

## **Notes of a meeting between British Waterways (BW) and Bath & North East Somerset Council (B&NES).**

**8 December 2011**

**Present:** Cllr Tim Ball (Cabinet Member for Homes & Planning, B&NES), Ashley Ayre (Strategic Director, People & Communities, B&NES), Damian Kemp (Project Officer / Communications Manager, BW), Sally Ash (Head of Boating, BW), Sarah Johnston (Senior Planning Officer, Planning Policy), Rebecca Jones (Principal Solicitor, B&NES), Cordelia Johnney (Equalities & Diversity Officer, B&NES), Ann Robins (Planning & Partnership Manager/Supporting People Manager, B&NES).

Ann opened the meeting by advising that all present were aware of a growth in the number of people residing on the Kennet & Avon in Bath & North East Somerset, that this was

### **BW Organisational Change**

Sally outlined the changes to BW brought about by the requirement to change from quango to charitable status. The main points were:

- BW becomes Canal & River Trust (C&RT) from April 2012
- Annual grant from central government will cease. C&RT will be commissioned by DEFRA to provide some services, but are expected to build up income from fundraising
- 11 local partnerships, reflecting current boundaries, will be set up
- The intention at this point is that the new body will work to the requirements of the equality duty, despite not being a public body.

All acknowledged that the increased number of residences on the Kennet & Avon was presenting new challenges. Sally explained that continuous cruiser status requires boat-dwellers to move on after a maximum of 14 days. Of the estimated 30,000 vessels known to BW, an estimated 4,000 are continuous cruisers (CC's). Until recently, BW has not enforced the regulations and collection of license fees has been patchy. Recent case-law (BW v Paul Davies, September 2010) has helped to clarify the definition of 'navigation' or the distance that needs to be covered to count as having relocated. BCC found that a distance of 10 miles does not represent bona fide navigation. Of these, Sally estimates that at least 75% do not navigate this far. As part of a new approach, BW is now using GPS to collect data on navigation and license status. When an unlicensed boat has been identified, BW would always apply for a court order before removing it. BW would consider allowing boat-dwellers to remain, if they can prove dependency on living at a particular site.

Sally advised that the Bath area has a high density of vessels in a short stretch of canal. Roughly 75 boats are 'virtually resident'. In a recent survey, 352 CC's were sighted 5,300 times. Commercial stakeholders report that Bath is a less attractive site for them due to the high density and problems in mooring for holiday boaters.

In terms of the River Avon, Sally advised that whilst BW has the power to advise to leave an unsafe mooring, it has no power to require a boater to vacate. Only the landowner has this power.

BW are looking at how they can increase moorings and are particularly interested in establishing new sites off the canal. Whilst Planning regulations can make development of new sites difficult, Sally advised that PP has been given on marinas in Green Belt areas. BW want to make progress on this and can offer guidance on creating new marinas. Sally advised that New Homes Bonus can be claimed for small, 'harbour-style' sites.

**Damian offered to share the data collected on use of the Kennet & Avon.**

In terms of management of sites, Sally reported that the Lee Valley Moorings Plan, though rejected, did result in the establishment of a social enterprise run by and for boat-dwellers resident in the area.

Cllr Ball drew the group's attention to the soon to be published River Corridor Strategy, which includes proposals for flood compensation works. He suggested that this could present an opportunity to set up either a new marina or moorings. **Sarah will send the Strategy out to the group.**

Sally and Damian continue to work on the Moorings Strategy. A document setting out options for zoning (visitor moorings and roving permits) will be sent out for consultation. The strategy and delivery plan will follow the consultation. Both documents will be shared with Bath & North East Somerset Council before going out.

All agreed that this had been a useful meeting and that regular contact via this group would be beneficial. **In order to direct the work of the group, a Memorandum of Understanding will be drafted and circulated by Ann.** It will include our respective responsibilities and remits, how we will work together.