

THE JUST WON'T GO AWAY FLOATER

Issue 6 March 2016 The only paper for boaters produced by boaters

C&RT - now beyond the law?

INSIDE:

- Brum's disappearing moorings - Page two
- Canoeists risk lives in tunnels - Page three
- Secret sale of key canal site - Page four
- Fighting park planners for boat homes - Page five
- Boat buddy scheme for volunteers - Page six



It is almost a year since the Canal & River Trust introduced its new Terms & Conditions and it may have hoped that the challenges to their legality and fairness would have faded away by now – but, if anything, the disquiet among boaters is growing as they see the practical impact of the rules the Trust is attempting to impose on them. **Allan Richards** looks at the whole question of whether those Terms & Conditions are legal.

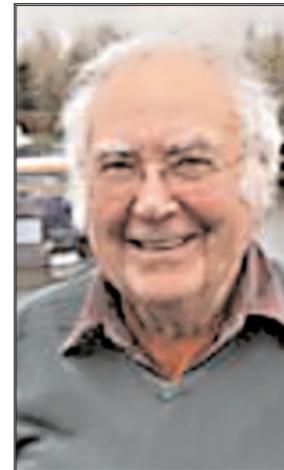


The battle against the Trust's Terms & Conditions goes on, with fierce critics amongst boating organisations and even the boat trade. Just this January boat brokers were complaining bitterly that they had not been informed of changes which made boat licences non-transferrable to new owners; and the National Association of Boat Owners (NABO) has continued the campaign it began more than a year ago, allowing all boaters access to its magazine NABO News, featuring correspondence with C&RT in an article by its Legal Affairs Officer Geoffrey Rogerson. At the same time The National Barge Travellers Association (NBTA) is challenging many attempts to use the new T&Cs to restrict or remove licences from liveboard boaters, especially in London. At the same time boaters on rivers are chal-

lenging CRT's assertion that their powers extend beyond a 'two boat wide' navigable channel. **No consultation** There was no full consultation before C&RT introduced the T&C's and they suggested the changes were 'minor'. Yet, when examined by NABO's David Fletcher (ex NABO chair and current member of C&RT's Navigation Advisory Group) he found them to be far reaching. A four page letter from NABO, drawing attention to the aggressive wording and illegality of some of the requirements was never acknowledged. However, C&RT did remove some of the more obnoxious clauses such as giving themselves the power to inspect a boat at their pleasure and the power to alter the 'contract' with a boater during the licence period. **Elephant** But the elephant in the room remains - C&RT's

use of the Transport Act 1962 Section 43(3) to alter the meaning of the British Waterways 1995 Act. In particular, the way in which the T&Cs alter the requirements regarding boats with a home mooring which are now required to use the boat

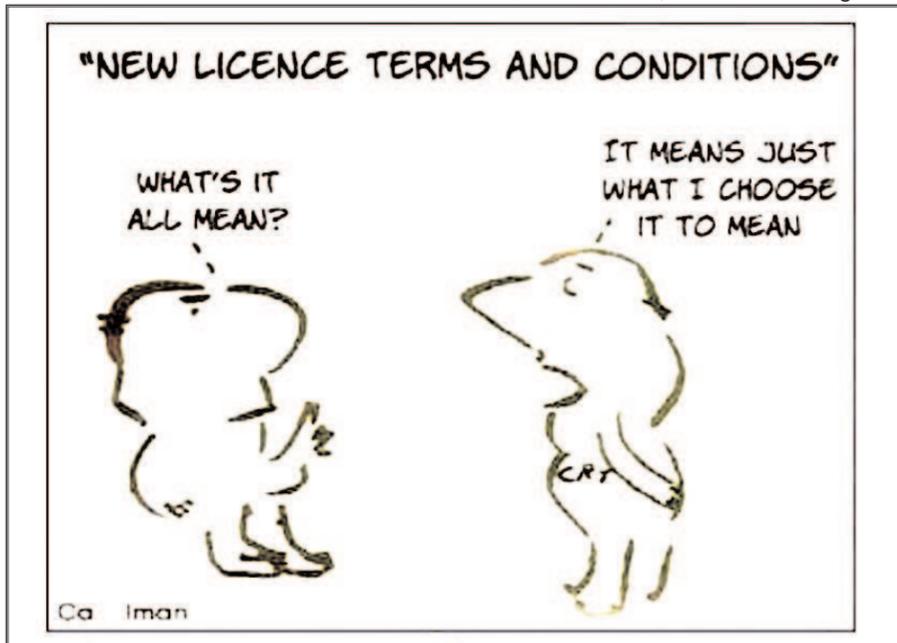
for 'bona fide for navigation' despite the fact that the 1995 Act does not require this. NABO's Geoffrey Rogerson points out that C&RT uses the word 'cruise' (in clause 3.1) to mean 'bona fide navigation' despite the legal real-



