

# **TOWPATH MOORING PLAN FOR THE KENNET & AVON CANAL WEST OF DEVIZES**

## **FRAMEWORK AND DRAFT IMPLEMENTATION SCHEDULES FOR CONSIDERATION BY WATERWAY PARTNERSHIP**

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## **1. Introduction**

The plan outlined in this document has been shaped very much by the painstaking work of the Mooring Strategy Steering Group (MSSG) which met 8 times between August 2010 and October 2011<sup>1</sup>. We are grateful to all those who contributed to this. This plan constitutes our response to their proposals.

## **2. Four aims of the plan**

1. To protect the amenity of the waterway for widest public benefit
2. To improve access to popular visitor moorings by boats being used for leisure and holiday purposes, and to stretches of 'unmoored' water by anglers
3. To provide a means by which boaters without a home mooring currently resident between Bath and Devizes may continue with their chosen lifestyle without the need to move every 14 days.
4. To clarify local rules and achieve understanding and compliance through effective, positive, communications and support, reducing dependence on requirement for exercise of legal enforcement powers.

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<sup>1</sup> A list of the organisations participating in this group and a summary of their proposals is published [here](#)

### 3. Key features at a glance

(if you are reading this on screen, hyperlinks connect to relevant detail later on)

Relevant plan aims	1	2	3	4
1. Designate <a href="#">visitor mooring</a> stretches; sign them clearly at start and end points; specify 'return rules' in the form of max. x days within any calendar month.	✓	✓		✓
2. <a href="#">Extended stay charges</a> for breaching time limits at visitor moorings. Sufficiently frequent sightings by professionally recruited paid staff to support this – warning notes c. 24 hours ahead of when extended stay charge kicks in.	✓	✓		✓
3. <a href="#">New type of "Community" mooring permit</a> for continuous cruisers who have been recorded by the Trust as being resident on the towpath in July <sup>2</sup> 2012. Approx. 20 locations each accommodating up to c.10 boats to be designated where permit holders can stay for up to 28 days at a time before moving on to another one – or any other length of towpath providing they comply with the rules for that location. <ul style="list-style-type: none"> <li>i. Subject to an annual fee pegged to a percentage of the average rate for our directly managed sites in the area.</li> <li>ii. Permit holders will be treated as having a home mooring and permits will be subject to all applicable terms of the mooring agreement for our directly managed moorings.</li> <li>iii. Eligible for a discount on winter mooring <sup>3</sup>fee (i.e. where you can stay put for 5 months)</li> <li>iv. Not assignable – only available to existing licence holders (not their boats) who have already established 'residency' in the area. Eventually, the number of 'community' berths will decline as people move away naturally.</li> </ul>			✓	✓
4. Define <a href="#">neighbourhoods</a> for boaters without home moorings and, using additional Trust resources, enforce continuous cruising rules (14 day limit) strictly.	✓			✓
5. <a href="#">Towpath presence</a> – current enforcement processes apply but a community worker to be employed for a fixed term to help with communications and to support boaters to in resolving personal difficulties	✓			✓
6. <a href="#">Signage</a> , maps and other information published in paper and electronically.				✓

<sup>2</sup> Specific qualifying criteria based on sightings data are set out in the Schedule

<sup>3</sup> Up to 50% of the length of most visitor mooring sites may be allocated for additional permits available on a monthly basis between November and the end of March. These are advertised during October each year on our mooring sales website

#### **4. Current status of the plan**

The aims and key features of this proposal have been endorsed by the Trust's directors and trustees. Trustees will be considering the subject in greater detail at their September meeting, when they might conclude that the model outlined could be applied at other locations on the network which are currently subject to localised pressure on moorings.

We are now seeking advice from the Kennet & Avon Waterway Partnership on the details of the plan and how implementation might work. To assist with this, we are separately sending to them some possible draft schedules detailing visitor mooring locations and maximum stay times, neighbourhood definitions, new 'community' mooring zones and terms and conditions for the associated mooring permit. Our suggestions for these are based on discussion within the mooring strategy steering group (2010/11), but since the group did not achieve consensus, we are asking the Partnership to review and make the case for any amendments to the draft schedules.

While the Partnership proceeds with this final phase of consultation, the Trust's environment, heritage and planning experts will assess the draft schedules against relevant statutory and operational requirements. We will keep the Partnership informed of any problems that they might identify.

