



NABO News

The Magazine of the National Association of Boat Owners
Issue 2 April 2014

**CRT WITHDRAWS ROVING MOORING PERMITS
KENNET AND AVON LOCAL MOORING PLAN
EA NAVIGATIONS/CRT MERGER – NO THANKS**



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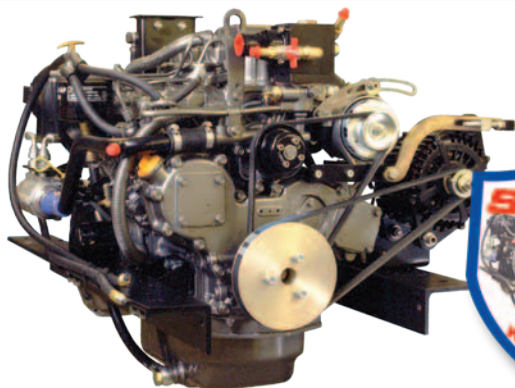
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NABO News

The magazine of the National Association of Boat Owners

Issue 2 April 2014

Table of Contents

- 5 Editorial
- 6 Chairman's Column
- 8 Fly on the Wall
- News:**
- 9 Obituary of Philip Ogden
- 10 Web Matters, Membership
- 11 Flooding Summary
- 12 CRT Withdraws RMPs
- 15 Local Mooring Plan for the K&A
- 16 Consultations
- 17 HS2 Update
- 18 More Restoration Money
- 19 Kelpies to Open
- Talking Points:**
- 20 NABO Comments on Recent Legal Action
- 24 Merger of EA Navigations and CRT
- 28 From Water to Road
- 29 Crossword
- 30 Rewind—Past NABO News
- 31 Letters

Contributions

Articles, letters, cartoons and photos are most welcome. Images and photos in JPEG format please.

Contributions to nabonews@nabo.org.uk

Next NABO News Copy Date

Please email or post your contributions by
3rd May 2014

Front Cover Photo

Avenue Bridge on the Shroppie by **Gillie Rhodes**, a roving trader on NB Vox Stellarum, selling decorative wares. Look out for her in Walsall Basin and at the Birmingham floating market in June.

www.flickr.com/photos/lovestruck94.



NABO Calendar 2014

Dates for Council Meetings in 2014: 26th April, 14th June, 26th July (if needed), 6th September, 18th October, 15th November (AGM), 22nd November.

Council meetings will now be held at boat clubs in the Midlands area. The venue for the April meeting is to be confirmed—see the website for details. Remember that members are welcome to attend meetings— just let the Secretary or Chairman know in advance (contact details overleaf).

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The sledgehammered nut

Peter Fellows casts an editorial eye over this issue, and other issues

It seems that one unexpected consequence of the winter flooding is the revisiting of plans to merge EA navigations into CRT. Although CRT successfully manages the navigation and flood control on the Trent, NABO believes that without substantial Government support running into tens of millions, CRT is not yet sufficiently financially secure to take on the additional EA waterways. In this issue, NABO's Thames Rep. Louis Jankel, offers a detailed breakdown of why this is a bad idea, but with some form of reorganisation of Defra looking increasingly likely, will the politicians listen?

The good news is that CRT has abandoned plans for a Roving Mooring Permits trial and Mark Tizard reviews the somewhat chequered history of RMPs from BW days. Now we need to turn our attention to no-return rules and overstaying charges, which as I have pointed out many times, should never have been introduced. As NABO's Mooring Rep., Mark is fully involved in both these and monitoring the 'guidelines for continuous cruisers' just reissued by CRT. As he points out in his articles and Mike Rodd describes in his update on the K&A mooring plan, these signs and charges are

not legally enforceable and are a sledgehammer to crack a proverbial tiny nut. Most boaters and boating organisations seem to agree that where there is an issue of overstaying, proper even-handed enforcement to move offenders on is the right way forward—but of course this costs CRT money. Perhaps it is also up to us boaters to apply peer pressure more often; after all we are the ones that would benefit.

Finally, we have all been saddened to learn of the death of NABO's oldest member and lifelong waterways campaigner, Philip Ogden. Our thoughts are with his family at this difficult time.



NABO News Proof-readers

Following my appeal in the last issue, I am very grateful to John & Marion Pearse for offering to help proofread the magazine.

People are happy to breast up at boating festivals so why not at congested moorings?





Progress, but not there yet

Chairman, **Mike Rodd**, surveys current developments at CRT and EA

As the waters slowly recede, the resulting problems caused on the two waterways that I boat on are all too evident. The Mon & Brec is in serious trouble once again, with part of the towpath above Abergavenny literally slipping down the side of Mrs Alexander's 'purple-headed' mountain into the 'river running by', leaving the concrete-lined section of the canal just holding on—for now anyway! While thanking CRT for its immediate

If you arrive outside a popular pub at 6.30 pm on a summer's evening, mooring will be a problem!

(and very costly) action to address this problem, I should also like to say how well they have handled this situation, which will affect most users of the canal. I have always been the first to say how badly BW communicated with their prime users, but the new broom sweeping the CRT stable is certainly reversing this trend. As your NABO representative for the canals of Wales, I was grateful to be consulted by CRT about the issue and how they proposed to handle it. The subsequent communications have been exemplary, including a YouTube video of the work in progress! On the K&A, where I will spend much of the cruising season as a Boatmaster for the K&A Canal Trust's trip-boats, we also have excellent communication with our local waterways manager (well, for

at least the last four or five years, anyway). Here, vital winter work has been delayed and even as I write, damage to sections where the River Kennet and the canal have literally merged into one has still to be evaluated. But again, we all know exactly what the issues are and how they might affect us.

RMPs off the agenda...

OK, so now I expect to receive another load of emails saying that NABO is cosying up to CRT too much. But what is wrong with good relations if they are in the best interests of our waterways? I said when I started this chairman's job that I have always seen NABO's role as being a 'critical friend' of CRT, and that is how I approach all that I do with my NABO hat on. So, for example, I was delighted when CRT announced that it was backing away from Roving Mooring Permits. When these were first proposed in 2009, the then NABO Chairman Stuart Sampson wrote a definitive article (see Mark Tizard's report) which said that RMPs weren't legally justifiable and BW was opening up a dangerous can of worms. We repeated this in our recent 'legal issues' meeting with Richard Parry and Jackie Lewis, although we did agree then that if they were determined to go ahead at this stage, we would hold back on further criticism until the pilot exercises have been run. The cancellation of even the pilots is very good news.

...but visitor moorings still there

Now we are on the case of visitor

moorings. You will have heard and seen much about the various local groups looking into possible new ones, changed ones, abandoned ones, new staying-time limitations, no-return rules, and 'fines' for being naughty boaters (unenforceable 'cos they are illegal!). We were thus pleased that Richard Parry, having heard our concerns and those of other organisations, effectively stopped work on all this until we, the national representative bodies and CRT's Navigation Advisory Group (NAG), could be given an opportunity to help CRT establish an overall policy. Only then, we were assured would CRT in consultation with appropriately selected user groups, consider how the policy can best be applied locally. Our starting-point on this is the clear legal advice that we have been given that no-return rules and the fining of boaters for overstaying on visitor moorings are legally unenforceable. We also query where the alleged 'problem places' are, as our members consistently find, there are only a few places where finding a visitor mooring is always difficult. Yes, if you arrive outside a popular pub at 6.30 pm on a lovely summer's evening, there will be a problem! And yes, if you go into Bath during peak times nothing will be available. But hey, when possibly 20 to 30 hire boats arrive there on the same day, there will inevitably be a congestion problem. We believe that these problems are isolated and sporadic. Also, we would ask, where is the evidence that the problems are caused by continuous cruisers, as alleged by the IWA? In my own experience as a long-term boat hirer and now a private boater and trip boat skipper on the K&A, the problems (except in well-recognised hot-spots) have been exaggerated. Also, putting up signs that have no legally enforceable basis is sheer nonsense and a

waste of scarce funds, that simply destroys that wonderful feeling of sharing that most boaters enjoy.

Send in a team of trained enforcement officers who are able to respond to verbal abuse or threats of violence.

