

POLICIES FOR MOORINGS ALONG THE BANKS OF BW WATERWAYS

Related documents:

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| 1. Explanatory notes and background to moorings policies | 3. Residential Use of Waterways – An Advisory Document (AINA, Sept. 2010) |
| 2. Implementation information (to follow) | 4. Mooring Guidance for Continuous Cruisers |

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Long term moorings

Strategic aims

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| (1) Facilitate growth in supply of offline moorings to meet increases in demand and to reduce pressure for mooring along the line of the waterway. Work with the private sector to provide a wide choice of moorings to meet the needs of boaters | (2) Reduce long term moorings along the towpath |
| | (3) Increase the supply of residential moorings within suitably located and well-managed sites |
| | (4) Ensure a level playing field between BW and private moorings providers |

Supporting policies

Online mooring reduction

1. **New online moorings** are acceptable only if **all** of the following criteria apply
 - (a) there is clear excess demand for moorings in the area with no vacancies at comparable BW or third party sites.
 - (b) there is no prospect in the short or medium term of new off-line mooring development.
 - (c) there is low density of existing on-line moorings in the area
 - (d) there are no operational or environmental constraints to online moorings at the proposed location. Constraints include high boat traffic volumes, water availability for navigation, and navigational safety.
2. **Permitted exceptions** to these criteria
 - (i) Visitor moorings suitably located along the towpath or offside
 - (ii) A proportion of visitor moorings may be allocated temporarily to boaters requiring a home mooring for winter months only.

- (iii) Moorings for the following types of boats will be permitted along the towpath or on the offside, providing that they bring significant clearly defined benefits to the location, and that there are no operational or environmental constraints as per para. 1(d):
 - Commercial boats and boats providing services for tourists and day visitors (e.g. trip and passenger boats, floating shops and restaurants),
 - Historic/feature boats that have a specific and documented function for adding value to tourism and enjoyment of visitors to the area.
 - Community boats operated for charitable purposes, for which there is no suitable alternative mooring in the area.
 - (iv) Permission will normally be granted for just one boat to be moored adjacent to the garden of a private residential property on the offside of the canal providing that there are no operational or environmental constraints as per para. 1(d). This does not apply on the Kennet & Avon Canal which is subject to the provisions of its conservation plan¹.
 - (v) Where there is an acute shortage of moorings and new marinas are under development, temporary additional offside moorings may be approved through the issue of limited period (temporary) mooring permits. These will expire subject to 6 months notice by BW when new off-line moorings become available in the area.
 - (vi) BW's operational vessels may be moored as required but will be located away from designated visitor moorings and lock landing areas. Where operational vessels need to moor occasionally at visitor moorings in order to use or maintain facilities, their stay time will be limited to the time required for this purpose.
 - (vii) Other exceptions may be made if they are specifically stated within the local mooring strategy approved by British Waterways.
3. British Waterways will **reduce the number of online, long term moorings** as new offline capacity comes onto the market. This will be done in a ratio of 1:10: one on-line berth will be given up for every ten new berths created off line. Reductions will be made within the geographical market supplied by the new offline marina within 12 months of the opening date of the new site. For the purpose of clarity, we will make the reductions within a 30 mile radius of the new marina berths.
- 3.1. Policy no. 1 above includes provision for some increase in online moorings where there is no prospect of offline investment. These will be in geographically distinct areas and they will not be counted against the 1:10 offset rule applicable elsewhere.
4. Reductions in online moorings will take place primarily through reductions in the number of BW's directly managed long term mooring berths. Exceptionally, where legally possible, reductions may be achieved by terminating (subject to notice) or not renewing agreements, for privately owned offside sites.

Residential moorings

- 5. Policies 1 – 4 apply
- 6. New residential moorings are not acceptable alongside the towpath, but exceptions may be made in the context of the local mooring strategy

¹ Exception for the Kennet & Avon Canal

On the Kennet & Avon Canal we will not permit the creation of any further offside moorings against residential property. This underlines our commitment to delivering the policies within the Kennet & Avon Canal Conservation Plan (second edition, October 2000):

Policy H10: There will be a general presumption for the offside bank to remain nonaccessible.

