

Chairman's Announcement

Item No.01c

Residential Mooring on the Kennet & Avon Canal

Background:

British Waterways own, maintain and operate The Kennet & Avon Canal, as part of the national waterways network. BW is authorised by Acts of Parliament to execute various powers to control the navigation and mooring of craft.

The K&A was re-opened in 1991 and fully restored in 1998 with an HLF Lottery grant of £27m. As part of this grant all Local Authorities have agreed to fund maintenance annually until 2018. The contribution from Wiltshire Council to BW is just over £200k p.a.

The economic value to Wiltshire of the K&A was studied in 2006 by Ecotec and approximately £20m p.a. visitor spend is attributed to the waterway.

Boats are required by BW to have a navigation licence, 3rd party insurance, and a home mooring unless they can demonstrate that they are continuously cruising. The canal has a towpath owned by BW and generally under byelaws boats are allowed to moor on the towpath for up to 14days- in some key locations the mooring time is further restricted to shorter periods.

There are a number of locations that attract 'live-aboards' who use the '14 day rule' to stay in one locality by changing mooring every 14 days. Many other boaters live at designated sites either on the canal (offside) or in marinas. A small percentage of these moorings have planning consent for residential use.

In November 2009 British Waterways launched a national consultation on moorings policy, with an aim to regulate towpath mooring.

Chief Executive Robin Evans wrote a preamble;

A particular challenge is that our waterways have become increasingly attractive to people seeking to make their home on the waterways. For many, the purpose is to keep moving and enjoy exploring different parts of the country. Others however are less footloose and want to stay in the same area. We are determined that our waterways should thrive as working navigations, for this is at the root of their heritage. We want waterways that are vibrant with boat movement, rather than extended linear boat parks.

Residential mooring was brought to my attention, as Canal Officer, recently by the very late arrival of the BW consultation, and coincidentally by an invitation to attend a meeting prompted by issues raised by boaters at the Bradford on Avon Area Board. The boaters challenged the basis of the British Waterways Consultation and

proposals to regulate towpath mooring. Some of the boaters do not have a permanent mooring and are licensed by British Waterways as 'continuous cruisers'.

At this meeting on Monday 22nd February it was obvious that there is wide gap between BW and the boaters on the interpretation of the relevant 1995 BW Act of Parliament.

British Waterways has prepared its proposals in the Moorings Consultation on the basis that its interpretation of 'continuous cruising' is a progressive journey around the network. The boaters say the 1995 Act refers to 'bona fide navigation' which they consider to be moving every 14 days, but this could be within the same area (a few miles). Case law is awaited to test which of these interpretations is correct.

The British Waterways proposals would set up a local group to define mooring areas on the towpath for free mooring for times from 24hrs to 14days. Overstay would attract a daily excess charge. Elsewhere the default mooring period would still be 14days.

BW also report that it is under resourced to carry out patrols and enforcement.

Issues for Wiltshire Council

British Waterways is focussing on the issue of resolving a fair use of the limited resource of towpath mooring.

From the Local Authority perspective there are much wider impacts of mooring on the local communities on the canal. In making an informed response to the BW proposals, development control, spatial planning, tourism and economic impact, and traveller policy need to be assessed not only by Wiltshire Council but also by neighbouring Authorities.

British Waterways has told me that BANES are wishing to act now to deal with situation in their area. This clearly could simply move the boaters eastwards into Wiltshire.

Assessment of the current situation, implications of proposed regulation of towpath residential mooring, and further actions.

- British Waterways boat sighting statistics suggest there are about 200 boats moored on the towpath in Wiltshire west of Devizes. They cannot confirm how many of these are continuous cruisers/live-aboards.
- Wiltshire Council's Area Boards have been asked to consider residential mooring on the canal to try to give a better local view of the current situation and to understand the impacts of the proposed regulation of this mooring on the local community.
- Travelling boaters are included in the current draft Gypsy & Traveller policy.
- I am currently trying to find out if Wiltshire Council is able to identify the current number of boats paying Council Tax.
- I am also seeking guidance of what policy we might use when assessing planning applications for use of the berths for residential boats.
- If the proposed regulation effectively makes the boaters homeless, there may be implications to house the boaters or to provide suitable moorings.
- The LDF may need to consider suitable sites for mooring/marinas.
- The Kennet & Avon Canal Partnership has indicated that it would be a suitable forum to try to create a consistent approach from all the Local Authorities on the Canal.

Area Boards:

Feedback from local communities to help shape Wiltshire Council's response to British Waterways :

- ❖ What is the extent of residential use of boats on the towpath
- ❖ Are there any specific issues that this usage causes?
- ❖ If British Waterways implemented plans to restrict towpath mooring to 14days what economic impact might this cause to local communities?
- ❖ Any other comments

Ken Oliver

Canal Officer

29th March 2010