How about actual enforcement of the regulations, though? I don't think there is a single, fair-minded, sensible boater who wouldn't agree that what we need is effective enforcement of the existing rules. In many areas, this has already been shown to work extremely well—in most cases, if a boat is exceeding the 14-day rule, a quick phone call to the local waterway manager's office solves the problem. Yes, we all know there are a minority of boaters who abuse the system, but isn't that the same basic problem that crops up in a wider context in our amazing welfare state? So in these small number of cases CRT simply has to apply the existing rules—even if a few will try to claim human rights violations, etc. (I, as a law-abiding boater, have rights as well, you know!). But CRT does have to apply the rules sensitively and not remove a boater a few weeks before Christmas and in the cold and wet; hence our proposal that CRT should appoint someone to keep an eye on the welfare of boaters, who are, after all, its prime customers.

And who should DO the enforcement? Well, it simply can't be volunteers: it's not fair to expose them to the issues that could potentially arise. Send in a team of trained enforcement officers who are able to respond to verbal abuse or threats of violence.

Fly on the Wall

Observes proceedings at the last Council meeting.

Back to Wolverhampton Boat Club to mull over the news two days earlier that CRT has abandoned its plans for Roving Mooring Permits (RMPs), with beaming smiles all round. This led inevitably to consideration of mooring issues, which seem to take up most of the time at most of the meetings nowadays. Of course, it's all inter-connected: overstaying on visitor moorings and (lack of) enforcement by CRT staff (enforcement costs money); no-return rules and maximum numbers of day's stay per year with penalty (sorry 'service') charges for breaking the rules (which would bring in money, but there is no mechanism to pay the charges and CRT says it doesn't want the money anyway—the aim is to deter bad behaviour); minimum travel of 20km between moorings; failure of RMPs but an ongoing problem of continuous moorers; not to mention flogging off visitor moorings to trade boats. It's all a bit of a mess really and NABO's legal bods say some of the proposals are unenforceable. However, these are real issues that affect all boaters and everyone hoped that it can be sorted out over beer and sandwiches at the next meeting with CRT. Then

there are the mooring 'hotspots' where too many boats want to moor—Braunston and Bath come to mind. But let's be realistic: if you arrive at a popular pub on a warm summer's evening, you cannot seriously expect to find a visitor

mooring. If you really want to moor there, get there earlier! Or should boaters be willing to 'double-up' and have breasted boats mooring together? The sailing folk think nothing of it so why don't inland boaters do it? What we don't want is congestion charging.

Then maintenance of the waterways: there is a disconnect here, with maintenance being what most boaters are most concerned about, but a lower priority with CRT. If a budget needs raiding for emergency repair work, it seems likely that grass cutting or trimming back trees gets hit. Boaters don't care how CRT is managed as long as it is managed well and delivers usable canals and rivers with adequate facilities. The same is true for EA rivers, which following the winter flooding seem to be back on the agenda with discussion of a transfer to CRT in the frame again—NABO still doesn't support the idea.

BSS is looking at safe hire boat use, with ideas for prohibiting people getting on the roof and marking the tiller arc on the deck to stop people standing there and risk being knocked overboard. NABO is watching to make sure none of this slips quietly into private boat regulations.

Finally, back to the old thorny issue of numbers of members. With many long-standing members hanging up their windlasses and returning to the bank, the numbers are falling. Too many boaters say: "We don't need to join because you're already doing the work for us". Well we won't be unless they do join. We need new ideas to attract the under-60s 'youngsters'. Byeeee....



Thanks to Melanie...

Stephen Peters on the end of an era (almost)

NABO Council recently received news that our long-standing Administrator, Melanie Darlington, has decided to relinquish her post in order to devote more time to family needs. Thankfully, we have identified members who are willing to take on the tasks of general book-keeping and membership affairs but it is testament to Melanie's unerring work over many years that her work will now be done by two people!

Melanie and husband Jon were founder members of NABO and Jon served as the second Chairman for many years. He has also formulated our annual accounts for final audit and presentation to the membership every year. So it has been very much a 'double act' for which we have been most appreciative. I have valued

the work that Melanie has done especially when subscription rates have altered and she has been faced with standing orders for incorrect amounts and duplicate payments—a problem that persists to this day.

Jon has kindly offered to step into Mel's shoes in the short-term until the handover of responsibilities has been completed and he will also prepare this year's accounts. After that it will be a happy retirement for both of them and we wish them well. Tangible tokens of our gratitude will follow in due course!

...and to Ruth

At the last meeting, NABO Council expressed its deep appreciation for all the work that Ruth Field, together with her neighbour Frances, have put into organising the distribution of NABO News over many years.

Philip Ogden

It was with great sadness that we learned that NABO's oldest member, Philip Ogden, died on the February 5th, having celebrated his 100th birthday last June. Joining NABO in its early years, he served on the Council, becoming the representative for the disabled, a position he held until his death. Philip was a professional water engineer who spent most of his life living on or beside the canals and campaigning for them. Possibly his most important contribution to restoration was on the K&A, where from 1963 he worked to save it from threatened closure. When the British Transport Commission claimed that restoration would never happen due to poor water supply, Philip compiled a report that demonstrated how sufficient water could be supplied. This was a key step that convinced the authorities that restoration was feasible and greatly assisted the full restoration of the canal. He was the K&A Trust's Hon.

Consultant Engineer and was involved at each stage of the restoration for 30 years, remaining an active Vice President of the Trust up until his death. He also advised on improvements to many other canals, including the Basingstoke, Forth and Clyde, the Grand Western, Grantham, Sleaford Navigation and Wilts and Berks. Philip was a Trustee of the Saltisford Canal Trust for thirty years from its inception, as well as Chairman of the Upper Avon Navigation Trust for ten years, starting the first (unsuccessful) move to merge with the Lower Avon Navigation Trust. He not only helped to restore canals but also restored the former Woolwich motor, Bournemouth, which he and his wife, Olga, used to cruise extensively around the network. In 2008 he was awarded the Richard Bird Medal by the IWA for 'efforts and support that are considered to have brought significant benefit to the Association over a sustained period.'



Photo: IWA

Web matters

By the time you read this, a major upgrade of the website operating system will have been completed. The appearance for web visitors and members is much the same as before, but the systems behind the scene are now brought into line with the more recent developments. It will be more secure and easier to maintain. The web address is unchanged and your previous password will still work. The old site is available via a link on the menu. In due course we will have a session of spring cleaning to rationalise the content and freshen things up.

Our thanks to John Slee, NABO's CC representative and professor of web software. He solves problems faster than I can invent them. If anyone is in denial about communications when cruising, imagine how this has all been done with laptops and dongles from phone service provider, Three.

Membership

We have reported elsewhere that Melanie Darlington stood down as the membership administrator at the end of the March. Our thanks to her husband, Jon, who has helped out for the last few weeks. With Melanie standing down, we have changed the arrangements for membership administration and we will now use the web-based database as the primary record. A new team of Sue Burchett, Jane Taylor, David Fletcher and Richard Carpenter will now undertake the work.

For members, the primary contact will be our new postal address in Leyland and via email at admin@nabo.org.uk. However if we have membership queries you may be contacted by any of the team. Jane is currently working through a list of about 50 email addresses that do not work. We also have a number of members for which we have no postal address and so cannot send them NABO News.

We now have the facility to stop postal distribution for members who do not want NABO News in this way. If this is you and you want NABO News by email only, please let us know.

More Members Please!

The Council will discuss ways to recruit more members to NABO at the next meeting, so if you have experience of ways of doing this or any new ideas that we can try out, please let one of the Council members know. You can also do your bit by showing your copy of NABO News to fellow yet-to-be-NABO boaters or referring them to our website at nabo.org.uk/join-nabo. Alternatively, they can email Secretary, Richard Carpenter at gen@nabo.org.uk or write to PO Box 104, Leyland, PR25 9AN and ask for an application form. Even a quick chat with fellow boaters while waiting for a lock to fill can get us new members—please help as much as you can.

EA Move

The Environment Agency moved its web content to www.gov.uk in April. EA's new homepage will be www.gov.uk/environment-agency. This will not link to all EA content but a search function should direct users to the relevant information. Any EA pages saved as bookmarks or favourites should still work with the user redirected to the new location.