NABO Legal Affairs Officer Geoffrey Rogerson, left, challenges the new Terms & Conditions while Ian Rogers, C&RT's Director of Customer Services and Operations, right, rejects any criticism of the way they conflict with the law.

ity that there is no legal requirement for boats with a home mooring to do this under the British Waterways 1995 Act. A letter to C&RT from Mike Rodd, NABO's chair, documents this and six other areas of concern regarding T&C's. In clause 1.5 C&RT attempts to expand the legal definition of a 'home mooring' in the 1995 Act. Clause 1.10 attempts to impose a contractual requirement on a non-signatory to an agreement. Clauses 6.4 and 6.5 attempt to give C&RT the power to fine under the guise of charges, mostly for 'overstaying'. He points out that C&RT has no general power to impose fines which is the role of the court. **Embellish the law** In clause 8.6, C&RT again attempts embellish the law, this time with regard

to its powers regarding removal and cost recovery in relation to unlicensed craft. Clause 8.7, which attempts to allow C&RT to carry out actions such as removing a boat from the water after its licence has been terminated, is condemned as being liable to challenge under the Unfair Contract Terms Act. The letter concludes by saying that, in view of the complicated language used and questionable legality of some of the T & Cs, NABO's legal advisors have recommended that boaters may wish to add a caveat to their licence application: "Agreement to the licence terms and conditions does not absolve either party from complying with any relevant law or Act of Parliament governing the canals and rivers administered by the Trust". **Continuing anger** The continuing anger from boaters of many types demonstrated by the NABO letter indicates that C&RT failed to engage with boaters or boating associations, taking time to work through the changes such that legal ambiguities were removed and that the wording was 'user friendly' rather than aggressive. The legal ambiguities are lampooned in a NABO News cartoon which shows a boater asking 'What does it all mean'. The C&RT response is 'It means what we want it to mean'.



The legal ambiguities are lampooned in a NABO News cartoon

Continued on page 2

The curious case of a disappearing disabled mooring

By Peter Underwood

Sherlock Holmes would have been challenged by the way the Canal & River Trust managed to make a mooring just a few yards away from their office in central Birmingham disappear overnight – a trick it now seems they have repeated elsewhere in the city.

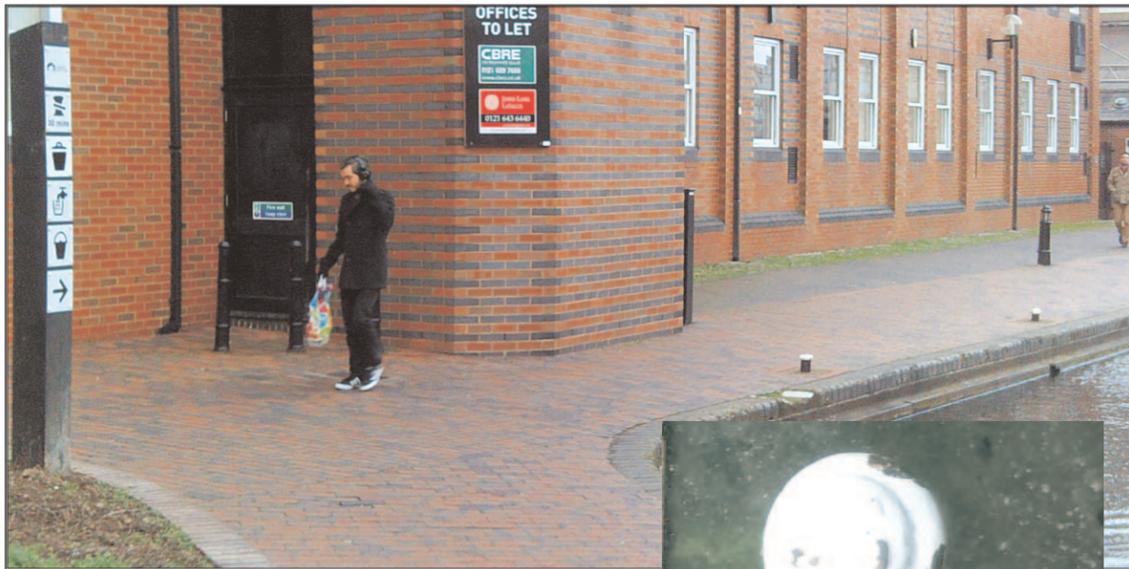
Just beyond the road bridge at the very start of the Birmingham and Fazeley canal in central Birmingham there has long been a single boat length provided with bollards with a disabled sign embossed on each. It has never been given any specific time limitation and has been used for many years by disabled and non-disabled boaters as a 14-day mooring adjacent to the facility moorings outside Cambrian House, where there is also plenty of room for two boats to use the water point at the same time.

