



To: Executive Councillor for Arts, Sport and Public Places: Councillor Rod Cantrill
Report by: Head of Streets and Open Spaces
Relevant scrutiny committee: Community Services 12/1/2011 Scrutiny Committee
Wards affected: From Petersfield to Abbey

RIVERSIDE - RIPARIAN OWNERSHIP AND MOORING Key Decision

1. Executive summary

- 1.1 The County Council until recently was believed to be the owner of land at Riverside as detailed in Appendix A.
- 1.2 There is now evidence to support a claim, that the City Council is in fact the riparian¹ owner.
- 1.3 A successful claim to register an interest in/ or ownership of the land at Riverside with the Land Registry by the City Council would allow the Council to consider how it wishes to manage this land and regulate any moorings or any other activities.
- 1.4 Cambridge City Council manages residential moorings on the River Cam, and over a number of years has developed a moorings policy that governs the way this service works.
- 1.5 The existing City Council Moorings Policy was approved by the Executive Councillor for Community Development and Leisure on the 24th March 2005, and it does not cover land at Riverside.
- 1.6 Following a review of the Moorings Policy, The Executive Councillor for Arts and Recreation on the 18th January 2007 approved the recommendation; to instruct officers to continue to assist the County Council in relation to consideration on moorings issues on the Riverside Area.
- 1.7 A decision on any future management of land and the regulation of mooring at Riverside should be informed by the views of different

¹ Definition - An owner of land bordering a river
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groups of people, who have a reasonable interest in what happens to this area.

2. Recommendations

The Executive Councillor is recommended:-

- a) To instruct Officers to make a land registry application to register the land at Riverside as belonging to the City Council;
- b) To consult stakeholders on options relating to the management of this land at Riverside, and the possible regulation of moorings as set out at paragraph 3.11;
- c) To prepare a subsequent options appraisal with recommendations for Community Services Scrutiny Committee.

3. Background

- 3.1 In the report to the Community Development and Leisure Scrutiny Committee in March 2007, which created the existing Moorings Policy, the Head of Parks and Recreation detailed that *the mooring along Riverside does not form part of the City Council's responsibility but, as it is adjacent to the highway, control rests with the County Council as riparian owner.*
- 3.2 Subsequent reviews of the mooring policy in 2006/07 also considered the land to be owned or managed by the County Council.
- 3.3 Cambridge City Council manages residential moorings on the River Cam, and over a number of years has developed a moorings policy that governs the way this service works. The City Council sets a fee for a residential mooring licence, and the licence in turn sets out the standards of riverworthiness, behaviour and occupancy that licence holders are required to maintain if they wish to retain their licence, linked with the navigation licence required by the Navigation Authority, the Cam Conservators or the Environment Agency.
- 3.4 Enforcement of the licence requirements is provided through a river bailiff service (provided by Cam Conservators), which also ensures that mooring locations are within the areas set aside for this purpose, and regulates visitor moorings in their own designated areas; at the same time the City Council has introduced services to support moorers, with a pump out on Jesus Green.
- 3.5 The City has also worked hard with moorers and their representatives, particularly Camboaters, and with other river users, to try and develop a river policy that enables all legitimate interests to use the river. Over

the years, extensive consultation has taken place not only with partner bodies, but also with licence holders, and with other river users such as commercial operators, anglers, rowers and rowing clubs, and riverbank interests such as local residents. The purpose has been to try and balance the needs of these different groups, whose unfettered use of the limited river space could otherwise interfere with other users.

- 3.6 One area of the River Cam falls outside the River Moorings Policy. The Riverside railings were for many years thought to be the responsibility of the County Council's Highways Department, and the City Council's policy therefore did not cover this area. As a result, the riverside along this stretch has become an area of unregulated mooring, with limited enforcement, low standards of cleanliness, poor amenity, visual intrusion, and some boats that are no longer river worthy. Access to the riverbank is difficult, and there are no facilities for the boat occupiers.
- 3.7 Local residents for many years have raised concerns with the City Council and have been informed that the area is outside the City's control and enforcement policy.
- 3.8 Recently, however, it has become apparent that Riverside may be, after all, owned by (or at least within the responsibility of) the City Council. This provides an opportunity to deal with a problem issue, and to decide on how to manage the land.
- 3.9 The legal advice received is that the City Council has a good prospect of registering the subsoil along the Riverside frontage. Archive documentation supplied by the County Council has been of great assistance.
- 3.10 Registration of the subsoil would give sufficient riparian rights to regulate mooring. The County Council might, theoretically, have some riparian rights by virtue of their ownership of the retaining wall.
- 3.11 Any decision on the future management of the land at Riverside should be informed by the views of different groups of people, who have a reasonable interest in what happens to this area. These are: -
 - The occupants and owners of the boats moored there. In the case of residential boats, the occupants of these, homes would clearly be affected by any decision changing the situation of the area and leisure craft users would also be affected.
 - The residents of the streets immediately beside the Riverside area, whose quality of life is affected by the present situation and could equally be affected by any change of status;

