

PROPOSALS FOR DEVELOPING LOCAL MOORING STRATEGIES: PUBLIC CONSULTATION 17TH NOVEMBER 2009 TO 11TH JANUARY 2010

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ASSOCIATED DOCUMENTS DOWNLOADABLE FROM THE INTERNET

1. Consultation response form (word format)
2. Moorings policy public consultation document November 2009 – January 2010

Simon Salem
Director for Boating Business
17th November 2009

1. ABOUT THE CONSULTATION AND HOW TO RESPOND

This consultation is best read alongside the [concurrent consultation](#) on BW's national moorings policies. This consultation seeks feedback on the mechanics of how we should develop local mooring strategies which are proposed as a means of ensuring that, as boating use of the waterways increases, scarce space along the line of the canal is shared fairly between waterway users and general amenity protected for all to enjoy.

We have proposed the western end of the Kennet & Avon Canal as a good candidate for the first of two or three pilot projects to develop local mooring strategies during 2010. The lessons learned from these will inform the wider use of this approach in other parts of the BW network.

We expect the consultation to be of interest to:

- boat owners
- the boating trade, particularly operators of commercial boats for hire, passenger boats or moorings
- anglers
- other frequent waterway and towpath users
- people living close to waterways, particularly in residential areas
- waterside businesses
- parish councillors
- local authority planning, environment and housing departments
- Statutory and other organisations concerned with civic amenity, housing, heritage, environment and of course, inland waterways.

Pre-consultation

Discussions with user group representatives, feedback from boaters and local residents have all informed the drafting of this paper.

Responding to the consultation

Comments are invited by 11 January 2010. When responding, please indicate your particular interest in this subject. We have highlighted some questions throughout the document for which your answers would be helpful. Other comments are also welcomed and will be considered.

Please use the response form as this will reduce the size of the task of analysing the feedback.

An electronic copy of the form is can be downloaded from

www.britishwaterways.co.uk/mooringconsultation09

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W: <http://www.britishwaterways.co.uk/listening-to-you/consultations-and-reviews/current-consultations>

We are conducting this consultation, to the best of our ability, following the Cabinet Office Better Regulation Executive's Code of Practice on Consultation. This can be viewed at

www.berr.gov.uk/bre/consultation-guidance/page44420.html

2. CONTEXT

- 2.1 In April 2009 we launched a public debate on the proposition that British Waterways should migrate to the “third sector” - see www.britishwaterways.co.uk/twentytwenty . An important feature of the shift into this sector would be greater public engagement. The ultimate goal is to change the ownership structure of BW to broaden it beyond just central government and in doing so, bring a true sense of belonging and responsibility for the canals to communities and individuals.
- 2.2 More recently, at the end of October 2009, we launched a three month consultation on moorings policy for our waterways in England & Wales. Its aims are to promote understanding of the complex issues associated with the management of moorings on BW’s 2,000 mile historic waterway network in England and Wales and to seek feedback on specific new policy proposals to support appropriate management and control of moorings along the line of the waterways. See www.britishwaterways.co.uk/mooringconsultation09 for a copy of the consultation paper.
- 2.3 One of the central proposals put forward in the moorings consultation is that local groups, with a genuine interest in the use of a waterway, should take an active part in developing the mooring strategy for it. The need for a local mooring strategy will be limited to those areas of the network where pressure on space along the waterway is most acute and problems of conflict arise. No fixed size is proposed for strategy areas as this will depend on local factors. It is BW’s intention that the great majority of the network will remain available for free casual mooring as at present.

3. PURPOSE AND SCOPE OF CONSULTATION

- 3.1 Creating a local mooring strategy that balances the sometimes competing needs and interests of different groups is not likely to be easy. Gathering evidence of the needs of different groups and the impacts on others of different mooring types, and then reaching a conclusion on how scarce space should be shared, are all critical steps that call for patience, commitment, knowledge, skill and diplomacy. Many might expect BW to carry out this work as part of its role as custodian and manager of the waterways, employing professionals as needed to do research, manage public consultation etc. This is the tried and tested method of the past, but is not our preferred route for local mooring strategies. To be successful, these must reflect local views and issues and it is local users and communities who understand these best, so we believe that representatives of these people should have an active input to all stages of the strategy.
- 3.2 This paper therefore proposes the establishment of local, stakeholder-led mooring strategy steering groups. Confirming their purpose and objectives as set out in the wider [Moorings policy for BW’s network in England & Wales, 29/10/09](#), launched at the end of October 2009, this paper discusses who should be represented on the steering groups, who should take the lead, how it should be set up, and the relationship of the groups to BW.
- 3.3 It is not intended that this consultation nor the consequent strategy development process should be a forum for debating BW’s interpretation of Section 17(3)(c) of the British Waterways Act concerning continuous cruisers. This interpretation is explained in Appendix 2 of [Moorings policy for BW’s network in England & Wales, 29/10/09](#). The scope is limited to the mechanics of establishing an effective local strategy steering group. The time for debating specific proposals for zoning areas for different types of mooring will come later.