Rochdale Gathering

The IWA West Riding Branch and local volunteers are organising a boat gathering for Le Tour de France on 6th July, when the Grand Départ cavalcade and cyclists will be passing alongside the Rochdale Canal. To minimise the effect of many boats arriving in a short space of time, moorings will be allocated from 28th June, with a choice of sites from Hebden Bridge to Mytholmroyd. Railway stations are close by at both places. Hebden Bridge has its Arts Festival from 27th June to 5th July and Mytholmroyd Gala will take place from 4th-6th July. A boat booking form can be found at www.waterways.org.uk/westriding. There is a £10 booking fee and the closing date is 31st May.

More information:

hebdenbridgeartsfestival.co.uk

www.waterways.org.uk/westriding

Flooding summary

The unprecedented winter rainfall caused damage across the canal and river network and CRT launched an emergency appeal for support. In summary, the main waterways that were affected were: The Llangollen Canal, closed after a serious embankment leak at Hampton Bank; the Monmouthshire & Brecon Canal suffered a slip in a 125-metre section of the steep embankment close to Tod's Bridge at Llanfoist—the repairs by Glandŵr Cymru require 'nailing' the embankment back to the bedrock using up to 500 massive pins, each 10m long; the Gloucester & Sharpness Canal was closed after a boat was sunk under Hempstead Bridge, blocking the canal; the River Severn reached the highest it has been in living memory, overtopping its banks in Worcester, submerging the locks at Diglis and causing damage to electrical and mechanical parts of other lock gates that were totally submerged for weeks; the Droitwich Barge Canal was completely submerged at its junction with the River Severn; an embankment of the Bridgwater & Taunton Canal was eroded by wave action of adjoining flood waters; the K & A in the Newbury area had locks submerged and some towpaths damaged; and some bridges and towpath surfaces on

the Oxford Canal were damaged; a landslide at Dogmersfield on the Basingstoke Canal closed the waterway and towpath and brought six trees down across the navigation. Over 50 trees had previously fallen across the length of the navigation. Most repairs are expected to be completed by the end of April but check for stoppages and closures at canalrivertrust.org.uk/notices or sign up for an email or Twitter alert.

www.waterways.org.uk/news/view?id=79

See a video of the ongoing work at <http://support.canalrivertrust.org.uk/get-involved/appeal/national-canal-flood-appeal/home/updates/an-update-on-the-mon-and-brec-repairs-10-march/>

NABO Donates to CRT Flood Appeal

The canal and river network, which channelled water away from homes, farmland and businesses, itself became deluged and suffered extensive damage to bridges, embankments, towpaths and canal banks. Following an emergency CRT appeal and in line with NABO's policy to be a 'critical friend' to the Trust, it donated £250 to the appeal and encouraged members to give what they could via its website and social media. At the time of going to press the appeal had raised £21,000.

Widmead Lock on the K&A

Photo: Mike Dean



Roving Mooring Permits withdrawn

—because of legal concerns. **Mark Tizard** documents their history and offers some ways forward.

Since 2009, NABO has been pointing out that the introduction of Roving Mooring Permits (RMPs) is outside CRT's legal powers. As recently as January this year this was raised again at a meeting with CEO Richard Parry and Jackie Lewis, CRT Legal Counsel, when NABO was asked to drop its legal objections to the RMP pilot scheme on compassionate grounds (for peo-

ple whose boat is their home). This was reported in detail in the March issue of NABO News.

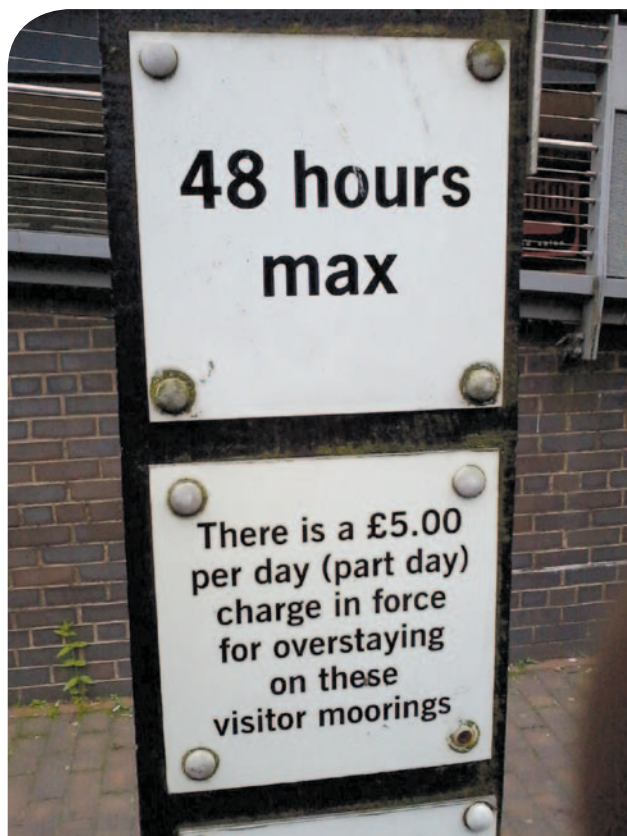
An extract from CRT's press release states:

"The Canal & River Trust has reluctantly concluded that roving mooring permits, which it was proposing to introduce in two local areas from April 2014, cannot be used to deal with localised issues of mooring congestion on the waterways. This follows further consideration of legal issues which raised doubts about the practical implications of implementing the scheme. We would like to thank everyone who has helped us to develop and explore these proposals; those involved in this process had been assured previously that the proposal was deliverable, and bear no responsibility for this late change."

Meanwhile back in 2005:

This is not the first time that CRT/BW has drawn back from the introduction of RMPs. The following is from Waterways Ombudsman report 2005/6 (my italics):

"It was not within my remit to decide exactly what policy British Waterways should have on the question of moorings agreements or to take any view as to the merits of what the group proposed. Instead I had to concentrate on looking at how British Waterways went about considering the matter. It was not disputed that British Waterways had had quite protracted discussions with the group about an agreement, and pulled back from that at a



point when an agreement was very close to being signed. The simple fact that they changed their minds was not in itself evidence of maladministration or unfairness. My focus was on why and how they did that. The exact sequence of events in the decision making process was not entirely clear. From what British Waterways said there appeared to be two main factors influencing the decision. The first was the abandonment (following a meeting with user groups in February 2004) of the idea, being developed at national level, of roving mooring permits. An alternative approach to issues surrounding abuse of continuous cruising rules was then agreed. From the information before me, I had no reason to see any fault in the way issues relating to that factor were handled."

Or more recently in 2009:

This subject has been discussed for the last five years and I have included below an extract from an article published in NABO News in 2009.

Legal background (simplified)

When BW came into being, it was given the power to keep a register of vessels allowed on its waters and levy navigation fees. In 1971, it was given the powers to remove vessels that did not have 'relevant consent', through Section 8 of the 1971 Act. This process has become a verb in the BW vocabulary: 'to section eight'. If the boat is the owner's home this is more likely to involve the courts.

In 1995, BW's powers to grant or refuse 'relevant consent' was defined more closely in Section 17 of a new Act of Parliament. One almost needs Boolean logic to sort out the double negatives but, in effect, if a vessel complies with all three of the following conditions then BW must give it relevant consent:

(a) It has to have third party in-

surance.

(b) It has to comply with constructional safety standards (currently BSS).

(c) Its owner promises 'bona fide' to conform with a certain mooring pattern.

The latter gives two options; either will suffice:

(i) The boat will have legal permanent mooring.

(ii) The boat will be navigated continuously without stopping anywhere for over a fortnight.

This is in plain English but the actual wording of the statute leaves some scope for interpretation, presumably, when it matters, by a Court of Law.

Even-handed enforcement means tackling the intransigent boaters and not just asking the compliant ones to move.

Consequences for Roving Mooring Permits

We believe that a vessel with a Roving Mooring Permit falls into the gap between these two categories. An unreserved towpath mooring would overstretch the legal definition of a permanent mooring in clause (i). If accepted, it could open a huge loophole for other boaters arguing they too are not 'continuous cruisers' having to conform with clause (ii), especially if plans go ahead for a surcharge. If boats with a roving mooring permit were deemed to comply with clause (ii) it would relax the requirement to navigate, which BW has interpreted in its Continuous Cruising Guidelines as a 'progressive journey'. We feel that BW cannot use two different interpretations of



Statute Law according to whether a fee has been paid or not. We predict that BW will have difficulty defending its position in a Court if it tries to use Section 17 of the 1995 Act to justify 'section eighting' someone who frequents public moorings in an area covered by a Roving Mooring Permit without having one."

