

## **REVIEW OF BW'S ONLINE MOORING POLICY (England & Wales) 2009**

*WORK IN PROGRESS, 26 August 2009: NOT ADOPTED POLICY*

### **Background**

We tabled a discussion document on this subject in April of this year which was debated briefly at the half yearly meeting of the ‘waterway users and special interest groups’ on 22 April. Subsequently, we received several written comments and held a more detailed discussion with representatives of the largest boating consumer representative organisations on June 8<sup>th</sup> and with representatives of the inland marine trade on 11<sup>th</sup> August.

The feedback so far has been very constructive and has influenced our thinking considerably. This document has been prepared for those who took part in these discussions, with the invitation of a final opportunity to influence the content of the public consultation document that we hope to publish by mid October.

Our conclusions to date:

1. The residential moorings theme has been separated from the general moorings policy paper. Work on the former has progressed and our revised draft residential moorings policy document dated 4<sup>th</sup> August 09 is available.
2. On mooring regulation more generally, we see three main challenges:
  - a. The need optimise use of water space along the line of our waterways, balancing the interests of different stakeholders, and ensuring sufficient ‘breathing space’ between groups of moored boats.
  - b. The need set clear, fair rules for short term mooring
  - c. Improving compliance with mooring rules.
3. In setting policy for tackling these challenges, we are mindful of BW’s responsibility for protecting the very special character of the waterways along with its heritage which is rooted in navigation. We do not want to see the waterways become a 2,000 mile long linear boat park.

Our future policy needs to emphasise two themes: **(1) local moorings strategies and (2) control of short-term moorings.**

4. We should develop **local moorings strategies** that set the framework for local mooring permissions. The purpose of a local mooring strategy will be to achieve the best balance of different types for moorings – i.e. long term<sup>1</sup>, short term/casual<sup>2</sup>(< 14 days) and an appropriate amount of normally empty space between moored boats for use by anglers and for general landscape amenity. In the past we have researched and explored the idea of setting national limits – e.g. “no more than 15 boats at any one location and a gap of at least 6 miles between locations”. Although this might be a convenient rule of thumb, we believe it is too crude to apply

<sup>1</sup> 1 A long-term, or home mooring is where a boat is lawfully kept when not being used for cruising.

<sup>2</sup> ‘Casual mooring’ is the term used in BW’s statements of intent etc. made during the passage of the BW Act 1995 through parliament. It conveniently defines both designated visitor moorings and towpaths generally where mooring is permitted for up to 14 days, unless otherwise indicated.

sensibly across the wide range of different landscapes and surrounding land uses found along different waterways.

5. Each local mooring strategy would comprise a series of maps designating stretches for either *long term mooring* or *visitor mooring* (with time limits appropriate to location). Some stretches might be assigned for *angling priority* depending on the terms of local angling agreements, for example. Others may be earmarked for commercial boating activities for floating retail, trip boats etc. Any unassigned lengths would, as at present, be available for *casual* mooring ancillary to cruising for up to 14 days.
6. Draft strategies would be subject to proper local consultation and we would define minimum standards for this, engaging views from all local stake-holders such as different waterway and towpath users, local residents and business communities etc. They would refer to relevant local authority policies where applicable. Such strategies would give clarity to boaters and greater confidence and strength to BW to regulate mooring.
7. We need to strengthen **control of the use of casual moorings**. We cannot rely on boaters to comply with the spirit and letter of the rules, but we would prefer not to spend large amounts of valuable licence fee income in enforcement and legal costs. We have previously floated proposals for encouraging the adoption of home moorings through introduction of a differential annual licence fee or a new 'roving mooring permit'. These did not meet with support amongst the broad cross section of boating consumer groups, and arguably were not sufficiently targeted to achieve the results we seek. However, we maintain our view that pricing has a role to play in achieving effective control of the use of our water space. This is reflected in the new proposals below.

Mooring control would be managed locally using the following principles:

- a. We would identify specific stretches where abuse of short-term mooring rules is most prevalent and causing inconvenience or dissatisfaction to others.
- b. Determine appropriate zones with time limits. Sites/stretches would usually have (a) *core zone* (shortest time limit) and (b) *outer zone(s)* (longer time limit) with clear signing to explain and demarcate the zones<sup>3</sup>.
- c. Stretches closest to access points may be designated for priority to boaters with mobility difficulties (subject to the site meeting BW's disability specification for moorings) &/or for hire boat use.
- d. Stays within the core zone to be generally free of charge up to the time limit (48 hours, 72 hours etc)<sup>4</sup>. If people wish to stay longer, they may move to the outer zone and pay a daily charge up to a maximum specified period. The pro rata daily rates would be set higher than those prevailing at nearby long term mooring sites (BW or private). The reason for this is to encourage those needing a long term mooring to use long term sites.

