



MINUTES OF THE MIDDLE LEVEL COMMISSIONERS' NAVIGATION ADVISORY COMMITTEE

MINUTES OF MEETING HELD ON 12th September 2023 at 9.30 AM at Middle Level Offices.

Present

J Brown	-	Middle Level Commissioners
M Daines	-	Middle Level Watermen's Club
C Howes	-	Inland Waterways Association
C Middleton	-	EA Fisheries
R Sexton	-	EAWA
P Syred	-	Fox's Marina
A Wildman	-	Residential Boat Owners Association
N Arnold	-	Environment Agency
S Corney	-	Huntingdonshire District Council
S Whittome	-	Middle Level Commissioners

Also in attendance: Ms L McShane, Paul Burrows, Nicola Oldfield, Kevin Russell and Claire Symons

Apologies for absence

Apologies were received from Cllr Denise Laws (Fenland District Council) and Phil Hughes (Fenland District Council).

1. Confirmation of Minutes

The minutes of the Navigation Advisory Committee held on the 15th May 2023 were confirmed as correct and approved.

2. Matters Arising

No further matters arising that were not included within the agenda for the 12th September 2023.

3. Declarations of Interests

As recorded in Member Interest Forms.

4. Licensing Latest

Paul Burrows reported that to date (September 2023) the number of licensed boats on the Middle Level Commissioners system is 287. From this total, 53 of these are new applicants. The remaining 234 are renewals.

We have 107 applicants that use direct debit as a payment method for their licence. Visitor licencing figures are very similar to the previous year, currently we have produced 68 visitor licences generating an income of around £2300. To conclude this represents a relatively encouraging position compared to 2022/23 figures.

Once the season concludes, Paul Burrows reported that he would like to better understand the non-renewals picture. The monthly issue of a handful of cancelled direct debits was also discussed.

CRT Gold Licence arrangements

Paul Burrows reported that conversations are still ongoing between Middle Level Commissioners, the Environment Agency and the Canals and River Trust.

Nathan Arnold (Environment Agency) updated the Committee on the latest. It is not proposed for the Commissioners to become formal partners within the Gold Licence agreement, as there is insufficient demand to warrant the costs, however discussions are in place to create a subsidiary agreement between the Environment Agency and Middle Level Commissioners to cater for CRT Gold Licence holders with home moorings on the Middle Level waters. This agreement is likely to see an income, less fees, transferred from the Environment Agency to the Commissioners annually. The ambition is to have this agreement in place ready for CRT's 2024 licensing period.

The Data Sharing agreement with the Canals and River Trust also needs to be finalised to enable this agreement.

This potential agreement between the Environment Agency is very much welcomed by members.

Anglian Pass conversations are due at the end of September 2023.

British Canoeing

Paul Burrows reported on the progress being made within negotiations with British Canoeing for Middle Level navigable waters to become a formal part of their waterways licence. A financial offer has now been received from the British Canoeing and negotiations are being finalised. Once agreed, it is proposed that Middle Level Commissioners will ringfence this income to invest in improving paddling access to our waters. This income will need to be built into the proposed Middle Level Commissioners Navigation Business Plan.

Jonathan Brown queried whether the agreement includes dinghies. It was confirmed that it only includes forward propulsion paddling vessels (canoes, kayaks, paddleboards). Other unpowered vessels require a licence from the Commissioners.

British Canoeing provides insurance through their licence and it was important for the Navigation Committee to encourage responsible use of paddleboards and canoes.

5. Non-Standard licensing proposal for 2023/24 onwards

A proposal has been developed building on previous conversations at NAC covering permanent residential and trade licensing. Paul Burrows reported that the proposal has been shared with the three Marinas for comments; Bill Fenn, Fox's Narrowboats and Knightsbridge. The intent being that proposals are agreed by the MLC Board in November 2023 to then come into effect within licensing for 2024/25.

Jonathan Brown asked that for project boats that are actively under repair or refurbishment, will this require Middle Level Commissioners to go and see if it is before issuing a licence? Kevin Russell confirmed that suitable evidence will be required and maybe a site visit as part of this.

Paul Burrows added that Project Boats are covered to a degree in Section 14 of the Byelaws and is suggested that Middle Level Commissioners will be looking to charge a 50% licence fee with a realistic 2-year time limit for completion. A clause is recommended be added to the licence that you can only obtain one licence within a 10-year period. Paula Syred commented that 2 years personally she feels is too long, but with a clause or wording to the effect that after 1 year no progress is made to the vessel then the licence becomes void.

Chris Howes asked whether this will affect contractor's working boats? Paul Burrows responded that it will be judged on a case-by-case basis.

Paul Burrows added that the permanent residential category be changed in name to be a much clearer reflection of the clause within the Byelaws, to a 'Marina Only' licence with eligibility based on written confirmation from marina owners.