And earlier this year

In their defence of the recent legal action between National Bargee Travellers Association (NBTA) vs Canal and River Trust, CRT's legal team stated: "57. Section 17(3)(c) (ii) of the 1995 Act additionally requires that the 'bona fide navigation' is 'throughout' the period of the licence, which would ordinarily be for a period of 12 months, but will be for at least 3 months. This again emphasises the requirement of a genuine passage or transit for the entirety of the duration of the licence."

In NABO's view the above defence would appear to strongly argue against the case for introducing Roving or Community Mooring Permits as advocated by CRT.

Looking to the future

CRT is shortly to hold a meeting with the main boating organisations to discuss Visitor Mooring Policy. We suggest that a further meeting needs to be held to discuss how to manage the sheer volume of boaters in the congested areas of London and the western Kennet & Avon.

We also need to look at the bigger picture with a consistent approach. However, there are some regional steps that could be taken to ease some of the pressure rather than look at small pilots that do little to resolve the bigger problem. I'm not sure there is a simple answer within the current legal framework, but below are some of the ideas that we have received from our members:

- 1 Urgently make available more canal-side moorings (for example towpaths that have been concreted over). There may be power cables underneath, but rings could be installed.
- 2 Ensure adequate depth to enable boats to get into the side.
- 3 Invest in more taps and facilities to reduce bottlenecks.
- 4 Even-handed enforcement means tackling the intransigent boaters and not just asking the compliant ones to move.
- 5 Identify and focus on those that don't move rather than those that don't move far enough. Boats that are causing an obstruction can be lawfully moved. Perhaps CRT could do this in a few cases and allow the 'towpath telegraph' to do the rest.
- 6 If CRT believes that the problem is becoming unmanageable, start the ball rolling to obtain the legislation that it believes it needs (but be careful what you wish for).
- 7 Engage and empower more boater Towpath Mooring Rangers

Local mooring plan for the K&A

Mike Rodd gives an update from NABO's perspective

Following further discussions with interested parties, including NABO, CRT has launched its response to the recent consultation on the towpath mooring plan for the K&A Canal west of Devizes. This plan was produced by a sub-group of the Waterways Partnership, building upon work undertaken by an earlier and, unfortunately, abandoned working party in which most boating organisations were involved.

NABO has always accepted that CRT has a problem that it inherited from BW on this highly congested stretch of the waterway. Having recently rejected Roving Mooring Permits (consistently opposed by NABO) we believe that the proposed interim local mooring guidelines are a reasonable short-term approach. NABO notes that these are only guidelines but given that they are generally locally supported, they will give all interested parties some breathing space to work out nationally agreed solutions.

In essence, the guidelines provide:

- A fair and consistent approach to handling applications for exceptional overstays.
- The adoption of a locally-agreed 'neighbourhoods' schedule to clarify movement requirements after 14 days.
- Agreement (as legally required) to move every 14 days.
- Agreement to moor in different neighbourhoods with no 'bridge-hopping'.
- A range of movement exceeding 20km during the period of the licence.

- Fair consistent enforcement of the 14-day rule.

However NABO is unhappy about the £25 overstay 'charge' (which looks to us like a fine) and the proposed no-return rule, both applicable to visitor moorings. Besides the fact that our legal advisors confirm that both are not legally enforceable (assuming the charge is in fact a penalty as there is no mechanism to pre-pay it), we can't see how they can work in practice.

Is it really sensible for CRT to monitor every visitor mooring on a daily basis, presumably to gather evidence? How do you fine a hire boater? And, presumably, if a private boater is happy to pay £75 for a week in Bath, CRT will be happy to take his or her money; many would see this as good value. Indeed, how will it be collected and how will boaters ask to stay an extra day?

We understand and support the need to share fairly and suggest that simply saying a maximum of 48-hours stay on a visitor mooring is enough. After that boaters have to move on or action will be taken to move them on as they are obstructing others from using the mooring. We also need to point out that from our own member's experience and NABO surveys, the issue of over-staying on visitor moorings is mostly not caused by continuous cruisers; it is simply a congestion issue.

Beside the above reservations, NABO welcomes the introduction of this plan for an initial 12 months and hopes that it will be supported by the wider boating community. We are also pleased by CRT's assur-

More information

The consultation summary is at canalrivertrust.org.uk/about-us/consultations/completed-consultations

Towpath Consultation

CRT is consulting stakeholders, local authorities, communities and partners to create a 'National Towpath Use' policy to improve the experience for those who use towpaths. The aim is to attract more visitors to regularly use the waterways and to encourage shared, safe use of towpaths.

The paper sets out the Trust's proposed approach to towpath management 'to ensure they are shared spaces where a range of uses can be

enjoyed, with all parties respecting each other's use'. After an initial read, one of NABO's Councillors commented: "As the paper doesn't mention boats, or that towpaths are linked to navigation, or that boats may want to tie up alongside them, this doesn't really affect us, does it...?"

If you would like to participate in the consultation, go to the website canalrivertrust.org.uk/media/library/5697.pdf or email your views to sharingtowpaths@canalrivertrust.org.uk

One Direction in Braunston?

No, not the five-piece boy band that won the X-Factor, but CRT's announcement to consult on a proposal to ease congestion at one of the waterways most popular locations. The capacity of the canal would be doubled in the summer months by making traffic travel in the same direction between Napton and Norton Junctions: north to south on Mondays, Wednesdays and Fridays and the reverse direction on Tuesdays, Thursdays and Saturdays. The plan would not operate on Sundays to allow weekenders to get back to their marinas, nor during the winter months. The proposed scheme has received a cautious welcome from NABO, with Gen. Sec. Richard Carpenter commenting: "Anything that relieves congestion in this area is to be welcomed". However, CRT has already had protests from the local branch of the IWA, one of whom was quoted as saying: "Boaters wishing to travel between Napton and Norton Junctions will have a journey of nine miles with six locks on some days and on others a journey via Leicester of 107 miles and 94 locks—the scheme is madness." The consultation runs for three months from the start of April and your views can be made online.



Joining the proposed one-way system at the iconic Braunston Turn



Typical congestion in Braunston that the new proposals seek to address

HS2 Update

The proposed route for HS2 affects 20 canals, four river navigations and four waterways planned for restoration. One of the areas most affected would be Fradley Junction on the Trent & Mersey and CRT has worked closely with the IWA and others to see how its impact can be reduced. They have commissioned engineering consultancy, Hyder Consulting, which has produced a technical report that sets out a feasible alternative alignment avoiding the canal, substantially reducing embankment heights, noise and visual intrusion, and potentially saving millions of pounds.

NABO's view

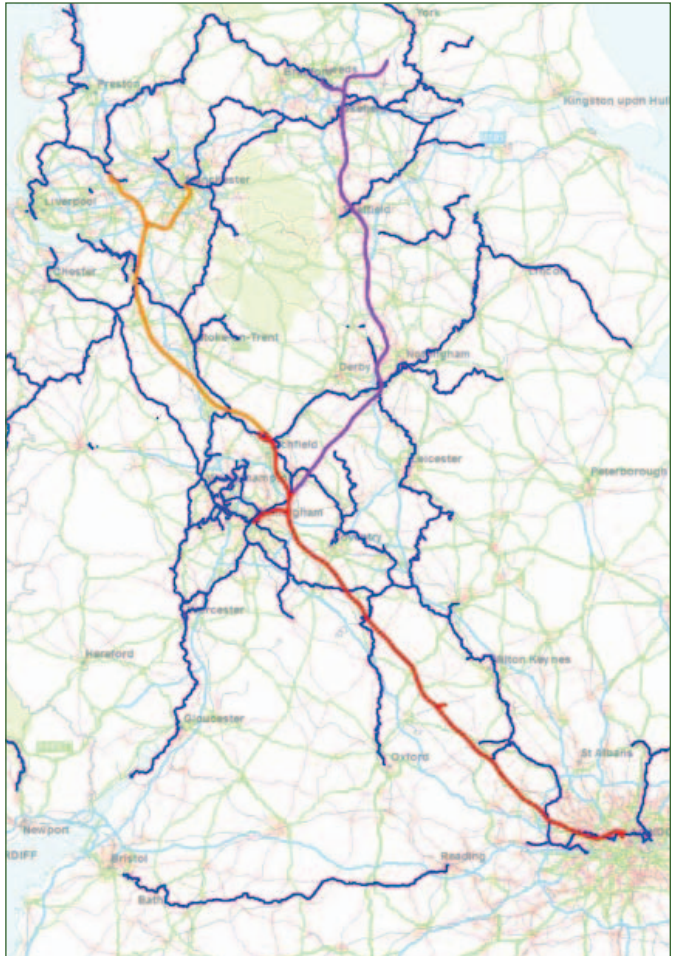
NABO has submitted its views to the HS2 consultation, part of which was as follows:

