

# MEETING OF MIDDLE LEVEL NAVIGATION ADVISORY COMMITTEE

## MINUTES OF MEETING HELD ON 12<sup>th</sup> JUNE 2019 AT THE MIDDLE LEVEL OFFICES

### Present

M E Heading	-	Middle Level Commissioners
J L Brown	-	" " "
D C Thomas	-	" " "
L McShane	-	" " "
R Sexton	-	East Anglian Waterways Association
A Wildman	-	Residential Boat Owners' Association
C Howes	-	Inland Waterways Association
Dr I Hirst	-	Environment Agency – Fisheries Team (representing Kye Jerrom)
N Arnold	-	Environment Agency (representing Paul Separovic)
P Syred	-	Fox Narrowboats Ltd

### 1. Apologies for absence

S W Whittome (Middle Level Commissioners) and P Hughes (Fenland District Council).

### 2. Introduction

Marc Heading, Chairman of Middle Level Commissioners, introduced himself to the Committee and said he was delighted that following Royal Assent for the Middle Level Act in November 2018 the Commissioners were now making progress with introduction of the Act and he hoped that the waterways would now be used safely and more responsibly.

### 3. Function of Committee

David Thomas advised that the function of the Committee was to advise the Middle Level Commissioners on navigation matters and to assist in the decision making process on matters relating to navigation on the Middle Level waterways. He referred to Section 3 of the Act which states “that the Commissioners must establish a body to be known as the Navigation Advisory Committee to advise the Commissioners on their functions in respect of navigation under the Acts. The Commissioners must consult the Committee on the proposals to provide facilities or services in respect of the waterways and their banks, proposals to impose or vary charges or fees relating to the waterways or the banks and proposals to make navigation byelaws and proposals for a protocol for the removal of boats under Section 16 of the Act”. David Thomas asked that if organisations represented on the Committee were sending substitutes, that the person who is substituting should have voting rights. A list of dates for the meeting would be sent out to Members but it may necessary for the Committee to be called on an ‘ad hoc’ basis. Advice and recommendations of the Navigation Committee would be reported back to the Commissioners at their Board Meeting.

#### 4. Committee makeup/interaction with Middle Level Commissioners

The Act provides that the Committee is to consist of persons appointed by the Commissioners who appear to the Commissioners to be representative of the following: -

- a) Recreational motor boat interests on the waterways.
- b) The interests of individuals who use vessels on the waterways as their sole residence (including individuals who do not own or have access to a permanent mooring).
- c) Other navigation interests in the waterways.
- d) Other recreational users of the waterways and their banks.
- e) Riparian owners in the Middle Level and other local interests in the Middle Level.

#### 5. Election of Chairman

It was proposed and seconded that Chris Howes, Inland Waterways Association, be appointed Chairman of the Committee. Mr Howes thanked the Chairman of the Middle Level Commissioners and the Commissioners for their perseverance in taking the Bill through Parliament.

#### 6. Byelaws

The Navigation Byelaws have now been drafted and approved by the Middle Level Commissioners at their Board Meeting. The next stage is formal consultation. The Byelaws were considered by the Navigation Advisory Committee and were approved for formal consultation.

Members of the Committee suggested various publications in which the Byelaws could be advertised and brought to the attention of boaters: - the Towpath Talk, the Canal Boat Times, Tillergraph and Soundings.

It was also agreed that an editorial/press release be prepared and sent to the Cambridgeshire Times. Following the consultation exercise the result of the consultation would be reported to the Committee for review.

#### 7. House of Lords undertakings – including residential mooring strategy and boat removal protocol

David Thomas outlined the undertakings given by the Middle Level Commissioners to Lord Thomas in the House of Lords Committee.

##### 1. Provision of facilities

To spend at least 25% of the annual income received from charges on providing facilities on the Nene-Ouse navigation link which meets the current minimum IWA standards for the provision of facilities for boaters as published by the Inland Waterways Association until the standards are achieved on this route and will maintain those facilities until the Navigation Advisory Committee agrees that they are no longer needed.

##### 2. Definition of small vessels

This needs to be provided in the first set of Byelaws to be drafted.

3. Advertisement of Byelaws

To advertise the Byelaws made under the Act in a newspaper or magazine of interest to boaters and on the Commissioners' website as well as complying with the publicity requirements of Section 236 of the Local Government Act 1972.

4. Adoption of Boat Safety Scheme Standards

To specify standards that are equivalent to those set out in the Boat Safety Scheme or such other similar standards as may be required by neighbouring navigation authorities.

5. Level of registration fee for static houseboats

Where a vessel is used as a dwelling for any year in which the vessel does not use any of the waterways in the Middle Level but remains in a marina adjacent to the waterways the cost of the registration fee shall be limited to administering the application for registration checking that it complies with relevant requirements for boat safety and any enforcement procedures that show compliance with those requirements.

6. Publication of boat removal protocol

When publishing Byelaws that are made (or revised) a boat removal protocol needs to be drawn up and annexed to the Byelaws.

7. Residential mooring strategy

Publish a strategy setting out how the Commissioners intend to exercise the powers conferred by Section 15 of the Act with the aim of increasing the availability of residential moorings on the waterways.

