilst we do not agree that mooring in the following areas here is contrary to current regulations, in the interest of compromise we will not challenge no mooring signs in these areas.

LL1	Tottenham Lock	239m	Bridge 23 Railway Bridge (offside)
LL5	Tottenham Lock	64m	Markfield Park (offside)
LL13	Springfield Park	50m	Ferry Bridge (offside)
LL15	Lea Bridge	485m	Above bridge 18 (A104) (offside)
LL16	Filter Beds	122m	Walthamstow Crossover Bridge
LL30	Old Ford	26m	Junction with Hertford Union
LL31	Old Ford	224m	Junction with Hertford Union (offside)
B3	Norther section ('The Playpen')	48m	Crown Bridge
B4	Norther section ('The Playpen')	74m	Crown Bridge

\*B3 & B4 should be available for loading and trip mooring

## LISTS F-H

We do not accept that mooring in any of the other areas in the list of red zones will cause a significant impediment to navigation.

We believe that they are an inappropriate application of existing regulations. We therefore intend to challenge these no-mooring signs and support boaters that moor in these areas.

### LIST F

The following areas are high bridges with a wide channel; there is no legitimate reason why boats cannot moor here.

LL12	Springfield Park	49m	Ferry Bridge
LL19	Filter Beds	48m	Waterworks Lane Bridge
LL20	Filter Beds	20m	Waterworks Lane Bridge
LL21	Filter Beds	43m	Pond Lane Bridge
LL24	Hackney Wick	74m	A12 Bridge
LL26	Hackney Wick	43m	Footbridge
LL32	Old Ford	56m	Junction with Hertford Union
LL4	Tottenham Lock	120m	Markfield Park
LL22	Filter Beds	189m	Daubeney Fields

### LIST G

The following areas are gentle or inside bends, or on bends where the river is very wide; there is no legitimate reason why boats cannot moor here. As on any river, some of these areas will have strong current and it may be appropriate to have signage to warn boaters here and also to keep access ladders free.

LL3	Tottenham Lock	85m	Bridge 23 Railway Bridge
LL6	Markfield Park	167m	Markfield Park
LL11	Springfield Park	67m	
LL14	Lea Bridge	367m	Above bridge 18 (A104)
LL18	Filter Beds	81m	
LL29	Old Ford	59m	Junction with Hertford Union
B1	Norther section ('The Playpen')	17m	
B2	Norther section ('The Playpen')	161m	Below Nazling New Road
B7	Lower Main Section	609m	Broxbourne Cruising Club

### LIST H

The following areas are on straight, wide areas of river; there is no legitimate reason why boats cannot moor here. If there is a concern that boats may become unpinning and crash into the rowing club (B5), it may be appropriate to install rings for safety.

LL4	Tottenham Lock	120m	Markfield Park
LL22	Filter Beds	189m	Daubeney Fields
LL23	Hackney Marshes	129m	Marshgate Bridge
LL27	Hackney Wick	44m	Eton Mission Rowing Club
LL28	Hackney Wick	53m	Carpenters Road Bridge
B5	Upper Main Section	107m	Broxbourne Rowing Club
B8	Southern section ('the cut')	163m	Kings Weir
B9	Lock	59m	Aqueduct Lock

\* It may be legitimate to have 20m of restriction directly under the narrowed bridges at LL23, LL28 and B8

END