Until a few weeks ago - when a brand new post was sunk at the start of the mooring announcing it had suddenly become part of the facilities mooring.

When I first asked C&RT to explain why they had removed a 14 day disabled mooring, customer services staff told me: "We have checked and cannot see anything that suggests the mooring mentioned is a 14-day disabled mooring."

"If it did we would keep it because we don't change the length of time people can moor without consultation. There are no signs that say it's a 14 day disabled mooring."

When I sent them pictures of one of the disabled mooring bollards, complete with wheelchair sign embossed on the top Ian Darby Customer Operations Manager for the West Midlands told me: "I'm currently trying to tidy up the signage in Birmingham to make it more easily understandable and obviously while I'm at it update the old signs,



The disappearing disabled mooring and, inset, the bollard with a wheelchair design

which are way past their best. "What I'm not doing is changing any of the length of stay times, which would quite rightly require me to consult with our users."

"The confusion seems to be around the single mooring bollard on the service station facilities at Cambrian Wharf, which has a disabled logo cast into it."

"I really would be grateful if you could supply me with anything you have that says it's a fourteen day disabled mooring because I can't find anything anywhere. There is no signage on site to say it's fourteen days and there's nothing on Waterscape saying it's fourteen days. I'm not even sure where the bollard design comes from because as a general rule we don't use bollards for anything other than water points and lock landings."

Of course, almost all the city centre moorings are provided with the bollards he says are only used on water points and lock landings and, although I only gave him a picture of one disabled bollard, in this location, there are, in fact four.

But Mr Darby was not to be fazed by a few facts. When I pointed this out he replied: "It is a bit obscure, this one, because nobody would know it as a disabled mooring because it's not advertised anywhere as such, although I appreciate a few locals may be aware of the bollards. "So, although I can't deny the bollards are there as you mention, I equally don't believe the mooring is an officially designated fourteen day disabled visitor mooring and I don't believe I'm changing anything that requires consultation so at this stage I'm not planning to change the current signage."

I suggested: "You don't need to designate a mooring as 14 days - that is the default position - and this is clearly a mooring and has been for some years."

Mr Darby was still determined that he is right to remove the mooring, although he later said: "I will be talking things through with colleagues so I can sense check the rationale I'm using to make sure I'm being sensible and consistent in my

approach. If they don't support my view I'll take the necessary steps to identify them as disabled moorings as soon as I possibly can."

In fact he came back with an email and a phone call to confirm that the mooring was being reinstated as a 14 day mooring with preference for disabled boaters.

Case solved - but there is a twist in the tail - it now seems that Mr Darby's tidying up of Birmingham's moorings has removed three other 14 day moorings in the centre.

One by the other water point on Holiday Wharf has also been swallowed up by extending the moorings for facilities while two others, created when mooring bollards were installed beyond current 48-hour moorings on either side of the main line near the Barclaycard Arena, have now been removed by extending those mooring signs to take in the 14 day sections, three years after the moorings were created.