#### **4. Role of the waterway partnership**

5.1 We are pleased that the Partnership has agreed to set up a sub group of 6 people representing the groups with particular interest in moorings arrangements. These are expected to be as follows:

- Local government – Ken Oliver (Wilts CC Canal Officer)
- Parish Councils – appointment pending
- Anglers – Terry Fell (partnership board member and officer of Devizes Angling Association)
- Boating Trade – Emma Fearnley (partnership board member and representative of Kennet & Avon Canal commercial boat and moorings businesses)
- Residential boaters without home moorings – Andrew Harry (partnership board member and residential boater)
- Leisure boaters – appointment pending from Canal Taverners Boat Club (Bradford upon Avon).

5.2 **Terms of reference** for the group's work are as follows:

- a. The purpose is to consider this plan and associated draft schedules; to arrange such local consultation as the group feels appropriate and to document advice in the form of constructive feedback on the proposals.
- b. Membership of the group is by invitation from the Partnership Chair and its size is to be kept deliberately small and focussed so that business can be conducted efficiently. Additional appointments will be subject to the approval of the Partnership Chair. The group will elect its own chair at the first meeting
- c. A work plan and associated timetable is to be set at the first meeting of the group which we hope will take place before the end of August 2012. We ask that the advice is delivered before the end of November 2012, earlier if possible.
- d. The group will operate independently of the Trust's management team, but staff will help by providing such information as is readily available to answer relevant queries.

The group will present its advice to the Partnership Board for endorsement before it is formally submitted to the Trust's management. The boating management team will comment informally on draft advice if asked to do so.

- e. The final decision on the plan rests with the Trust who will in due course advise how it intends to take the plan forward and explain the reasons behind its decisions.

## **5. The plan detail**

### **6.1 Zoning for visiting boats and anglers**

Visitor moorings are an established feature around the network. They are primarily locations which are in popular demand and particularly important for leisure visitors and tourists. Time limits should be determined according to the particular location – a stretch of towpath close to important access points, local services etc. where people might typically want to tie up for a couple of hours or overnight should have a lower maximum stay time than a less busy site. It is many years since time limits were reviewed, and this plan provides the opportunity to revisit the established locations.

What has been missing in most cases from our time limits is any indication of how soon a boater may return. This has hampered our ability to enforce the stay limits.

The schedules need to allow for some lengths of towpath where no mooring is permitted – this is for the benefit of anglers and to enhance the general visual landscape amenity. Boats are an attractive feature, but not if they are moored almost nose to tail over long distances.

#### **Time limits and return rules**

Setting maximum stay times is effectively meaningless without clarity on rules for frequency of return to the location. In determining the best approach for implementing this, we needed to make the rule simple and unambiguous for boaters, and it needs to be practical to implement by 'back office' systems. This led us to discard the option of a 'no return within x days' approach in favour of a 'maximum x days within any one calendar month' rule. Boaters wishing to stay longer may purchase daily extended stay permits. Our boat data checker will post a note onto the boat with at least 24 hours' warning of when the extended stay permit requirement starts, and the amounts accruing will be invoiced by post to the licence holder's address with an alert being sent by text message. Debts will be pursued in the first instance through normal collection procedures, but if these remain unpaid, we may decline the renewal of the boat's licence.

New signage at each site will make the rules clear.

We will employ sufficient data checkers to monitor each visitor mooring site on a daily or near-daily basis.

Maximum total days limits will not apply to properly registered hire boats whose crews typically change weekly or more frequently<sup>4</sup>.

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<sup>4</sup> hire boats are heavily dependent on VMs and other casual lengths (not otherwise designated for longer term use) but their crews change at least weekly. Because we are proposing no return rules in terms of 'no more than x days in any calendar month', it is possible that a hire boat might exceed this limit – if for example the boat is let out for say 6 different trips (some week, some shorter breaks) during the month and on every trip the crew ties up for a couple of days at the same time limited location, then it's possible that they'd exceed the monthly total allowance. It would not be reasonable to apply an extended stay charge to the hire boat operator in this circumstance.