“NABO has an expectation that the HS2 design, construction and operational phases will be completed in a sympathetic manner, preserving the heritage and amenity value of the waterways which equally contribute to the national interest. Specifically NABO is very concerned at the impact of the proposed route on the Trent and Mersey Canal near to Fradley Junction and Wood End Lock in Staffordshire. The proposal will result in a significant loss of amenity in this area, which is a popular and tranquil mooring. The proposed multiple bridge crossing is unacceptable to NABO. NABO requests that the alternatives proposed by CRT and IWA are given full consideration by HS2. NABO notes that in a number of areas, the proposed route may result in the obstruction of canal restoration routes. NABO requests sympathetic consideration to the local canal societies in resolving these issues at a reasonable cost. HS2 are requested to ensure that significant noise abatement is

applied to sections of rail track near to the canals and at crossings. The canal is a residential and amenity area, and exposure to excessive noise will blight unmitigated areas.”

Not all bad news though...

Birmingham City Council has proposed the creation of a new canal quarter, using HS2 as a catalyst for regeneration of the historic Digbeth Branch of the Birmingham & Fazeley Canal. As part of the master-plan, new buildings and high-quality public spaces are planned. To the east of the canal there is also the opportunity to build beneath a new HS2 viaduct.



More Restoration Money

A £1.5m grant from the Heritage Lottery Fund (HLF) will allow CRT, in partnership with Mellor Archaeological Trust and Stockport Council, to reveal heritage sites and historic landmarks in Marple, Cheshire and attract more visitors. The project centres around the legacy of Samuel Oldknow

(1756-1828), an important figure in the early cotton industry and will help to protect three of Oldknow's most important legacies: Marple Aqueduct, which carries the Peak Forest Canal 100 feet over the River Goyt, a series of elaborate canalside lime kilns and the impressive water powered Mellor Mill complex in the valley below. It aims to help visitors understand how the sites would have looked at the height of the Industrial Revolution and should be another interesting point of call for boaters on this canal.

Marple Aqueduct

Photo: CRT



Bridgewater Canal

A five-mile stretch of the Bridgewater Canal in Salford is to be regenerated as part of a £5.5m scheme. Salford City Council has received £3.6m from HLF and private and public funding to improve the canal between Boothstown and Barton, including the Barton Swing Aqueduct and re-opening Worsley Delph. Once the regeneration is complete, improved access and the potential for new activities and events are expected to bring a further £2m p.a. to Salford's economy. Work is expected to begin in early 2015 and be completed by summer 2016.

Foxton

The Arts Council Renaissance Strategic Support Fund will contribute to a total budget of £193,000 to support a major 'Revealing the Treasures of Foxton Locks' interpretation project.

This will include new trails, guides, an interactive website, improvements to Foxton Canal Museum, interpretation panels, and a 3D digital model of the boat lift.

Derbyshire

Derbyshire County Council has developed a draft Derbyshire Waterways Strategy that, for the first time, addresses all the canals under the Council's care. The Council's views include:

- The Chesterfield Canal will be restored and rejoin the national network.

- The profile of the entire Cromford Canal will be raised and wherever possible returned to water.
- The Derby and Sandiacre Canal will be restored to full navigation.
- The connection between the Erewash and Cromford Canals will be extended and improved.

The strategy is to be submitted for approval in April.

See the Derbyshire Waterways Strategy at the County Council's website www.derbyshire.gov.uk

Kelpies to open in April



The Kelpies, sculpted by Andy Scott, are a monument to the horse-powered heritage of Central Scotland.

A kelpie is a supernatural water horse from Celtic folklore that is said to haunt the rivers and lochs of Scotland.

Each Kelpie weighs over 300 tonnes and they tower 100 feet (30 m) above the Forth & Clyde Canal in The Helix, a 350 ha park built on land between Falkirk & Grangemouth. They are positioned either side of a specially constructed canal lock and basin—part of The Kelpies Hub, which will officially open on April 21st. A large variation between high and low tides on the River Carron estuary has restricted access to the Forth & Clyde Canal. The new river lock can accommodate the full range of tides and a new one km canal extension down to the lock enables boats to enter and leave the canal more easily. The canal extension passes under the Kerse Road Bridge using a lift bridge and a new tunnel takes the canal under the M9 and into a specially constructed basin at the Hub where the Kelpies are positioned.

Court reports

NABO Comments on recent legal action

Mark Tizard asks whether CRT has succeeded in getting legal support for their 'guidance for boaters without a home mooring'—or has this muddied the waters further?

Nick Brown of the National Bargee Travellers Association (NBTA) was granted leave to proceed with the judicial review by Lord Justice Jackson in July 2013. Permission was confined to the issue of whether the Guidance accurately reflects the British Waterways Act 1995 (s.17(3)(c)(ii)), which governs the obligations of boaters without home moorings. Non-compliance can result in seizure and removal of a boat.

We understand that Nick Brown was forced to withdraw his case because the Judge stated that he would be unable to rule on the lawfulness of the Trust's guidance because Mr Brown was not personally facing any enforcement action. In other words, the Judge felt that the hearing would not resolve anything unless he could rule on a specific case. Immediately the case was withdrawn, CRT rushed out a press release that is printed below in its entirety.

The National Bargee Travellers Association subsequently issued its own press release:

In his judgment Mr Justice Lewis stated:

"During the course of argument I raised a problem that is that the Courts are reminded of the undesirability of deciding an issue absent a proper factual context... the Court has warned against abstract actions and needs a proper factual matrix to assess cases... In the light of that there is very little purpose to this hearing

as it would not resolve anything. CRT would prefer, as a responsible public body, to have a judgment that would allow it to discharge its duties in the right way but any judgement that I could give would be very little use on the ground."

Mr Brown added "The arguments presented by my legal team will be of assistance to boaters who are subject to enforcement action". He was represented by Chris Johnson of Community Law Partnership and Martin Westgate QC.

Mr Justice Lewis raised a number of legal points that will be of no comfort to CRT. He found s.17 (3)(c) (ii) of the British Waterways Act unclear: "The more you look at the statute the weirder it becomes" he commented. He added that it would have been helpful if CRT had addressed this dispute by seeking new legislation. Mr Justice Hildyard also told CRT this in the Moore case in 2012.

Mr Justice Lewis agreed that as far as 'bona fide navigation' was concerned, what was good for boaters with moorings was also good for those without. "An occasional trip down to the Dog and Duck" might very well be bona fide navigation whether this was from a marina or from a towpath spot.

Mr Justice Lewis also observed that 'Place' could be as small as an individual boat length, by stating that the mooring or other 'place' to keep a boat required by s.17(3)(c)(i) has the same meaning as the 'place'

CRT's press release

Nick Brown, the legal officer of the National Barge Travellers Association, today abandoned his claim for judicial review of Canal & River Trust's 'Guidance for Boaters without a Home Mooring'. At the end of the first morning of the two-day hearing at the High Court, after comments from Mr Justice Lewis in respect of the case put forward by Martin Westgate QC (representing Mr Brown), Mr Brown applied to discontinue his claim for judicial review. The Judge accepted the application and awarded substantial costs to be paid by Mr Brown to the Trust.

Having received permission at only the fourth attempt to take forward just one limited aspect of his claim (namely, whether the Trust's Guidance accurately reflected the requirements of the British Waterways Act 1995), Mr Brown abandoned this final aspect, even before the Trust had presented its own arguments. The Trust's legal team has always viewed this claim as misconceived and confirms that the Guidance remains valid and applicable for boaters without a home mooring."

used in s.17(3)(c)(ii).