I am awaiting a response.

Merger talks on EA waters takeover

Moves to bring closer the Canal & River Trust's takeover of the Environment Agency's navigations have been met with suspicion and caution by the National Association of Boat Owners who say the financial implications of any move to merge needs to be fully investigated and understood

NABO is against any merger until CRT shows it is able to catch up with the backlog of maintenance and adequate funds in place to protect the canal infrastructure going forward.

NABO's reaction comes after The Environment Agency and Canal & River Trust established a joint working group to explore different options for running the 620 miles of EA-managed river navigations.

The working group is described as being at a very early, information gathering stage, and no decisions have yet been made on the details of a potential move. As the project moves forward the working group will investigate the various potential options required for such a complex move.

Anyone with concerns should contact Mark Ormrod, Environment & Business Manager - Navigation, mark.ormrod@environment-agency.gov.uk

The Floater

Written designed and published by News Afloat - a unique boat-based publisher travelling on the British inland waterways. Check out The Floater website at: www.TheFloater.org The Editor is Peter Underwood and all contributions, suggestions and questions should be directed to him at: Editor@TheFloater.org or TheFloaterUK@gmail.com The Floater is published at least once a month in .pdf format as well as on the Issuu platform and a web version on the website at www.TheFloater.org Like The Floater Facebook Page here <https://www.facebook.com/TheFloater/> Join The Floater Facebook Group here: <https://www.facebook.com/groups/921938364522405/> Follow @TheFloater on Twitter

C&RT invents a fourth reason to revoke a licence - disagreeing with T&Cs

Continued from page 1

The latest NABO letter received a response from Ian Rogers, C&RT's Director of Customer Services and Operations, best summed up by its last but one paragraph: "As we do not accept that any of our terms and conditions conflict with any law or Act of Parliament governing the canals, we do not see that the caveat you have suggested is necessary". He also rejects the view that clause 8.7 might be contrary to Unfair Contract Terms Act.

Contradiction

In his letter, Mr Rogers claims that section 43 of the Transport Act 1962 allows C&RT to attach terms and conditions to its boat licences as it sees fit.

He also contradicts himself by saying that C&RT accepts NABO's 'underlying principle' that the Trust cannot introduce T&C's that conflict with statutory provisions such as the British Waterways Acts and Bye-laws). The level of confusion resulting from the imposition of the T&C's is easy to demonstrate. The most quoted part of the 1995 Act is Section 17(3) which details the three reasons for which CaRT can refuse a licence.

First reason - a licence can be refused because the boat does not have a boat safety scheme certificate.

Second -no insurance.

Third, C&RT are not satisfied the boat has a 'home mooring' and also not satisfied it is being 'used

bona fide for navigation throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances'.

Fourth reason

Despite that, the new T&C's introduce a fourth reason. Clauses 8.1 to 8.7 allow the Trust to refuse a licence for breach of its T&C's. The law states that C&RT to may set T's&C's for the 80 'houseboat licences' it issues. It does not extend this to the thousands of 'private licences' it issues.

In practice, then, this means that a breach of its T&Cs could cost a boater his or her licence and, perhaps their home - a clear con-

flict with the law. It seems inevitable that the multiple potential conflicts created by these badly thought out T&Cs will continue and may escalate.

Backed off

At present C&RT may be trying to avoid having to justify their new terms in court, despite being willing to spend nearly £500,000 a year on lawyer's fees they have already backed off pursuing a boater accused of 'shuffling' under the new T&Cs and it has long been a common rumour that anyone challenging C&RT's attempts to impose 'overstaying charges' will not be pursued through the courts.

All of which suggests that the Trust itself is not convinced that its Terms & Conditions are lawful.

Canoes in tunnels - tragedy in waiting?

By Peter Underwood

The relatively new policy of allowing canoeists into some tunnels on the waterways may be responsible for bringing fragile kayaks and canoes into dangerous proximity with many tonnes of steel boat.