Vessels that are advertised as 'For Sale' to be offered a reduced fee of £200 for a licence. This will only be available for businesses selling as a trade and not for private sales as a licence can be transferred to new owner.

Paula Syred – Fox's Narrowboats reported that Boat sales can be a slow process. It is very much dependant on the seasons; the condition of the boat, and how much the boat is worth.

This Committee supported the proposals being submitted to the Commissioners' Board for their review and adoption.

6. Fens Reservoir

Paul Burrows and Chris Howes reported that they had attended the Fens Water Partnership recently. The Middle Level Commissioners and Inland Waterways Association have signed confidentiality agreements with the partnership, and Paul is seeking clarification as to what can and cannot be shared with formal Boards and Committees of the Middle Level Commissioners.

Paul Burrows had summarised separately the Committee's July informal session regarding the Fens Reservoir and asked the Committee to adopt the position briefing he had written to capture the discussion. This document has been shared with all Committee members for comment and shared with Anglian Water to enable them to fully understand the impact of using the Middle Level System.

Paul Burrows shared his thoughts with the boards that this would be a real opportunity for the Fens including inward navigation tourism and associated social enterprise. The open water transfers rather than sealed pipes are the navigation communities strongly preferred approach to supplying the reservoir with water.

Nathan Arnold reported that the Environment Agency fully support the Fens Reservoir Position document as it is a great resource for them to use as well.

The Committee agreed to consider the position document as a final version. This document is for NAC members only to support them in their engagements with the Fens Reservoir project team.

The Committee discussed a potential offer to invite people from Anglian Water and their project team to visit Middle Level Commissioners and see the system by boat. This journey would take approximately 6 hours but would enable a better understanding of the Middle Level System, the opportunities, and challenges.

Action - Paul Burrows to offer this opportunity in due course with a view to hosting in Spring 2024.

7. Regulation and enforcement latest

Lorna McShane reported that prosecution notices had been recently issued against seven unlicensed boats. From these seven boats, three have now been licenced, one is being removed from the water so therefore three will be continuing towards court summons.

The response from using an external solicitor to send enforcement letters has had a positive impact.

The Committee were pleased that the owners of these unlicensed vessels had come forward and purchased a licence

Abandoned boats

Middle Level Commissioners Byelaws include of the removal of 'sunken' boats. A further three boats have been identified that need to be removed from the water as they have also sunk, but with a small workforce and limited equipment these will be removed when capacity allows.

Kevin Russell reported that he had recovered the 40ft burnt narrowboat from the Old Nene earlier on in the year. This has been moored inappropriately at the bridge close to the Middle Level Offices before it was set ablaze and cast adrift. The owner has come forward and expressed an interest in wanting to pay for the recovery costs, storage, and licence fees. The owner has been given 6 weeks to pay after this date the boat will be removed from the water and then sold.

The Environment Agency Anglian Waterways approach to unlicensed boats enforcement

Nathan Arnold – Environment Agency explained to the board that the Environment Agency were now taking a new approach to enforcement. They have now increased their workforce to be able to offer a dedicated team 365 days a year and an alternative route to issuing prosecutions. This has involved working directly with owners with the reasons why they have not applied for a licence, and equipping them with the tools from external agencies to support health and wellbeing. The Environment Agency's focus over the next two years is to be support owners with maintaining and securing the licence. If the owner fails to purchase a licence, then the vessels will be removed from the water rather than focus on prosecutions. Nathan explained that an external company will be used for boat removal and sale.

The Committee agreed to keep watch on the success of the Environment Agency's new approach to then consider if it is an approach worth adopting on Middle Level waters in future.

8. Section 14 (2) Middle Level Act 2018

Paul Burrows reported that there is a clause in the Act that Middle Level Commissioners have not been fully compliant with and that he was enacting a simple reporting approach to address this for the 2022 reporting period onwards.

14 Commissioners' duties in relation to boat-dwellers

(1) In the exercise of their functions under and by virtue of this Act (including the provision of facilities) the Commissioners must have regard to—

- (a) the interests of individuals who use vessels as their sole residence (including individuals who do not own or have access to a permanent mooring); and*
- (b) the desirability of safeguarding and facilitating public rights of navigation.*

(2) In each calendar year the Commissioners must publish a report setting out what they have done in the previous calendar year to satisfy the duty under subsection (1).

9. Review of boating season; identification of issues and actions

Chris Middleton – Environment Agency Fisheries reported that the surveys carried out on the drains were 'hit and miss' due to the poor weather conditions. Chris did report that Sea Trout are present on the Ashline Lock and that a comprehensive report would be with the Board for January 2024 meeting.