## 6.2 “Community” moorings

At the core of the plan is a new 12 month Kennet & Avon (West) “community” mooring permit. It will be available to any continuous cruiser consistently sighted between Bath and Devizes over the last two years and resident on the towpath in July 2012. The annual fee will be payable in monthly instalments if preferred but a 10% prompt payment discount will apply if paid in full in advance. We propose maintaining the fee at 80% of the average for our directly managed moorings in the area.

### Benefits for permit holder

- Permission to stay for up to 28 days on any designated ‘community’ permit holder site on the Kennet & Avon
- Exemption from the requirement to comply with mooring guidance for continuous cruisers
- 50% discount on the purchase of a [winter mooring permit](#)
- Participation in a consultative forum dedicated to the needs of ‘community’ permit holders.
- We do not expect Council Tax to be payable but this would be a matter for the local authority

### Permit conditions

- Permit holders must abide by signed time limits at all other short term moorings along the towpath and comply with ‘max number of days’ restrictions
- The permit is personal to the boat licence holder and is not transferrable to any other person upon sale or transfer of the boat or under any other circumstances
- There must be regular movement between different ‘community’ sites.
  - On leaving a site, the boater may not return to the same site for at least 28 days
  - No more than (say) 140 days may be spent on any one site during the 12 month permit period (this figure to be subject to advice from the Partnership).
- Permits will be subject to terms and conditions drawn largely from relevant clauses in our 12 month mooring agreement for the Trust’s directly managed moorings.
- If we notice any apparent breach of any condition, we will write and let the permit holder know and give them a reasonable period to put things right. They will have the opportunity to discuss the problem with us, but if it persists, we will terminate the agreement and the status will revert to that of continuous cruiser. The permit fee paid is not refundable.

There will be no booking system for use of the locations, but we will not rule out endorsing any fair self-management arrangement proposed by permit holders collectively. Any such arrangement must be discussed with us and we will not withhold agreement unreasonably. It must have the support of at least 75% of permit holders.

### Planning status of the new sites

We have consulted Wiltshire County Council on this subject and on the basis of the feedback, we will not be applying for planning permission for ‘community’ mooring locations.

### **‘Community’ mooring locations**

In considering the locations to be included in the schedule, we have tried to apply the following criteria.

- Located in the general vicinity where residential boaters currently tend to moor
- But not so close to the popular locations on which the leisure boating business depends
- Reasonable proximity to access points and facilities
- But avoiding access points where boaters may be tempted to park in narrow lanes and cause inconvenience to local residents
- No more than 10 boats at any one site with breathing spaces in between

### **6.3 ‘Place’ definitions**

These are needed to provide the local context to our guidance for boats without a home mooring. Continuous cruisers without one of the new ‘community’ mooring permits must comply with these. The draft schedule provided to the Waterway Partnership draws on the work of the MSSG.

### **6.4 Towpath presence, communications and enforcement**

#### **(a) Towpath presence**

There was much discussion and support within the MSSG about the benefits of a dedicated towpath ranger or warden to help boaters to understand and comply with the rules. Sadly this is not affordable as a permanent proposition, but we are making provision for deployment of community workers for a fixed period whose role will be to (a) promote understanding of the moorings plan so that when the time comes, individual boaters can make informed choices about whether to continue to try to comply with the guidance for boats without a home mooring (i.e. become a ‘genuine’ continuous cruiser within a context of much clearer definition of ‘place’), or whether to purchase a Community mooring permit; and (b) mitigate stress and difficulties to vulnerable boaters, whether or not these arise from the new plan. The role would be quite distinct from that of our enforcement team including the daily data checkers, so the ranger or warden would be seen as part of the community. We are exploring and developing a separate project for delivering this service and will continue to do this while the Waterway Partnership carries out its work to help us refine the plan schedules.

#### **(b) Communications**

New signage will show very clearly what mooring rules apply at individual locations, and we will publish a towpath moorings map and information leaflet, perhaps drawing on any locally driven code of conduct that emerges. This will be made easily available along the canal. With this greater clarity, we hope that greater voluntary compliance will reduce the need for expensive and unpleasant enforcement action.

#### **(c) Enforcement**

The plan is designed to support and encourage voluntary compliance and shift the balance away from the enforcement ‘stick’. In particular, the provision of community moorings, greater clarity of continuous cruising rules based on locally defined neighbourhoods, and improved mechanisms for engaging and communicating with boaters will, we hope, bring about a new culture of cooperation between boaters and the Trust’s management.