8. Implementation of Byelaws

That the first set of Byelaws made under the Act shall include a transitional period of not less than 12 months before any requirement to meet construction and equipment standards comes into force i.e.: - the Boat Safety Certificate.

9. Publicity of undertakings

To publish and retain the undertakings on the Commissioners' website.

Fenland District Council would be obviously a very important participant on the Committee with regards to the provision of residential mooring and developing a strategy as they are responsible for promoting tourism, economic development and they are the local planning authority. Provision of a residential mooring strategy could obviously not be the sole responsibility of the Commissioners as planning permission would be required and the impetus for the development of residential moorings may come from local landowners. However, this Navigation Committee needs to be consulted about the mooring strategy. Chris Howes commented that in London there had been a 400% increase in the need for residential moorings and Oxford was another hotspot. More and more people chose to live on the waterways and it was a national problem. Alan Wildman said he was in the process of relocating to the Norfolk Broads and that the Broads

Authority had identified the need for 63 residential moorings and were strictly enforcing their time limits for temporary moorings to 24 hours and no return within 24 hours.

#### 8. Registration/charging/reciprocal arrangements/timescales

Possibilities for a pricing structure for registration of boats in the Anglian area were discussed. Nathan Arnold said that the Environment Agency were open to suggestions. There was a possibility of three different licences and he thought one licence would be much simpler to administer. Of those boats with a home mooring 70% in marinas have licences. Nathan Arnold said that the Environment Agency currently have 7,000 boats registered and there is a 95% compliance rate. There are approximately 600 boats in the Middle Level area. The Environment Agency charges are currently under review. Currently Government policy is if you use the facility then you must pay a fee that reflects the use. Discussions are continuing with the Environment Agency about them offering to administer the Middle Level Commissioners registration. The possibility of the cost of the administration being covered by reciprocal works provided by the Middle Level Commissioners. It was recommended that the Chief Executive meet with the Environment Agency to agree formal proposals for the provision of the registration scheme and that this be reported to the Middle Level Commissioners' Board in November. Nathan Arnold said that the boat registration team was based in Rotherham and time was needed for data set up with the registration team and for discussions about whether they had got capacity to undertake the works for the Middle Level Commissioners. David Thomas said it was necessary to survey the current boats in the Middle Level system and a package of registration advice notices would be supplied to boat owners where they were known or be left on boats and in the case of marinas this would be supplied to the marina owners for distribution.

#### 9. Facility provision

Currently 48-hour moorings were provided in March town and there was a water and disposal point adjacent to the moorings provided by Fenland District Council. The aim was to provide such facilities to the IWA minimum standard for the whole of the link route. Chris Howes stated that Whittlesey is an important stopping point but there were no moorings and that in future it would be good to have water supplies at locks. There was some discussion of provision of moorings on the Forty Foot and the Sixteen Foot. It was resolved to get a plan drawn up for the next meeting of the Committee with costings for the Committee to consider. David Thomas referred to the Well Creek Trust and the work being carried out by volunteers and that there had been a request from the Well Creek Trust for the Middle Level Commissioners to rebuild their moorings at Salters Lode with a contribution from them and that following this, the future maintenance liability be transferred to the Middle Level Commissioners. There were toilet facilities at Salters Lode and the provision of toilets should be considered for Stanground Lock. Chris Howes referred to a map of the area with facilities which had been prepared by the Peterborough branch of the IWA and there was some discussion about Fenton Lode as a possible place for a marina in the future. There were currently marina moorings at March and Floodsferry and at Well Creek there was future provision in the neighbourhood plan for a marina. Chris Howes suggested that information boards at locks and along the link route would be useful giving information about the fens and local information and to encourage the waterways as a destination.

#### 11. Other user interest – fishing/recreation/tourism

This would continue to be in part covered by a separate group of waterway users as there were interests other than boating to consider.

12. Use of volunteers

As income was very unlikely to match expenditure, certainly in the early years, the Middle Level Commissioners were keen to use volunteers for assistance with lock operations, policing of boats and bush cutting (some of which is already carried out by the Inland Waterways Association). This would give boaters some ownership for waterways and support the lockkeepers. The Canal and River Trust use volunteers on a regular basis for maintenance and policing of boats, litter picking and removal of plastics from the water. There are obviously considerations for the Middle Level Commissioners to address in using volunteers, such as health and safety and insurance. Fenland District Council are currently using volunteers for their Street Pride Project.

13. Any Other Business

There was some discussion about visitor's licences and whether these could be granted at Stanground and Salters Lode and that it would necessary to identify agents who would grant visitor's licences in the area. A question was raised about how the Waterways Users Group would work with the Navigation Advisory Committee. The Navigation Advisory Committee obviously has a specific function which is defined in legislation. The Waterways Group was the more casual group of shared interests on the waterways who meet to discuss any issues. However, there was likely to be some overlap in the two groups.

14. Dates of next meetings

The dates for future meetings were discussed and agreed: -

- 5<sup>th</sup> August 2019
- 7<sup>th</sup> October 2019
- 13<sup>th</sup> January 2020
- 23<sup>rd</sup> March 2020

and this list would be circulated to members of the Committee.

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Chairman