Question 1. *Is the scope of the consultation clear? Would you include anything else in its scope?*

4. PROPOSALS

Mooring strategy steering group: purpose, membership and chairing.

- 4.1 The purpose of a local mooring strategy steering group would be to undertake the necessary research, analysis and consultation to prepare a detailed map of a stretch of BW waterway showing how moorings could best be zoned (and where appropriate created) to balance the interests of different waterway and towpath users. The objective is to prepare a mooring strategy that meets the brief set out in paras 3.4 – 3.12 of [Moorings policy for BW's network in England & Wales, 29/10/09](#). These are reproduced in appendix 4.
- 4.2 If they have a presence and interest in the particular area being consulted on, we would expect the steering group to comprise representatives from the following organisations:
- Canal society or trust
 - Inland Waterways Association
 - Residential Boat Owners Association
 - Association of Waterway Cruising Clubs
 - National Association of Boat Owners
 - The Barge Association (DBA)
 - Sustrans
 - Association of Pleasure Craft Operators and/or local boating trade associations
 - Angling club holding fishing rights along the waterway
 - Canoe clubs, rowing clubs with lease agreements etc for use of the waterway
 - Parish and District Council/unitary authority – elected representatives and where appropriate, planning and housing executives
 - Other local organisations concerned with civic amenity, housing, heritage, environment. (it would be the responsibility of the chair and BW project officer to research and identify these and invite them to take part)
- 4.3 Other people not affiliated with any of the above organisations but with skills, knowledge and commitment relevant to the project could be co-opted by the steering group once it is established.
- 4.4 Members of the group should be able and willing to devote time on a voluntary basis (if not representing the organisation as one of its employees) to researching, understanding and communicating relevant issues, and to consider wider public benefit as well as their own particular interest(s).
- 4.5 The resulting strategy must be practical to implement and consistent with BW policies. The steering group would not have power or authority to implement a strategy without BW's agreement. The risk of disagreement should be minimised by including two or three BW staff members in the steering group. These representatives would also be the conduit for specialist support and information.
- 4.6 The chair of the steering group should be independent and not biased towards any particular local group. It would be a 'hands on' leadership role, not just one of figurehead and meeting chair. Desirable characteristics of this person would be experience of championing the long-term preservation, sustainability and enjoyment of the canal in question, and a good track record in achieving results which depend on achieving consensus amongst groups with different agendas.
- 4.7 Ideally, the chair would be a senior representative of the local canal society or trust where such a body exists. This is because they typically have established objectives relating to the waterway in question and consistent with those for mooring strategies outlined below. Where

there is no established local canal society or trust, the role could be assumed by a local representative of either the Inland Waterways Association or national boating organisation.

4.8 An alternative, in principle, could be a representative of a local parish or district council (ideally an elected councillor). This would have the advantage of ensuring that the views of local people are properly represented. However, local authority boundaries will rarely coincide with waterway strategy areas making the selection of the appropriate person difficult, and in few areas will there be sufficient knowledge, passion and commitment to the canal itself amongst local councillors to take on this role. These drawbacks make this option an unlikely outcome for the majority of strategies.

4.9 Qualifications for membership of a mooring strategy steering group should include:

- Support for the objectives of the strategy as set out below
- Acceptance of the legal framework surrounding moorings policies as set out in the 2009 public consultation paper.

4.10 We suggest that a formally constituted small national 'nominations panel' might be a sensible vehicle for ensuring that chairing and membership of each local steering group is acceptable to the broad cross section of waterway stakeholders. The panel might comprise say, one senior representative from each of the IWA (as the country's largest single waterway membership organisation) and the Association of Pleasure Craft Operators or British Marine Federation (representing the many thousands of people hiring boats for holidays or day trips and the businesses who serve both them and private mooring customers) and one senior BW manager. These three people would not necessarily meet, but review nominations and confer and conclude by email.

