

## WILD MOORINGS AND MOORING RIGHTS

Many NSBA members have fond memories of mooring their boat on a quiet secluded stretch of riverbank, away from crowded official moorings and staithes, and enjoying the sunset on a summer's evening and a glass of refreshment.

Many will also miss the lengths of quay-heading which were once common along the Broads rivers, and which made it easier to moor against the bank using a rhond anchor or a rope around a nearby tree.

About 17 miles of quay-heading were removed between 2001 and 2021 during the *Broadland Flood Alleviation Project* to raise and naturalise the riverbanks (see p188). **However, what are our rights to simply moor up on a stretch of riverbank?**

**Basically, we have never had any rights - unless Crown Estate, the landowner or lawful occupier (e.g. tenant) of the riverbank has expressly given us permission to do so.**

- Mooring involves attaching a boat to the bank of a river – or the bed of the adjacent river. However, there always appears an intelligent time-determinant (e.g. *Free 24-hr, Perpetuity, Permanent live-aboard, Temporary, Embarkation, Servicing, Emergency...*).
- The right of navigation is simply a right to pass and repass along a tidal river (or non-tidal rivers with long-established usage). It carries with it a right to anchor/mud-weight temporarily to wait for the wind or tide. Some legal interpretations but not all refer that, "... bank of a navigable river is legally a part of the waterway ...".
- Riverbanks belong to the owner of that land. In some cases that land may have been let to a tenant. The bed of the adjacent (non-tidal) river generally belongs to the owner of the riverbank up to the mid-point of the river. So, to moor on a riverbank without the permission of the owner or tenant is technically a trespass, and therefore unlawful; here again because The Broads include much very tidal waterway, as well as being included in the Port-of-Norwich Navigation, we find that legal opinions differ.
- There is no legal right to moor to a riverbank, or to set foot on it or otherwise enter onto or pass over the riverbank or adjacent land without the lawful occupier's permission (whether landowner or tenant). Notwithstanding that the process of mooring or casting-off will in most cases necessitate management ashore.
- However, unless the landowner (whether freeholder or tenant) has expressly denied access for mooring on the riverbank (e.g. by putting up "No Mooring" signs), it has traditionally been accepted that one can moor to a riverbank for a short time as long as no damage is caused to the bank or the land.
- The landowner may, of course, ask one to cast off and leave at any time, and one should then do so as soon as possible. Actual Casting-Off remains at the instruction of the boat's master and not at behest of some passing 'serf'.
- Intrusion further inland would be subject to normal trespass and permissions.
- The landowner could also be aggrieved if the boat owner exposed persons, especially the crew, to danger from, for example, farm equipment or dangerous animals – e.g. a bull.

In summary, in the absence of permission, the boat owner needs to adopt a **cautious approach to "wild mooring"** and to ensure that they give no cause for complaint from the landowner.

The right to moor can, of course, be acquired from the landowner by agreement.

In some cases, the ownership of the riverbed may be different to the owner of the riverbank such as where the riverbed has been transferred to, or has historically been claimed by a third party, such as the local authority. For example, most, but not all, of the bottom of Oulton Broad belongs to East Suffolk Council; likewise Wroxham Broad is privately owned.

In such cases the permission of the owner of the riverbed should be obtained for anchoring or mooring to a buoy. The Broads Authority advises to consult the Land Registry in order to identify the relevant owners. However this may not provide sufficient information, and indeed pragmatically such a search would doubtless be impossible within the ad-hoc short period that an afternoon's sojourn were desired.

*One should celebrate the Broads Authority's efforts at gradually year-on-year increasing their total length of 24-hr Free Moorings. Equally one may be disappointed at lost moorings which are privately owned, therefore outside of the Authority's control; some of these have been offered to the Authority under proposed leases at what they deem unsustainable terms, for simultaneously both maintenance and rent, as well as untenably short timescales.*

# Broadland Flood Alleviation Project

Of the 120 miles of navigable river in the Norfolk and Suffolk Broads, over half (about 75 miles) flows through land that is at or below sea level. Flood defences have been in place along the riverbanks for hundreds of years, protecting farmland and settlements from tidal and fluvial flooding.

Traditionally, the defences have been built of clay soil and from dredgings on an ad hoc basis, with timber piling at staithe, boatyards and through settlements.

However, in the mid-20th century, steel sheet piling became the preferred construction material for its strength and resistance to rot. The steel sheet piling was extended to more lengths of river, purely as a flood defence, intended to prevent scour of the narrow flood bank behind, to contain and train the river, whilst reducing its sediment load.

However, the steel sheet piling, after 50 years, was at the end of its life, and extremely expensive to replace. The *Broadland Flood Alleviation Project* reevaluated the improved flood defence and environmental benefits of alternative forms of riverbank construction, with new engineered, wider and higher clay core flood banks set back from the river edge by a reeded strip ('rhond').

Landowners were given the option to retain the steel piled quay heading provided that they undertook responsibility for its maintenance. Most landowners did not find this option attractive, and chose to have the Environment Agency retain the responsibility for riverbank flood defences.

One can find more information at: [www.jacobs.com/projects/broadland-flood-alleviation-project](http://www.jacobs.com/projects/broadland-flood-alleviation-project)