He also stated that in his opinion, the Guidance took legislation that was already difficult to understand and did not make understanding it easier. Mr Brown observed that this means the Guidance is of little assistance to a boater seeking to ensure he is compliant with the British Waterways Act 1995. Contrary to CRT's assertion that the Guidance remains "valid and applicable" it is now called into question.

CRT attempted to claim costs in excess of £100,000. This could have deterred other challengers, but Mr Justice Lewis rejected CRT's application and ruled that CRT would have to justify the amount claimed.

So where does this leave us?

We await the Judges transcript to fully understand exactly what he said and whether it clarifies or gives legal support to CRT's guidelines. It looks a bit like a score-draw: CRT's guidelines remain in place yet it is likely that any further

NBTA's press release

Judicial Review Dropped: Abstract Case Will Not Resolve Issue Of Lawfulness Of Guidance

Nick Brown, claimant in the judicial review proceedings against Canal & River Trust (CRT) to decide whether the Guidance for Boaters Without a Home Mooring is lawful, today discontinued the action. He said "During the hearing it became apparent that this case could not after all decide on the lawfulness of the Guidance because I am not facing any enforcement action myself. Therefore the case should not continue".

legal challenge may make use of the Judges observation as to the meaning of 'place' and 'bona fide' navigation. In summary the judge would appear to have raised some points that both sides will continue to suggest support their view. The following points are taken directly from the relevant press releases:

- There was little objection offered by Mr Brown's counsel to the wording of the Guidance, which the Judge clearly viewed as a legitimate interpretation of section 17 of the British Waterways Act 1995. (CRT boaters update 28 Feb 14)
- Mr Justice Lewis also stated that in his opinion the Guidance took legislation that was already difficult to understand and did not make understanding it easier (NBTA press release)
- The Judge said that all section 17 meant was that a boater without a home mooring must continuously cruise around the network: he did not endorse Mr Brown's barrister's assertion that the Trust should be seeking further legislation to clarify the issue. (CRT boaters update)
- Justice Lewis added that it would have been helpful if CRT had addressed this dispute by seeking new legislation (NBTA press release)
- The Judge accepted that what was bona fide navigation in a particular case was difficult to say in the absence of the specific facts of the case, although he did agree that a boater could

not simply “shuffle” between one place and another nearby place for the purposes of section 17, and that the Davies case was helpful in this regard. (CRT boaters update).

- Mr Justice Lewis also observed that ‘Place’ could be as small as an individual boat length, by stating that the mooring or other ‘place’ to keep a boat required by s.17(3)(c)(ii) has the same meaning as the ‘place’ used in s.17(3)(c)(ii). (NBTA press release)
- Mr Justice Lewis agreed that as far as ‘bona fide navigation’ was concerned, what was good for boaters with moorings was also good for those without. “An occasional trip down to the Dog and Duck” might very well be bona fide navigation whether this was from a marina or from a towpath spot (NBTA press release).

Of further interest NABO noted that canalrivertrust.org.uk/media/library/4434.pdf paragraph 57 under the heading “Throughout the period ... without remaining continuously in any one place for more than 14 days ...”. CRTs legal team stated: 57. Section 17(3)(c)(ii) of the 1995 Act additionally requires that the ‘bona fide navigation’ is ‘throughout’ the period of the licence, which would ordinarily be for a period of 12 months, but will be for at least 3 months. This again emphasises the requirement of a genuine passage or transit for the entirety of the duration of the licence.

In NABO’s view, the above defence would appear to strongly argue against the case for the introduction of Roving or Community Mooring Permits as advocated by CRT or indeed Towpath Winter Mooring Permits.

In NABO’s view CRT’s sometimes threatening language and uneven enforcement policy is un-

helpful. “Enforcement of ‘bona fide’ navigation will be stepped up in the area to support the permit scheme.” (Towpath Mooring Management Report). NABO would like to see enforcement that is consistent and even-handed across the system and not just as tool to support specific initiatives.

A key aspect of the evidence submitted by CRT explains that use for navigation is a charitable public purpose but anyone who uses the waterways for their (floating) home without continuously cruising is deriving personal benefit which is a misuse and abuse of charitable property without a fair payment in return. The recently updated Charity Commission guidance on the issue of personal benefit makes this clear. NABO raised this at a recent meeting with CRT and was advised that it would have few implications in how CRT managed the canal system. However, as this was advanced by CRT in its legal argument NABO will seek further clarification and ask that CRT clarifies the implications as it sees it of this requirement.

Where do we go from here?

Hopefully the Judge’s transcript will be published and we can see his comments in context. CRT and NABO have agreed to meet to review the legal implications and also discuss further the issues raised in the initial legal review meeting held in January so that we can discuss the legality of such things as ‘no return’ rules further.

In the meantime here’s a thought: to enforce its rules CRT like any civil service based organisation creates more rules, rather than investigating the scale and scope of the problem. These additional rules will affect all boaters (not just those they are designed to affect) and so the disconnect between boaters and CRT

grows.

We have seen this recently with visitor moorings. Most boaters would applaud additional moorings being made available; most would understand some reduced stay times in high-volume areas (assuming the need is proven). Imposing penalty fines and trying to introduce no-return rules, rather than manage the very small number of boaters who

overstay here or elsewhere, is just overkill for little purpose other than to affect the boating patterns of the many.

To work, enforcement needs to be even handed AND effective. But the best enforcement of all is peer pressure and for this we suggest CRT needs to bring us all along with it; boating organisations to individual boaters.

The Model Boat Show took place at the National Waterways Museum, Ellesmere Port for the sixth year in March.



Photos: CRT



CRT + EA? No Thanks!

The proposed merger of EA Navigations and CRT

NABO's Thames Rep. and volunteer lock-keeper, **Louis Jankel**, outlines the areas of concern

A number of ill-informed individuals have been claiming that the founding fathers of the IWA, namely Messrs. Aickman and Rolt, had declared that the River Thames should be part of an integrated waterway system. This is quite untrue. The much published Rolt wrote that the Thames Conservators were an administration to be envied and he would have liked to emulate it for the canals. I have asked for chapter and verse for the source of a less-published Aickman statement that the Thames should be included into the integrated canal system, but I am still waiting. Rolt's first trip on the Thames from Oxford to Reading and the Kennet and Avon was such a bad experience (Angela Rolt aboard Cressy disappearing down the river with Tom ashore holding the parted cotton line) that it was a number of years before he tried it again. So why is it such a bad idea to merge the Thames into CRT? Here are five compelling reasons.

1. Funding

In 2008, Defra instructed the EA to identify the annual funding gap between income and expenditure. Annual capital expenditure was identified as 3.5% of the capital asset valuation. The 3.5% annual charge was the figure Defra wanted to be used, being a motorway maintenance costing formula borrowed from the Department of Transport! This 3.5% was made up of 2% asset replacement provision, 1% assets maintenance and repair with the remaining 0.5% to inspect and investigate the assets. In 2008, locks were valued at £250,000,000 and weirs valued at £720,000,000. In 2013 sources tell me that lock values are now >£500,000,000 and weirs >£1.2 billion. To reduce this to simplistic terms, taking on nothing more than the Thames locks maintenance, the CRT Trustees would need to have a dowry of £10m per annum. For the Nene and Great Ouse this figure would have to be doubled to £20m

Thames Marsh Lock
Photo: Martin Smith



each year at least. And these figures do not include the annual amount of money Defra currently pays the EA towards wages, some £5m just for the Thames.

Because the figures are of this proportion, being way over anything that can be considered in the current financial climate, that Owen Patterson put a stop to the merger discussions. CRT is into its second year and has identified opportunities for increased funding because of its charitable status, but I doubt anyone would expect £10m extra annual income from new sources. Proponents should be aware of how quickly such a merger could weaken CRT's already rather precarious fiscal health. Currently the entire EA has a national annual budget in the region of £1bn, even after stringent government cuts. In the event of a major infrastructure failure anywhere in England, the EA has contingency funds available that are more than the entire CRT £58m annual repair bill. As yet the piper has to be paid to cover the costs of remedial work caused by the recent Thames flooding. Had the Thames already been a part of CRT that invoice would be sitting on the CRT Trustees' table. And who is prepared to gamble that such flooding is just one in a thousand years: one in a hundred years: one in a decade or it might just be repeated next year.