4.11 The process of setting up a steering group would start with BW announcing its wish to establish a local mooring strategy steering group and inviting nominations from active local organisations from the list in para 4.2. We would also contact the relevant local canal society or trust (or IWA branch) to seek a nomination for Chair. Brief biographical details would be requested for each nominee and these would be compiled into a recommendation to be considered and endorsed as appropriate by the nominations panel.

Question 2. *What qualifications and skills should members of the steering group have?*

Question 3. *Is the principle of a locally-led steering group comprising all relevant and interested parties, preparing a mooring strategy agreeable? If not what other method would you use to do this?*

Question 4. *Do you think the list of potential group members is appropriate? If not, what changes would you suggest?*

Question 5. *Are you comfortable with our proposal that where possible the group should be chaired by the local canal society/trust or a local representative of the IWA or other national boating organisation? If not, who would you suggest?*

Question 6. *Do you think that a national nominations panel would be a sensible approach for ensuring chairing and membership of the groups is appropriate*

Question 7. *How many members should the nominations panel have and which established national bodies should be included?*

Question 8. *What would be an appropriate mechanism for appointing unaffiliated individuals to the group? Should there be a maximum number?*

Question 9. *If you reject the options we have outlined here, what alternative would you prefer?*

Steering group tasks

- 4.12 It would be the task of the members to aggregate views from their own constituency and represent them at steering group meetings. The combined views will be used to agree on a strategy that is feasible and acceptable to the majority of the steering group.
- 4.13 The group members would need to be prepared to share between them the essential tasks of arranging meetings, preparing agendas, keeping notes of meeting decisions, preparing public communications etc. The BW project officer would be available to help but could not take on the full responsibility for these tasks.
- 4.14 BW will contribute meeting venues, technical expertise (heritage, planning, mapping etc) and a dedicated project officer. If required, we may also assist with any research needed.
- 4.15 Once a draft strategy had been agreed the group would be expected to:
- present the draft strategy to BW's Marketing Director for endorsement prior to public consultation
 - consider feedback from BW to the draft and agreeing modifications as appropriate. In the event of disagreement the nominations panel would act as arbitrator.
 - conduct a local consultation on the final draft
 - consider feedback from the consultation and recommending amendments to BW
 - monitor and support implementation of the strategy

Question 10. *Are you content with the role outlined for BW in the proposals? (see e.g. paras 4.5, 4.10, 4.14)*

Question 11. *Would you prefer it if the draft strategy was also reviewed by another party before public consultation? If so, who?*

Question 12. *Do you agree with the method of arbitration in 4.15 above? If not how would you resolve disagreements between BW and the steering group?*

5. Timescale

We don't expect to appoint groups in all areas needing a mooring strategy straight away. To ease the workload we will develop groups over time, starting with the Kennet & Avon Canal between Devizes and Bath. On the assumption that it would be possible to establish a K&A mooring strategy steering group approximately one month after the closing date of this consultation, a target timetable might be as follows:

Stage of process	Complete by
Consultation on the process of developing a local mooring strategy	11 th January 2010
Steering group members appointed	Early March
Evidence gathering and assessment of issues – interim report	March -April
Strategy options defined and evaluated	May
Draft strategy complete and agreed with BW	end June
Local public consultation	end August
Analyse and report feedback, agree amends with BW	End September
Implementation and monitoring begins October 2010	

Question 13. *Are any of the stages too short/too long? Which ones?*

Question 14. *Are any stages missing? If so, which ones?*

APPENDIX 1

Extract from mooring policy consultation document covering the brief for local mooring strategies

- 3.4. The function of the group will be to examine evidence on the current patterns of mooring, the extent and nature of any problems or issues etc, to canvass views from appropriate interest groups, to develop and assess different options and formulate balanced proposals for public consultation. We would expect members of the group to take an active role in communicating the strategy proposals during the consultation period, to participate in the assessment of feedback and formulation of the final version.
- 3.5. Technical support will be provided by BW in the form of planning advice, statistics and information, mapping, research etc. expertise, but we aim for a substantial proportion of the work to be contributed by volunteers, consistent with BW's volunteering provisions.
- 3.6. The resulting strategy must meet BW's requirements: it must be practical to implement, consistent with BW's statutory powers and duties and published policies and with relevant statutory requirements for protected structures, sites and wildlife. It must also reflect relevant local authority policies where applicable (e.g. in respect of suitability of sites for new offline or residential moorings). The process by which BW formally adopts the strategy will be developed during the pilot projects.
- 3.7. The strategy must represent the best possible compromise between the competing demands of different interest groups, informed by objective assessment of evidence and options, and fairly conducted local public consultation.
- 3.8. A local mooring strategy will identify zones using the following classifications:
1. free casual mooring for up to 14 days – the unsigned default
 2. free, time-limited mooring (signed)
 3. short-term charged mooring (signed)
 4. long term mooring (leisure / residential / trade) (signed)
 5. no mooring (signed)

See [Glossary](#) for definitions of these mooring types

It may also identify areas potentially suitable for offline marina development, and BW leisure mooring sites which may be suitable for a change of use to residential.