Michael Daines – Middle Level Watermen's Club thanked Middle Level Commissioners for the positive responses received on the licencing and prosecutions. The newly refurbished Gladys Dock mooring works well but slightly disappointed with the lack of disabled provisions, and moving forward this would be something to keep in mind for the future refurbishment works.

Paul Burrows explained to the Committee that a business plan for the Middle Level Navigation is in hand but progressing more slowly than he had hoped because of staffing capacity constraints. Paul highlighted that he does want to move forward with new boater facilities on the link route with the ambition for phase 1 of these to be in place before or within the 2024/25 licensing season.

Paul outlined that the MLC's social media presence has increased and that recent posts had sparked significant feedback about the challenges of weed in the system. Paula Syred from Fox's Narrowboats provided a useful post which showed how the system struggled with weeds back in the 1970's. Paul mentioned that weed management would be an important component of any business plan.

Boaters had reported difficulties at Ramsey Forty Foot with getting to the side of the moorings and water levels. The new Ramsey moorings were now completed but boaters had reported that you rarely see these moorings in use. Steve Corney – Huntingdonshire District Council informed members that the town council had now moved into the old TSB building and that a new clerk had been appointed. The accessibility of these moorings and boater facilities will be considered by the Town Council meetings, as the town council along with the help of Middle Level Commissioners are looking to promote Ramsey as a destination to visit.

10. Off Season Activities

(i) Marmont Priory Lock

Nicola Oldfield reported that a navigation closure notice has been issued to take effect from 30th October 2023 until December 2023 to close the upstream and downstream at Marmont Lock.

This closure will enable Middle Level Commissioners to carry out essential works which will include the lock gates being replaced with new steel gates.

Within this programme of works it was also identified through the meeting if we could look at addressing the below points from users. These will be considered by the MLC team.

- We rely on the odd sized Fenland windlass. Can we switch to standard EA windlass on the new gate slackers. Could we change on the u/s slackers too?
- Can we improve slacker operation by reducing number of turns required?
- We will need to complete an FRT2 form from the Environment Agency and have fish rescue ability during dewatering.
- Abandoned boat at Marmont – to be removed before we start gate works. Noticed to be served and boat removed.
- Marmont upstream gates operation – refresh signs to clarify which slackers to use (and which windlass).
- Upstream sweep improvement.

Nicola Oldfield also reported a further closure notice has been issued for lock pen desilting works at Salters Lode Lock is planned between 8th January 2024 and 9th February 2024, along with some health and safety improvements at the site.

(ii) Stanground

Facilities improvements are in early planning at Stanground Lock, to help deliver on the commitment to re-invest 25% of income and to better enable relief lock-keeping. Following on from the replacement of

the gates at Marmont Priory Lock it is hoped that by 2025 we will have replaced the gates at Stanground for steel ones.

After the refurbishment at Stanground than the works programme will continue to Ashline Lock. Through this programme of works we can then to look at standardisation across our waterways.

(iii) Middle Level Commissioners Office Moorings

Paul Burrows reported that he had asked his team to take a view on whether a portion of the mooring at our offices could be opened up to the licensed boating public without compromising the operational needs of the Commissioners, with the view of also adding a water point.

Nicola Oldfield reported that she had commissioned Atkins to undertake Public Safety Risk Assessments across MLC's navigation assets using methodology refined in their work for the Environment Agency. These will provide the Committee with reassurance and/or mitigating actions to ensure risk to the public are adequately managed.

11. AOB

Phil Hughes - Fenland District Council reported ahead of the meeting that they will be taking legal action for trespass for the overstaying boat at FDC's mooring in March. This is unlikely to be a swift process. The failed mooring in West End Park; the proposals are going to elected members shortly for their full consideration. The new Pump out facility is currently not working but is being worked on by Fenland District Council.

Proposed IWA Festival for August 2024

Nathan Arnold reported that no decision had been made on a festival of water and that the chances of the festival happening in St Neots in 2024 was very slim. Paul Burrows reported that he had been approached by the IWA seeking licensing deal for festival goers.

Members discussed the position and supported the conclusion that any festival held on the Gt Ouse system will create additional operating costs for the Commissioners in facilitating increased boating traffic through the system and the increased costs are unlikely to be covered by additional licence fees. Within this in mind, coupled with the range of affordable licensing options now available for the Middle Level waterways, it is not proposed to offer any reduced fee for festival goers should any future IWA festival be confirmed for St Neots. This approach was also felt fairer to local licence holders, who would likely feel it unreasonable to provide discounts for visitors.

ANRC Rally

This event did not happen due to Covid 19.

12. Dates of the Next Meetings

Wednesday 17th January 2024 at 10am at Middle Level Offices.

Meeting closed at 11.50am

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Chairman

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Date

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