2. Harmonisation

Fees: In 2008, Defra instructed the EA to harmonise its charges with BW but after three months of discussion it was found impossible to achieve any common ground. So Defra downgraded its instruction to harmonising the different tariff structures of the then three EA regions into a single tariff band. After a further six months Defra admitted defeat and harmonisation of tar-



iffs was dropped. No method could be found to achieve harmony that would have a neutral effect on income. In all the suggested options, at least 40% of boaters would pay more or significantly more in registration fees. To achieve harmonisation of all licences and registration fees and not cause any boater to pay more than at present would cost CRT the best part of £1.5m in lost income. Gold Licences would cease to be needed. Currently they generate £300,000 for the EA and more than £500,000 to CRT—more lost income. Around 85% of Thames boats are not able to fit the canals so would only need to buy River-Only CRT licences. That would be another hefty reduction in income, possibly more than £1m.

VAT: EA boat registration does not attract a VAT charge. At the outset BW had the option to apply for VAT exemption on registration of boats and licences, but forgot! If the EA waters are subsumed into CRT, CRT could either increase all EA navigation charges currently VAT-exempt and expect users to pay an extra 20% or it would have to absorb it (about £1.5m in total) to make neutral any merger charges—more

Wallingford Bridge

Photo: Sciencebloke at en.wikipedia

What are accommodations?

If riparian landowners use a river bed to secure a mooring by driving in a pole to support the construction, they must pay a charge for this to the EA. Unlike on CRT waters, riparian landowners have the right to moor boats and this is unchargeable. Riparian landowners also have an unchallenged claim that they own the riverbed to the centre of the river. This emanates from King Richard I, who did not do the legal work properly when he sold his rights to the River Thames to the Burghers of London for 20,000 marks, so he could go off and fight the Saracens.



Richard I takes a relaxed view of the chaos he caused when flogging off the Thames

lost income.

Moorings: Accommodations account for about £900,000 of current EA income and at least £500,000 in uncollected fees have been identified. Marinas located off the course of the main river pay nothing to the EA for the right of access to the river, nor the use of the water and maintenance of water levels. In fact the EA have given fiscal incentives by freezing charges for the past couple of years and will continue the policy for the next year. In the original discussions, it was never clear whether CRT would want to impose their marina charge on merging. It would seem to be unfair to allow such financial advantages to Thames marina owners over CRT marinas.

EA visitor moorings are currently free for 24 hours and some allow up to a further two days for a payment of £5 per night. Mooring for

periods in excess of a few days are satisfied by private marinas. In the myriad alternative moorings on the river, more or less anything goes and hence mooring abuse is a serious problem. But this can only be resolved by local authorities and major landowners (e.g. Thames Water) working together under the River Thames Alliance (RTA) initiative to produce a common policy.

3. User groups

The RTA was funded by the EA until last year. It is to become a subscription charity with the aim of coordinating local authorities, business and public organisations to come together and set river-wide policies. Seven separate River User Groups (RUGs) meet three or four times a year and are funded by the EA as a statutory duty. They offer a briefing for the public on local issues and the EA is required to listen to any questions raised by the attendees.

The Thames Navigation User Forum is a formal standing committee that comprises boating organisations' representatives and the chairs of each RUG. It is the main vehicle for dialogue between the EA navigation management and users and it meets four times a year under EA auspices.

Under the existing organisation within CRT, there would seem to be a single RUG meeting which is currently 'owned' by CRT. The structure of CRT does not have room for the Thames consultation system, which has taken a number of years of hard negotiating to achieve and members would feel very unhappy if the system was diluted in any way.

4. Structure

In 2008, Sarah Nason, Head of Waterways in Defra had agreed that ring-fencing the River Thames was desirable within the proposed char-



Goring Lock

Photo: Harry Arnold/
Waterway Images

ity that eventually became CRT. As has become apparent, there is no appetite within CRT for such a model and actually it would seem to be impossible to achieve with the current CRT structure. Since King Richard I sold the river in 1187, there has been a contiguous single organisation administering it with success. The EA took the Thames within its embrace in 1997.

The new EA Navigation Division became the navigation authority. It works well. Currently the EA is moving closer to the original model by combining the flooding considerations with water level control and flood defences. The recent flooding has highlighted that every EA employee has been involved in flood alleviation. A transfer to CRT would end this approach whether it is just navigation or it also includes flood control, as there are ecological and environmental aspects to managing the river that will stay with the EA.

5. Timeframe

There is a further final consideration: we see the excellent determination with which CRT has approached its inheritance, but it is going to take a

few years for its plans to take effect and its aspirations to bear fruit. Any proposed merger of EA navigations with CRT must be agreed and subject to an executive order by 14th December 2016 (Public Bodies Act 2011—sunset clause, 5 years from date of enactment¹), otherwise it will require primary legislation and there is not a chance in hell of that ever happening. Both users and staff understand the river and its demands, and to attempt to absorb the River Thames into CRT within the time-scales demanded may well be a meal too far.

Certainly the Government has no appetite to spend the sort of money that I expect the trustees would have to demand to satisfy the Charity Commissioners.

Summary

In summary, the management of the River Thames is internationally recognised as being one of the best examples of its kind in the world. We have a British heritage jewel that needs to be nurtured and not forced into a marriage with an organisation that has only 'boats on water' in common.

¹ General Order-Making Powers, Item 12, page 7. See www.legislation.gov.uk/ukpga/2011/24/pdfs/ukpga_20110024_en.pdf

From Water to Road—a backward step

Tony Haynes, distinctly unimpressed, says farewell to the Battlestone

It was sad to see the gravel barge The Battlestone laid up and to hear that all aggregate and some oil barge movements have now ceased on the Aire & Calder, with barge crews made redundant. In 2012 Lafarge announced that: "Lafarge barges take material from Besthorpe Quarry in Nottinghamshire along the Trent and then to the canal system in Yorkshire, offloading at Whitwood Wharf near Castleford. A one way trip takes around 15 hours, with loads averaging 300 to 400 tonnes. Dependent on the water levels of the Trent between 80,000 and 230,000 tonnes are carried per year. Employing barges means hundreds of lorry movements are taken off the road each year, cutting wasted mileage with empty return runs and reducing CO2 emissions."

Lafarge has now opened a new quarry and it is deemed too far from the River Trent to make barge transport viable. Also Whitaker's tankers, Humber Endeavour, Humber Progress and Humber Pride are up

for sale. New MCA health and safety legislation demands that oil tankers must be double hulled, which makes the vessels redundant.

So oil and aggregate are now being shifted by road mostly and by rail. Once again, legislation driven by Europe has halted otherwise viable water-borne transport.

However there is light on the horizon for the Aire & Calder. In the near future waste processed biomass will be transhipped at Goole and moved up the Ouse to Long Drax power station. Also Dalkia energy management group is building a new processing plant at Pollington airfield. Waste wood feedstock for the plant will be transported along the Humber and the Aire & Calder to a new wharf connected to the site. A new 68mw multifuel generation plant is being constructed at the Ferrybridge site as part of a £300m joint venture between SSE and Multifuel Energy Ltd. This project is expected to be completed in early 2015.

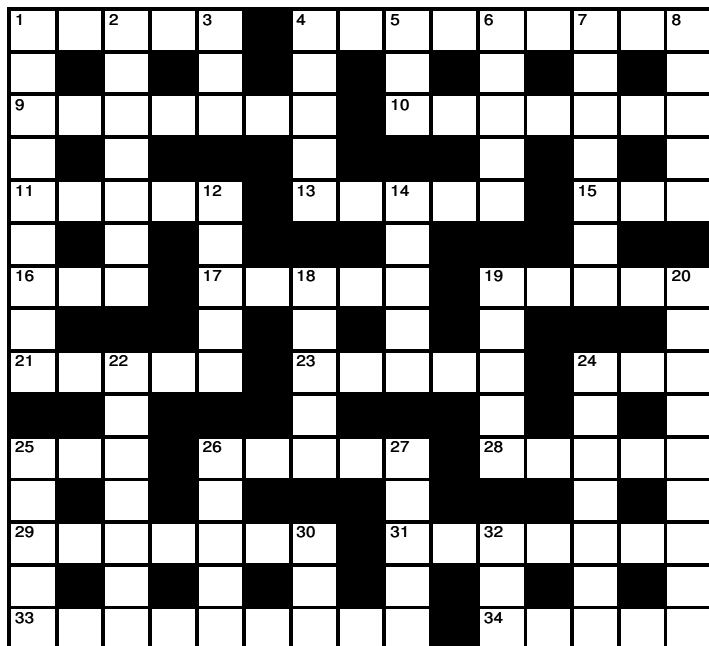
The Battlestone: last gravel barge on the Aire and Calder

Photo: Tony Haynes



NABO News Crossword N° 16

By Canaldrifter



I name this boat ...