The dangers were brought home to me as I entered the 3km long Netherton Tunnel in the Black Country on a Sunday in early February. I initially saw lights at the other end, and there seemed several of them, so I initially assumed I would be crossing with two or three other boats. Somewhere near the centre I met about 15-20 canoes and kayaks carrying adults, older people and even children, with most - but not all - wearing head torches which flashed around and dazzled me on several occasions as I anxiously held my 20-ton boat on tickover to the right hand wall of the tunnel. They were clearly part of an organised canoeing group, from Shrewsbury it was later discovered, which had deliberately decided to ignore the large sign at the tunnel's southern portal saying 'No unpowered craft.'

As I crawled past, peering into the water to make sure none had strayed to my side of the tunnel my fear was that my steel boat was going to crush a canoe and maybe drown a child. We passed safely, with a brief exchange of words and I contacted C&RT's West Midlands Waterways Manager Ian Lane, suggesting the incident should be reported to the Health & Safety Executive under the Trust's RIDDOR responsibilities. Even on a Sunday after-



Kayakers towed out of Blisworth tunnel by boater Les White.



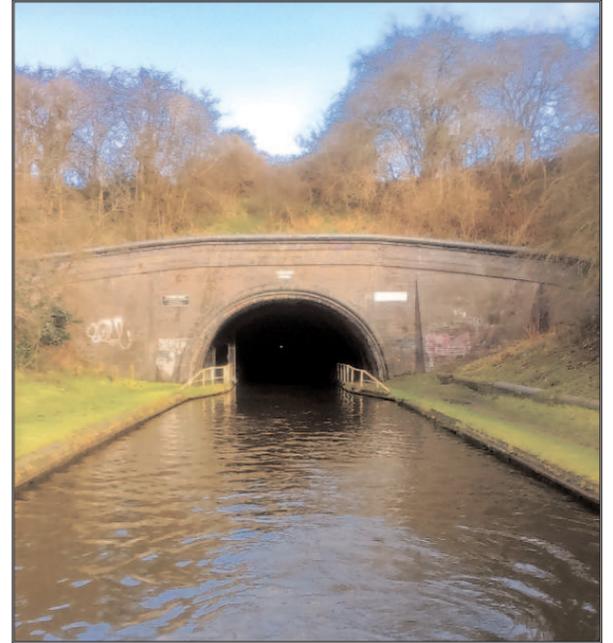
Ian Lane, West Midlands Waterways Manager
Ian responded within a couple of hours saying: "I'll have a chat with my safety team as to how we will record this but, as you say, we need to find out who it was as quick as possible to prevent them trying it again. He went on: "We have been working with Canoe England a lot recently about tunnel usage and given incidents like this it's really important that we reinforce the safety message or spread the word wider. I think its difficult to police but we need to make sure all groups are aware of our rules and guidance." Within a couple of days Ian told me: "We have found the group. They came from Shrewsbury and have been talked to about their actions. To be fair they have taken it well and understand the implication and have apologised. "My canoe England colleagues are now going to

do some refresher work on tunnel safety and I will inform the trust waterway managers and local staff of the incident so they are aware."

Although canoeists are not allowed in any of the longer tunnels on the system, like Netherton, they are now allowed to use more than 30 tunnels around the system, under the new dispensation and these include some quite lengthy ones such as Ghosty Hill on the Dudley Canal, at 509 metres, Barnton at 529 metres and the nearby Saltersford on the Trent and Mersey, the Bruce (Savernake) tunnel on the Kennet and Avon, the Gannow tunnel on the Leeds and Liverpool and Chirk Tunnel on the Llangollen canal. Just two days after our experience another boater, Lesley Pearson, posted a video on The Floater's Facebook page of canoeists, without lights, following them out of Chirk tunnel with two other boats waiting to enter. From Les White came the tale, and a picture of him towing a kayak through Blisworth Tunnel. He said: "They were in front of us with no lights. Luckily Joyce was standing on the front. I ended up towing them to get them out the way safely. God knows what happened when they got further on." Canoe England's Waterways & Environment Manager, Chris Page, told me there were some agreed criteria for allowing canoes and kayaks into specific tunnels - a straight tunnel, with clear sight lines from one-side to the other with a maximum length of 400m for two way tunnels and narrow one way tunnels can be used if the tunnel is up to 650m as there shouldn't be any traffic of any sort entering the tunnel if they can see a craft is already in there.