Policy H10.2 There is a presumption against the creation of moorings, paths and access on the offside canal bank, although a case may be made for this in some urban locations.

The term 'urban' shall be deemed to mean the city of Bath and the towns of Bradford-on-Avon, Devizes, Hungerford, Newbury and Reading.

7. Proposals for residential moorings are assessed to check consistency and compliance with environment, heritage, operational and safety policies. They require planning permission and possibly consents from other agencies, depending on the location and type of proposal. BW is a consultee in the statutory planning process and we assess our response in the context of our moorings and other relevant policies.
8. Boats at new residential moorings should possess the recognisable attributes of a boat typical to BW's network and be capable of navigation. Exceptionally, we may approve suitable static floating structures in large scale, urban, modern, offline settings. Where approved, we will request a salvage bond to cover the costs of removal should it ever be abandoned leaving BW with the responsibility for removal.
9. All residential boats (and static floating structures where permitted) must have a suitable sewage-holding facility.
10. We will promote understanding of the diverse mooring needs of residential boaters amongst local authority planning and housing departments during the development of local mooring strategies.

We seek more appropriate recognition of residential moorings in national and local government policy and guidance, particularly within the planning and housing sectors, and encourage more informed consideration by local authorities. The differences between residential moorings and built development should be recognised and treated appropriately.
11. The operation, maintenance and repair of our network takes precedence over the needs of residential boaters and other users. However when we are undertaking works, and during our normal operations, we will consider and endeavour to respect the reasonable needs of boaters at residential moorings.
12. Unauthorised full time residential use at long-term leisure moorings may be contrary to planning control. It is for the Local Planning Authority to establish that a mooring is being used as a primary residence, and whether planning enforcement is necessary.
 - 12.1. In response to a planning enforcement notice, we will assess the suitability of the site for residential use against BW's policy criteria (see policies 6-9). In the light of this assessment we will either use reasonable endeavours to seek consent from the LPA for the residential use or explore options for ceasing the residential use at the site with the LPA and the boaters concerned.
 - 12.2. We may also undertake these actions for any of our long-term leisure mooring sites where there are both indications of unauthorised residency and concerns about a site's suitability for residential use.
 - 12.3. We will draw the attention of our long term mooring permit holders to the possible implications for them of 12.1 and 12.2.
 - 12.4. Policies 6 – 12 also apply to residential moorings in BW's directly managed offline sites.

Short term towpath moorings

Strategic aims

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| <ol style="list-style-type: none"> (a) Ensure that casual moorings are available where needed to meet the needs of cruising boaters and holiday-makers (b) Reduce the extent of unauthorised mooring alongside the towpath. | <ol style="list-style-type: none"> (c) Increase local communities' involvement in decisions about the designation of casual mooring maximum stay times and about the siting of long term moorings. |
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Supporting policies

13. We are strengthening our **enforcement processes** to better target persistent breaches of licence terms and conditions.
 - 13.1. We will improve communications with our boating customers to improve their understanding of the rules and the sanctions available against those who break them.

- 13.2. We will communicate promptly with boaters whom we believe to be in breach of licence terms and explain to them clearly the steps they need to take to avoid legal action.
- 13.3. We seek to extend our capacity for regular monitoring of towpaths in areas which experience the greatest frequency of unauthorised mooring and/or breaches of licence terms. In line with our '2020 vision' of greater public engagement and third sector status, we aim to do this by seeking joint working arrangements with local authority enforcement services, and where feasible to recruit and train volunteer canal rangers.

14. We will apply charges for extended stays at short term towpath mooring sites

- 14.1. Short stay moorings are designated as visitor moorings if the maximum free stay period is less than 14 days. At all other moorings not designated for long term permit holders, the free stay period is 14 days.
- 14.2. A free period will apply in all but exceptionally popular sites (e.g. as currently at Llangollen) and for particular uses (e.g. see 17.6). Any new exceptions will be subject to appropriate consultation.
- 14.3. Time limits will be published and signed along with any restrictions on return frequency². The time limit means the total time spent within the designated stretch, whether or not the boat changes its position within the stretch.
- 14.4. The charging regime will be introduced gradually, with priority being given to stretches which are currently subject to most overstay reports. The stay time rules will be informed by the local mooring strategy, but interim arrangements may be introduced with a lesser degree of public consultation pending the completion of the strategy where overstay problems require more urgent action.
- 14.5. A daily charge will apply for stays longer than the free period. We will warn boaters by letter posted onto the boat, as they approach the end of the free period of the daily charge that will apply from the relevant date.
- 14.6. We will introduce a choice of payment arrangements for remittance of mooring charges. These will include a significant early payment incentive.
- 14.7. Invoices will be issued for all charges. Outstanding invoices must be settled before a licence or mooring permit will be renewed.
- 14.8. Boaters anticipating the occasional need to stay longer on a visitor mooring will be encouraged to deposit credits on their licensing account with BW from which payments at the reduced rate will be taken. We will give notice to customers before debiting their account. Unused credit will be refunded to the customer on request. No interest will be payable on credit balances.
- 14.9. We will appoint rangers or local agents to support local charging regimes.

15. We will develop local mooring strategies in consultation or partnership with local communities and boaters in those areas of the network where pressure on space along the waterway is most acute.

- 15.1. We will prioritise locations for this treatment where we receive requests for such action by local authorities along with commitments of support in carrying through the necessary work.
- 15.2. We may also initiate strategies on request from local waterway users, again providing that the necessary practical support is forthcoming.
- 15.3. Local mooring strategies will:
- (a) Define different types of mooring zone with associated time restrictions and terms of use
 - (b) Define neighbourhoods for the purposes of implementing the mooring guidance for continuous cruisers

² Restrictions on return frequency will generally be defined through a local mooring strategy. Implementation rules should allow for use of the same location by hire and shared ownership boats.

(c) Identify locations suitable for the development of long term moorings, offline and online, taking account of policies 1-4 above

(d) Take account of, and provide for the access needs of boaters with mobility difficulties

15.4. In areas where full mooring strategies are not yet developed but where mooring congestion is apparent, BW may undertake informal consultation with stakeholders as a basis for (re)defining mooring zones.

16. Mooring zones must reflect, and aim to balance the needs of boaters and other waterway users.

16.1. We will monitor use of towpaths for mooring and consult with local stakeholders periodically to determine what changes are needed to local short term mooring provisions.

16.2. Mooring zones should provide the ability for boats to stop for the following purposes

(a) use of boating services, such as taking on water, refuse and sewage disposal,

(b) visits to local facilities (such as shops, pubs etc)

(c) leaving a boat for a while in the course of a cruise away from the home mooring, up to a specified maximum period (normally 14 days)

16.3. Zones may exceptionally be defined for new long term mooring, subject to policies 1-4 above, and for use as temporary home moorings during the months of November through to March.

16.4. Mooring zones should be indicated through clear, but not over-intrusive signing, displayed on BW's website in map format and available in paper on request.

17. We will offer an optional 'transient mooring permit' to meet the needs of residential boat owners who wish to cruise only within a limited area of our network, the extent of which is insufficient to meet the qualifying requirements for continuous cruising.

17.1. A limited number of permits will be available within a designated area as determined in the local mooring strategy. The mooring strategy may indicate a termination date for the availability of some or all of these permits as a means of phasing out unauthorised long term mooring alongside the towpath.

17.2. They will be subject to consultation with the local authority, particularly with respect to council tax liability.

17.3. They may include a fixed location winter mooring for the months of November – March inclusive

17.4. They will be charged at no less than the average for BW's directly managed moorings in the same area.

17.5. Transient mooring permit holders must comply with published time limits at all moorings. The local mooring strategy may prescribe reasonable movement rules for the summer period using appropriate zoning arrangements.

17.6. In locations with high tourist footfall, a small number of berths may be designated for the exclusive use of licensed roving trading boats (up to a specified maximum period for each trader). Long term moorings may also be created for static trading vessels, subject to BW's boating trade operator agreements.