If you have spotted a boat name that made you smile, please let us have a photo to use in future issues. Here's one from Helen Hutt.

Answers to Crossword 15 (not 14!)

Across: 1 Braunston, 6 Hoses, 9 Strange, 10 New Dawn, 11 Nudge, 12 Tunnelled, 13 Breadth, 15 Aswan, 16 Yet, 17 Ebbed, 19 Yorkers, 21 Starboard, 24 Retie, 26 Initial, 27 Taverns, 28 Gages, 29 Cambridge.

Down: 1 Basin, 2 Abridge, 3 Nonleaded, 4 Trent, 5 Nonentity, 6 Hawse, 7 Shallow, 8 Sand dunes, 13 Breasting, 14 Hydraulic, 15 Aire River, 18 Boating, 20 Entered, 22 Brigs, 23 Datum, 25 Ensue.

Across

Down

- 1 (With 10) Peer round the junction. It's the editor! (5,7)
 4 Display vessels with stages afloat (9)
 9 Accountant at the helm? (7)
 10 Chaps, see 1 across! (7)
 11 Russian Premier confused about contribution (5)
 13 Survivor finds identity in exclamation (5)
 15 Everyone in the shallows (3)
 16 Collection for sailors? (3)
 17 Boat's line breaks up (5)
 19 Canal tradesman moans about his work? (5)
 21 Comes alongside in ports (5)
 23 12 down for greats, we hear? (5)
 24 Spasm of reverse in excitement (3)
 25 Pan back on deck (3)
 26 (With 31) Iron snobbism about our London Rep! (5,7)
 28 Power-steering component roves around (5)
 29 River in United Nations note, not dried out! (7)
 31 See 26 across (7)
 33 Note wind blowing around in Bath affects online connection (9)
 34 None taken in back in the joint! (5)
- 1 Small image was stolen from hamper? (9)
 2 Fanfare from alien instrument! (7)
 3 Animal lifts old sailor (3)
 4 Crews in a spin pushing the boat out! (5)
 5 Gone, but not aboard? (3)
 6 Carelessly elbow way to the cabin! (5)
 7 Enthusiasts mistakenly sank oar (7)
 8 Wrapped in this is alright for tying down (5)
 12 BSS inspections for matches? (5)
 14 Canal viability (5)
 18 Genuine grand domain (5)
 19 Going astern in gusts amusing on yachts (5)
 20 Publisher confuses school with inn in Guide (9)
 22 Confused panic at presence of skipper (7)
 24 Twisting intro so as to produce force (7)
 25 Hitch scan! (5)
 26 Blemishes upon Jack (5)
 27 Neither this nor that for a point (5)
 30 Either way a failure (3)
 32 Bill goes astern with item from 12 and 23! (3)

ReWind 15 Years

Tony Haynes continues his look back through NABO News, this time Issue 2, 1999



Funding: The Chairman, Peter Lea, announced that the government has pledged £8m more each year for three years and is showing concern about BW's historic debt and the maintenance backlog. "A far cry from the days when nobody in government wanted to hear about the problems facing waterways."

Public Ownership: "The canals are to stay in public ownership. The Waterways National Trust is dead—the government couldn't figure out a way of making it accountable any more than we could."

Wider Issues: BW is again considering widening the entire Trent & Mersey and by-passing Foxton and Watford flights to create a network of wide waterways.

Lengthening Locks: The IWA has offered a grant of £2,000 to help lengthen Evesham Lock to 72ft. Ashline Lock will also be extended by Project Hereward to allow full-length narrowboats access to the Middle Level. Salters Lode Lock is also to be improved to give longer boats access to an extra 160 miles of waterways in the Great Ouse Basin. **Mooring Matters:** After intervention by NABO, mooring charges for the disabled were reduced on the G&S

where they had put in facilities at their own cost.

Waterways Explorers Licence: This BW proposal 'is what the son of high intensity cruising is to be called. There will be further consultation with users.'

Freight on the Lee & Stort: Trials are taking place with barges to take waste to the Enfield Waste Disposal Facility.

Stourport Moorings: Following a request from NABO, BW has agreed to extend the five-day visitor moorings to six days.

No more vintage engines? An EU Draft RCD amendment would mean that all boat engine replacements would have to comply with noise and emission requirements. This would mean no more 'vintage' engines such as the Gardner 2LC, Lister SR, BMC rebuilds or Ruston clones.

Anglers vs Cyclists: A letter-writer points out that the fishermen's desire to stay out of the way of bikers means the towpaths are now clear for other users—but mind the bikes!

MAFF miffed: Ministry of Agriculture, Fisheries and Food is concerned about the number of alien exotic fish being dumped in the canals. They have asked BW to licence these fish under the Import of Live Fishes Act! Fish insurance, licence holders and safety certificates?

April fool joke?

Round Robins: A letter has been sent to boat owners by BW asking for consultation on spending. One hire-fleet owner received thirteen of them, one for each boat, and all in separate envelopes. No, it's not a joke!

Letters to the Editor

Opinions expressed here are independent of NABO policy and statements made have not been verified as true.

The End of the (Water) Road

After some heart-searching I have decided that the time has come to resign my membership of NABO, although I am considering associate membership. I sold 'Dreamcatcher' two years ago. I still retain part-ownership of ex-BW Bantam tug Kingfisher, moored on the Yorkshire Derwent, but we have now decided to put Kingfisher up for sale too as she is grossly under-used. I have very much enjoyed campaigning with NABO over the years, particularly my three years as Vice Chair, early recruitment affiliated with Save Our Waterways, and a brief spell as NABO News editor. (I am so glad that most of the changes I wanted to make then have now been made!) At one time I was also attending ten official committees as NABO's rep. on crutches! It has not always been easy, particularly working with a then dictatorial secretary. But I like to think we had some effect in our representation of boaters' interests. Although long retired now, I am not retired from campaigning. My attention is now concentrated on standing with other camper-vanners against councils who are actively trying to prevent overnight wild camping by erecting illegal roadside notices and enforcing illegal restrictions. I will of course continue to follow NABO's work with interest. I may still be seen afloat now and again. I have open invitations aboard several boats, including Dreamcatcher (now moored at Lincoln) and my brother's Russell Newbery powered 'Dacre', currently CCing. I also carry a windlass in my motor home and may occasionally be seen helping crews through locks here and there! (I need the exercise!). I would just like to add a big thank you for support given to me in the past, and for the many lasting friends that I have made through my contacts in NABO. Long may the campaigns for the rights of boaters continue in the hard waterway days ahead. I fear we have seen the best of it.

Tony Haynes (ex-Vice Chair 2005-7)



Land above the locks, the swing bridge

Photo: Greenhill Action Group

Tony subsequently let us know of a threat to the area above the Bingley Five Rise: "Developers are trying to build on a beautiful greenfield site above Bingley Five Rise. The proposed development would forever change the aspect of the waterway above Bingley and create enormous problems at the swing bridge with excess traffic. The developers were defeated by the local protective action group, but they have appealed, so the campaign goes on. Can I ask any boater passing through that area to support any protest cruise organised by the group, as I did successfully a few years ago. Also all those interested in protecting the beautiful L&L, please sign the petition www.greenhill-action-group.co.uk. Don't let yet another developer make a fortune by ruining our canal-side greenery."

Who's responsible for safety on your boat?

I have to take issue with a remark made by Peter Fellows in his article 'How Safe is Boating?' While the steerer of a boat may not get things right they cannot be held responsible for the consequences. The ultimate responsibility has to lie with the person operating the paddles and controlling the level of water in the lock.

Bernard Hales, Egham

Peter replies: On our boat the steerer has responsibility for the safety of the crew and boat, so crew take instructions from the steerer when operating locks. However, everyone has different ways of doing things and I would be pleased to hear other reader's views on this.

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