- Other river users, such as existing licence holders, rowing clubs, rowers, the commercial operators on that stretch (including the *Georgina*), and other user groups such as the Anglers;
- Key stakeholders and Council partners, most particularly Camboaters and the Conservators, elected Members for the relevant ward, and perhaps other less immediate stakeholders such as the Environment Agency, Fire and Rescue Service, and Police.

3.12 A further report to a future Community Services Scrutiny Committee will consider the outcomes of consultation, emerging policies and makes recommendations for the Executive Councillor.

4. Implications

(a) Financial Implications

- i) The estimated cost for the questionnaire and interviews would be met from existing revenue budgets, (£4000).
- ii) If consultation results recommend extending the Council's mooring scheme along Riverside, and licensing moorings, we would need to undertake works alongside the embankment. These might include the installation of a landing pontoon to the river and improved means of access; e.g. Ladders. The cost of these works could be significant and approximately £12,000 to £20,000 for every two boats.
- iii) A further consequence of permitting mooring would be that the Council would be expected to regulate any nuisance caused by those living on boats. The income received from any licence fees would (if set at the current fee) be sufficient to allow regular enforcement visits.
- iv) if mooring were to be permitted, we would need consent from the Cam Conservators. The position in respect of planning permissions would need to be established, before any subsequent recommendations.
- v) If the Council decides to prohibit mooring, along all or part of Riverside, this would give rise to several issues:-
 - There would be a resource implication, for Legal Services in taking any court action necessary against boats moored without the Council's authority. There would also be resource implications for the Streets and Open Spaces team in evidence gathering.
 - To indicate a prohibition of mooring by signs may be an issue (e.g. planning issues) with placing signs in such a sensitive location. It may also be considered necessary to install some sort of physical

barrier to mooring; e.g. a string of marker buoys. There would be a cost to installing and maintaining a barrier.

(b) **Staffing Implications**

There are no staffing implications beyond normal duties.

(c) **Equal Opportunities Implications**

A full Equality Impact Assessment will be completed prior to the creation of any future policy recommendations to be made to Community Services Scrutiny Committee.

(d) **Environmental Implications**

The recommendations contained within this report have no climate change impact but future options should improve the local environmental quality.

(e) **Consultation**

i) **For Camboaters, the Conservators local elected Members, and local resident groups**, it is recommended an interview approach, that would allow opportunity to explore more closely what the issues and concerns are. The interview would allow us to ask questions about responses, and this can enable a probing of views that is not possible in a questionnaire approach.

ii) **For the occupants, the licence holders, the local residents, and for most stakeholders**, it is recommended a questionnaire approach. This is a low-cost approach, which would give all the people who might be considered to have an interest, a chance to have their say. The questionnaire might be varied according to the group to which it is targeted, but essentially would seek to explore their opinion of the present situation, and their perceptions of different options for change (which would be limited to those options which the Council would be willing to consider).

iii) The questionnaire would be available online (or on paper by request) to local residents and stakeholders; with a distribution by hand to licence holders and Riverside occupants, because these people use mailbox services that can seriously delay distribution, and because the addresses used by Riverside craft occupiers are not known to the Council. The online survey would be advertised through local media and via representative groups; the paper questionnaire would include a freepost reply envelope, and a letter explaining the consultation.

iv) The two strands will then be brought together in a written report, suitable for publication on our website, that will inform a report to

Community Services and support eventual recommendation as to the management and regulation of moorings at Riverside.

(f) **Community Safety**

The recommendations have no direct impact on Community Safety, however, the outcomes of the consultation will detail concerns and areas to be covered when drafting future policies relating to the management of /and regulation of moorings at Riverside.

5. Background papers

These background papers were used in the preparation of this report:

- Report to the Executive Councillor for Community Development and Leisure on the 24th March 2005.
- Report to the Executive Councillor for Arts and Recreation on the 18th January 2007.
- History of Riverside – A short briefing paper

6. Appendices

Appendix A – A map showing land at riverside.

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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