He went on: "All tunnels should carry suitable signage to instruct paddlers as to whether it is closed or restricted to them. It is also a rule that paddlers must display a light to help oncoming traffic of any sort see them. "In this area we have

recently undertaken some work with CRT to identify any further guidance regarding lighting. After a series of test runs at tunnels, with both CRT and boaters present, it was agreed that lights should be a minimum of 80 lumens. "Ideally these would be head torches, as these keep them to a good height from the water - however, we do advise canoeists can have a light mounted as they feel best for them - so long as it is a minimum of 80cm off the water. "We have planned a communication to paddlers to wrap up some work we have done with CRT over the past year into a larger briefing note too - tunnel lighting/regulations being included in this. I'm hoping we can get that sorted to be able to communicate it at the same time as we flag the recent experience from the Netherton tunnel. This will be going to clubs



The southern portal of Netherton Tunnel

and members, as well as being flagged to the paddling community at large. "If we were to see a need for any other tunnels to be opened, our absolute key concern is a balanced approach to risk and safety issues, including for other users. "We believe working in partnership with boaters, C&RT etc, is the best way to find common ground (or water!) on these issues." His Canoe England colleague, Ben Seal, Canoeing Development Officer for the West Midlands, told me: "This is (as far as I am aware) an isolated incident and one which we appreciate has caused alarm. As of Monday we are taking steps to reinforce existing guidelines via our various

communication channels with clubs and members. "99% of the time boaters and paddlers cohabit the water without incident and both respect the guidelines or restrictions on the waterway. Unfortunately occasionally there are exceptions and in this circumstance it has been dealt with swiftly and the party involved have been spoken to. Not as unusual as Ben might hope, given the reports and videos from boaters, including the video of lightless canoeists in Chirk Tunnel. And there is no doubt boaters find such incidents distressing, with one commenting that the canoeists 'don't put much value on their lives'



Signs at both ends of Netherton Tunnel make it clear no unpowered craft are allowed to enter



Tunnel Name	Canal	Canal & River Trust region	Tunnel Length (metres)
SNARESTONE	Ashby	Central Shires	228
CURDWORTH	Birmingham & Fazeley	West Mids	52
SUMMIT	Birmingham Mainline	West Mids	102
GALTON	Birmingham Mainline	West Mids	122
FROGHALL	Caldon	Central Shires	68
LEEK	Caldon	Central Shires	119
DRAKEHOLES	Chesterfield	East Mids	135
ASHTED	Digbeth Branch, Birmingham	West Mids	102
GOSTY HILL	Dudley Canal	West Mids	509
SHREWLEY	Grand Union	West Mids	396
SCOUT	Huddersfield Narrow	Manchester & Pennine	188
BATH No.1 (Sydney Gardens)	Kennet & Avon	Kennet & Avon	50
BATH No.2 (Cleveland House)	Kennet & Avon	Kennet & Avon	54
BRUCE (SAVERNAKE)	Kennet & Avon	Kennet & Avon	458
GANNOW	Leeds & Liverpool	North West	511
ELLESMERE	Llangollen	N.Wales & Borders	80
WHITEHOUSES	Llangollen	N.Wales & Borders	174
CHIRK	Llangollen	N.Wales & Borders	421
NEWBOLD	Oxford	South East	189
ASHFORD	Monmouth & Brecon	S.Wales & Severn	343
WOODLEY (BUTTERHOUSE GREEN)	Peak Forest	Manchester & Pennine	153
HYDE BANK	Peak Forest	Manchester & Pennine	285
COWLEY	Shropshire Union	N.Wales & Borders	74
DUNSFLEY	Staffs & Worcester	West Mids	21
COOKLEY	Staffs & Worcester	West Mids	59
BRANDWOOD	Stratford Canal (North)	West Mids	322
SALTERSFORD	Trent & Mersey	Manchester & Pennine	368
BARNTON	Trent & Mersey	Manchester & Pennine	525
COSELEY	Wolverhampton Level	West Mids	329
EDGECASTON	Worcester & Birmingham	West Mids	97
DUNHAMSTEAD	Worcester & Birmingham	S.Wales & Severn	210

For your own safety, you should think very carefully before deciding to navigate through a tunnel. These are our criteria for permitting canoes etc. to pass through:

- It is less than 400 metres long, and there are good sight lines through the tunnel
- If it is between 400 and 650 metres long, and there are good site lines, AND a single way traffic system is in place.
- We don't allow passage through other tunnels unless it's part of a managed event which we have given permission for.
- Exceptions may be made on the basis of local risk assessments taking account of factors such as potential smoke & fumes, existence of towpath/grab chains etc.