---

<sup>3</sup> Justification for setting any time limit of less than 14 days at a mooring should take account of the needs of typical local and transit boaters. There should be attention to the needs of local hire companies, whose customers do not have the same flexibility in time and route planning as private boaters have. Typically, for example sites adjacent to supermarkets, pubs etc. should have short limits while places close to good public transport connections may be in demand amongst private boaters 'weekending' their boat around the network for whom a six or seven day limit would be helpful. Where necessary, separate zones could be used to reflect differing demands.

<sup>4</sup> Premium sites may be an exception where hourly or overnight charge could apply, as at Llangollen for example. Such sites would be confirmed in the local mooring strategy.

- e. Each day spent in the core zone beyond the free period would be subject to a daily charge significantly higher than that applying in the outer zone. The boat owner would be responsible for BW's costs in moving boats moored without permission on time-limited moorings.
  - f. BW would establish local places to buy mooring tickets e.g. pub, shop, post office, boat yard, marina, and they would also be available on line. Management of this regime will require local patrolling, so separately from establishing ticket sales outlets, we would anticipate appointing local agents or wardens able to record boat index numbers at least once daily, to feed this data into the BW enforcement system and issue patrol notices warning of enforcement action if the boater failed to comply with the ticketing requirement.
  - g. As an incentive, day/weekly tickets purchased in advance would cost less than if purchased from the local agent after the time when payment becomes due.
  - h. Site signage would include appropriate 'no return within' constraints (with an exception for registered hire boats) along with details of longer stay charges and payment methods plus reference to the patrolling system.
  - i. Boaters failing to purchase the necessary mooring ticket would have the amount added to their boat licence account plus any associated costs. The boat would not be issued with a new licence (to the current or a new owner) until previous debts had been cleared. Prospective boat purchasers would be advised through general publicity to check with BW whether any outstanding charges were associated with the boat. BW's normal complaints procedure would of course be available to boaters disputing evidence or believing they had been treated unfairly
8. Initially the number of stretches managed in this way would be small. Successful implementation is likely to have the inevitable consequence of encouraging persistent over-stayers to migrate to nearby stretches. This may trigger the need to designate further controlled mooring zones. However, we would expect the great majority of the waterway stretches to remain un-zoned as present. Zoning would be our standard response to congregations of boats not observing the general moorings guidance.
9. Our objective would be to raise sufficient income from charges to cover the agency and additional management costs associated with the policy.
10. The primary measure of success of the new policy would be the extent to which it halts the growth in, and indeed reduces, the number of boats that we find tied up along the towpath for long periods without permission and in breach of BW's mooring rules.

### **Next steps**

11. **Local moorings strategies:** we would like to start work very soon with local partners to develop one or two prototype strategies. Out of this would come not only two strategies, but a template method for preparing them for other areas. Suggested candidate areas for the pilots are the Shropshire Union Canal (because the proliferation of 'end of garden' applications has registered as a cause for concern within the local office and amongst local boaters); the western end of the Kennet & Avon Canal (because of the significant complaints from local residents about high numbers of boats mooring unauthorised for long periods on the towpath); and the Lee Valley (similar issues to K&A). We would seek serious commitment and help from the respective canal society/trust (where these exist) and invite working input from IWA, NABO, RBOA, TBA and AWCC. BW's office capacity will be insufficient to deliver all the associated work, and we see

this as an exciting volunteering opportunity in the true spirit of '2020'. We would hope to look increasingly to local boater and trade representative groups to take a lead in preparing local strategies using the established method, with BW providing data, mapping services and general overview as manager of the waterspace. We will propose terms of reference for this approach as soon as possible.

12. **Moorings control:** we seek feedback and further suggestions from the above national boating groups and from the boating trade. Subject to further refinement and development of practical arrangements, including agency terms/sourcing, we would seek to pilot the approach as part of the current efforts to address unauthorised mooring in the K&A's Bath Valley area.

Sally Ash  
25/8/09

PRE-CONSULTATION