- 3.9. The strategy could designate stretches closest to particularly popular access points for priority use by boaters with mobility difficulties. Such designation would require proper assessment of its suitability, using the following suggested standard:
- Access from arrival/departure point to individual mooring along the towpath or through mooring site :** Path slope no steeper than 1 in 10; path width no less than 1 metre; no steps or barriers; intact compact surface with only slight irregularities, neat edges, drains immediately.
- Access to and from the boat itself :** Sound well maintained bank protection or natural bank; good line and level, with only minor erosion, deterioration, corrosion of piles or cracking; no significant potholes; no more than 0.5 metres of freeboard.
- 3.10. It could also designate stretches for boats covered by certain trading agreements in order to facilitate the operation of commercial retail or cafés at visitor destinations for example.
- 3.11. A good local mooring strategy effectively implemented should result in the following:
- a clear set of designated areas and associated conditions of use which the majority of boat owners, boating holiday-makers, anglers, local businesses and communities accept as reasonable. They should feel that the use of water space along the towpath and canal offside is designated and distributed fairly, providing the right mix of long term moorings, short term moorings and an appropriate amount of empty space between moored boats for general landscape amenity and/or use by anglers, according to local agreements.
 - The conditions of use (mooring rules) should be feasible and practical to enforce. There must be reasonable prospects of enforcement costs being covered by revenue from local short term mooring fees so that BW's core resources for waterway maintenance are not called upon.
- 3.12. Clearly it will take time from the completion of the strategy to achievement of these objectives. The strategy document should include a simple monitoring process and practical, time-specific, measurable targets.

Appendix 2

PUBLIC CONSULTATION ON DEVELOPING LOCAL MOORING STRATEGIES 2009 RESPONSE QUESTIONNAIRE

Please use this form to submit your response before **11 January 2010**. To do this electronically, please download the form which is available at www.britishwaterways.co.uk/mooringconsultation09 and email it to consultation@britishwaterways.co.uk.

Paper copies should be posted to:

The Consultation Team, British Waterways, 64 Clarendon Road, Watford WD17 1DA

If you have any questions about the consultation, please contact us:

E: consultationquestions@britishwaterways.co.uk

T: 01923 201120

F: 01923 201300

Your name and contact details

Please provide email or postal address, depending on how you would prefer to be contacted. Note, we will not be able to acknowledge individual contributions, but will contact you with a copy of the final report when available. Exceptionally, we may contact you if we need to clarify any aspect of your feedback. Unless you specify otherwise, we may quote, but not attribute, your views

In what capacity are you responding to this consultation? (please tick all that apply)

- As a representative of a company, organisation or local authority (please state which and include your position within the organisation) _____
- Residential boater
- Current boat owner (using boat mainly for leisure)
- Continuous cruiser
- Owner or employee of an inland marine business
- Owner or employee of a business serving boaters
- Angler
- Resident living close to a waterway frequented by boats
- Parish or District Councillor
- Other (please indicate) _____

QUESTIONS

Mooring strategy steering group membership and chairing

1. Is the scope of the consultation clear? Would you include anything else in its scope?	
2. What qualifications and skills should members of the steering group have?	
3. Is the principle of a locally-led steering group comprising all relevant and interested parties, preparing a mooring strategy agreeable? If not what other method would you use to do this?	

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9. If you reject the options we have outlined, what alternative would you prefer?	

Steering group tasks

10. Are you content with the role outlined for BW in the proposals? (see e.g. paras 4.5, 4.10, 4.14)	
11. Would you prefer it if the draft strategy was also reviewed by another party before public consultation? If so, who?	
12. Do you agree with the method of arbitration in para 4.15? If not how would you resolve disagreements between BW and the steering group?	

Timescale

13. Are any of the stages too short/too long? Which ones?	
14. Are any stages missing? If so, which ones?	

PLEASE ATTACH ANY OTHER COMMENTS OVERLEAF OR ON A SEPARATE SHEET: