

Online Moorings Policy

March 2019

This policy and process flowchart (appendix 2) sets out the strategic aims, principles and criteria for considering online¹ mooring sites on the Canal & River Trust's network.

1. Online moorings strategic aims
 - 1.1 To effectively manage long-term online moorings along the network (towpath or offside).
 - 1.2 To effectively manage short-stay moorings fairly for all boaters
 - 1.3 To ensure that short-stay moorings are located where needed to meet the needs of cruising boaters and holiday-makers²
 - 1.4 To support key destinations, other strategic plans and the Trust's vision
 - 1.5 Work with the private sector and others to provide a wide choice of moorings to meet the needs of all waterway users
 - 1.6 Ensure Canal & River Trust complies with competition law and the Trust's Competition Law Compliance Code of Practice

Long-term online moorings

2. Long-term online moorings principles
 - 2.1 Online towpath moorings will generally be retained for 14 day moorings, short-stay visitor moorings and occasional temporary³ moorings⁴
 - 2.2 Permission will, subject to all criteria being met, normally be granted for just one leisure boat to be moored by the landowner adjacent to a private property on the offside of the canal⁵. All proposals shall be considered and assessed against the criteria set out in section 4 (with more detail in Appendix 1) through the Single Moorings Against Privately Owned Land Application Process (which replaces the End of Garden Mooring Application Process). This does not apply on the Kennet & Avon Canal which is subject to the provisions of its conservation plan⁶ or the Montgomery Canal which is subject

¹ Online moorings mean those on the main line of the navigation including those that are 'towpath side' and 'offside' (i.e. on the opposite side to the towpath) and does not include basins, laybys or other offline mooring.

² Any permanent changes to mooring stay times will be made in line with the Trust's short-stay mooring policy

³ Occasional temporary moorings may include winter moorings, moorings for boating events or gatherings

⁴ Towpath moorings for the following types of boat may be acceptable in certain circumstances, for example; Commercial boats and boats providing services for tourists and day visitors (e.g. trip and passenger boats, floating shops and restaurants) including not for profit community boats or boats operated for charitable purposes (for which there is no suitable alternative moorings in the area). Historic/feature boats that have a specific and documented function for adding value to tourism and enjoyment of visitors to the area. Moorings for disabled access or to support the Trust's Equalities Policy

⁵ The mooring agreement must be with the land owner or long-term lease holder. If the boat owner is not the land owner or the long-term lease holder then a mooring agreement would not be supported under the online mooring policy.

⁶ ¹ Exception for the Kennet & Avon Canal

On the Kennet & Avon Canal we will not permit the creation of any further offside moorings against private 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 non accessible.

to the Conservation Management Strategy⁷ Moorings in Lee Valley Regional Park are subject Lee Valley Regional Park Mooring Criteria.

- 2.3 Any online moorings proposal for multiple leisure boats or boats to be used for commercial proposals (e.g. hire boats, cafes etc) is outside the scope of this Policy and should be considered and assessed against the criteria set out Boating Business Application Process

Short-stay visitor online moorings

3. Short-stay online visitor moorings principles

- 3.1 Mooring stay times will be clearly communicated with towpath signage
- 3.2 Moorings will generally be free but charges may apply at some sites and advanced booking may be required
- 3.3 Moorings will be monitored on a regular basis and extended stay charges can be applied for boats mooring beyond the advertised period
- 3.4 Moorings may be suspended for events or maintenance. Suspensions will be notified on the Canal & River Trust website and/or on the towpath
- 3.5 Unless signed otherwise short-stay moorings will be relaxed to 14 days between 1 November – 31 March
- 3.6 Moorings beside services (e.g. water points, elsan points etc) are only available while the boat is using the services.
- 3.7 Changes to existing short-stay visitor moorings should follow the Trust's Short Term Mooring policy

4. Criteria for consideration

When assessing proposals for new online moorings the following criteria will be considered

- 4.1 Navigational safety
- 4.2 Suitability of the location against operational, environmental or heritage constraints
- 4.3 How moorings would contribute to wider strategic plans for the area
- 4.4 How (if required) the moorings would be serviced (including waste and refuse removal)
- 4.5 Access to the moorings from land (whether by foot or other forms of transport)⁸
- 4.6 Whether the creation of the mooring would contribute to undesirable lines of continuously moored boats

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 7.4.3 16) Applications for such private moorings on the Montgomery will be tested against the boat traffic model and will only be approved where there is capacity to absorb them. [Montgomery Canal conservation management strategy](#).

⁸ The application must be from the landowner of the proposed mooring location, including consent of the freehold land owner before any lease agreement can be signed.

- 4.7 The availability of alternative offline mooring provision in the vicinity
- 4.8 How the applications contribute to the Canal & River Trusts wider charitable objectives and strategy.
- 4.9 Positive or negative impacts from the creation of moorings on other waterway users and how these would be mitigated.
- 4.10 Boats at new online moorings should possess the recognisable attributes of a boat typical to the Trust's network and be capable of navigation, but exceptions may be made in the context of a local mooring strategy.
- 4.11 Any particular need for moorings suitable for disabled boaters in a particular location as assessed under the Trust's Equality Policy for Customer Service Delivery
- 4.12 The likely cost that might be incurred should a boat or other items ever be abandoned leaving the Trust with the responsibility for removal.

Note

Where approved we may require confirmation as to whether or not the local planning authority require you to obtain planning permission for your proposal⁹. Where planning permission is necessary we will require you to obtain and comply with it. We recommend that you gain our in principle acceptance through the business boating process or end of single moorings against privately owned land mooring process and undertake a pre-application consultation with the Trust prior to submitting a planning application¹⁰.

⁹ Planning permission may be required for proposals such as residential or commercial moorings or the construction of staging at an end of garden mooring. The local planning authority is responsible for determining if planning permission is required.

¹⁰ It is likely that you will need to serve notice of your planning application on the Canal & River Trust as we will have a landownership interest in the application site and the Local Planning Authority will seek our views on your proposal as a statutory consultee.

Appendix 1: Additional Notes on Criteria for consideration

4.1 Navigational safety

Moorings must not block or impede the navigation. Moorings must not cause a danger or risk to other craft on the navigation, including when craft are accessing or leaving the mooring.

4.2 Suitability of the location against operational, environmental or heritage constraints

Moorings must not impede on any access required for operation of the waterway. This may include access to service points, locks, tunnels etc.

Moorings must also not permanently obstruct access required by the Trust to maintain and operate the waterway, for example access to pumps, sluices, weirs or other operating equipment.

Moorings must not impact on flood and water drainage management requirements.

Moorings should not negatively impact on habitat important for ecology and biodiversity unless the proposal includes 100%+ compensation for loss (i.e. "net gain") in the vicinity.

Moorings should not be located within the boundaries of nationally and locally designated protected areas unless they can demonstrate how any negative impact on the protected site will be managed and mitigated. The Trust may be obliged to seek agreement from the relevant regulator (which cannot be guaranteed) before approving such a mooring.

The effect of mooring proposals upon existing heritage assets should be considered. Complex sites or buildings with high heritage value are likely to require a conservation statement or conservation management plan.

4.3 How moorings would contribute to wider strategic plans for the area

If there is a local mooring strategy or plan for the area where the proposed mooring would be, does it support the proposal?

4.4 How (if required) the moorings would be serviced (including waste and refuse removal)

The application should include details of how the mooring would be serviced. The details should be set out in operating proposal for the mooring. If no services are proposed, there should be a clear explanation of why these are not required for the proposal.

4.5 Access to the moorings from land (whether by foot or other forms of transport)

The application should include details of how the proposed moorings would be accessed, whether this is by foot or another form of transport. Where access is required via private land not in the ownership of the applicant, we would expect there to be confirmation from the land owners that access to the proposed mooring site has been agreed.

4.6 Whether the creation of the mooring would contribute to undesirable lines of continuously moored boats. Consideration should be given to whether the application would result in the establishment of continuous line of linear moored boats that would have a detrimental impact on other waterway users.

4.7 The availability of alternative offline mooring provision in the vicinity. Consideration should be given as to whether the application to create additional online mooring is appropriate in the context of existing offline provision that is available in the vicinity. For example, would it lead to over provision of moorings.

4.8 How the applications contribute to the Canal & River Trusts wider strategic goals and plans
How the moorings would impact on the delivery of the Trust's charitable objectives.

The Canal & River Trust charitable objectives are;

2.1 to preserve, protect, operate and manage Inland Waterways for public benefit:

2.1.1 for navigation;

2.1.2 for walking on towpaths; and

2.1.3 for recreation or other leisure-time pursuits of the public in the interest of their health and social welfare;

2.2 to protect and conserve for public benefit sites, objects and buildings of archaeological, architectural, engineering or historic interest on, in the vicinity of, or otherwise associated with Inland Waterways;

2.3 to further for the public benefit the conservation protection and improvement of the natural environment and landscape of Inland Waterways;

2.4 to promote, facilitate, undertake and assist in, for public benefit, the restoration and improvement of Inland Waterways;

2.5 to promote and facilitate for public benefit awareness, learning and education about Inland Waterways, their history, development, use, operation and cultural heritage by all appropriate means including the provision of museums;

2.6 to promote sustainable development in the vicinity of any Inland Waterway for the benefit of the public, in particular by:

2.6.1 the improvement of the conditions of life in socially and economically disadvantaged communities in such vicinity; and

2.6.2 the promotion of sustainable means of achieving economic growth and regeneration and the prudent use of natural resources; and

2.7 to further any purpose which is exclusively charitable under the law of England and Wales connected with Inland Waterways;

4.9 Any potential positive or negative impact from the creation of moorings on other waterway users. Taking into consideration of other users of the waterway and/or towpath in the location of the proposed mooring. How any potential negative impact identified above would be mitigated if the mooring proposal impacts negatively (as set out in the criteria) the proposal should explain what measures are proposed to mitigate the impact.

4.10 Boats at new online moorings should possess the recognisable attributes of a boat typical to the Trust's network and be capable of navigation, but exceptions may be made in the context of a local mooring strategy.

The 'recognisable attributes of a boat i.e. recognisable bow and stern, gunwales and rudder and the Boat must be kept clean and in good repair at all times.

4.11 Any proposed moorings will be considered against the Trusts Equality Policy.

4.12 Where approved, we may request a salvage bond to cover the costs of removal should a boat ever be abandoned leaving the Trust with the responsibility for removal.

The requirement for a salvage bond would depend on the specific proposal, this would be discussed with the applicant. The cost of the salvage bond would be based on the potential removal costs for the specific proposal.

Appendix 2: Online Mooring Policy – Application Flow Chart