C&RT's list of the tunnels where canoeists ARE allowed

Secret sale of key site discovered by accident

The property arm of the Canal & River Trust is again facing criticism over what appears to be a secretive and hasty sale of the leasehold of 3.5 acres at the core of the canal system in Birmingham.

The land is within the Warwick Bar conservation area and will be key to the area's regeneration when the new High Speed Rail station is built on the doorstep.

The area up for grabs includes grade II listed buildings on Fazeley Street, Warwick Wharf, the Banana Warehouse and Minerva Works. The site is bounded by the Digbeth Branch canal, the Grand Union canal and the river Rea.

Most of the 21 fledgling businesses already occupying the site knew nothing about the sale until a week before the bidding process ended, with contracts to be exchanged before the end of March. The local Digbeth Is Good website said: "The speed and timing of the sale raises questions about financial management, as the site would clearly raise more money with outline planning permission. There is a concern that this could be a 'fire sale', being rushed through before the end of the financial year."

It also criticised the apparent lack of openness with the existing leaseholders by C&RT and quotes John Gordon, Chair of Digbeth Residents Association, saying "charities are legally required to ensure that their disposal of assets are conducted in a manner that would be in the best interests of the charity, and under terms that are the best that can be reasonably obtained in the circumstances." "It is questionable that the suggested secrecy, restricting the number of potential purchasers and unnecessary haste are in-keeping with achieving



The Banana Warehouse at Warwick Bar (picture Gareth James), above and , below right, the Minerva Works

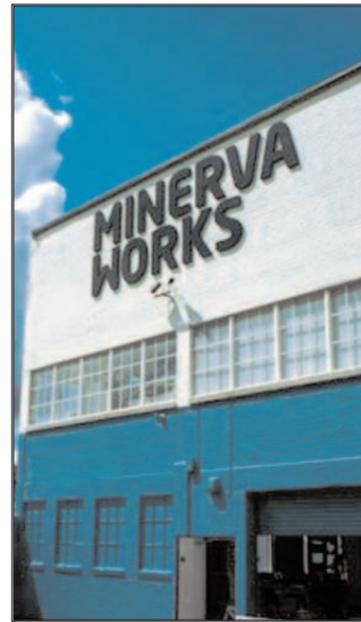
those expectations which are rightly placed on charities." After discovering the sale by chance, boater and local leaseholder Alison Tuck rallied around other residents of Warwick Bar to encourage them to write to local MPs. She said: "We found out by accident when a prospective buyer visited the site, claiming if his bid was successful we would be off the site in six months regardless of the leases we held as the site was to be flattened." One problem is the secrecy. In 2008, the Canal and River Trust sold the long-term lease of the Warwick Bar Estate to ISIS Waterside Regeneration LLP - a property business jointly owned by C&RT with several directors of CRT sitting on the management of ISIS Waterside Regeneration LLP. Local leaseholders claim C&RT has bypassed part of the Charity Act on

disposals of property by a clever misdirection of lease ownership. They suggest that by employing legal but unethical sleight of hand, the Canal & River Trust and ISIS Waterside Regeneration LLP have removed the right to make representations on the sale of the current long-term lease and have removed an avenue to negotiate the type of regeneration, and the scrutiny of the conservation of the heritage of the canals and properties held in trust for the nation. Following the level of concern expressed by leaseholders at Minerva Works, Canal & River Trust CEO Richard Parry, and the Property Director, Stuart Mills, agreed to meet with them. The two c&RT executives agreed to keep the tenants fully informed and there have been discussions about the tenants making their own bid - some-

thing they could have done much earlier and more effectively as the decision to sell was made last year well before Christmas.

Interestingly the tenants report that C&RT is distancing itself from ISIS, the company they half-own, at a time when the Charities Commission is warning big charities about commercial tie-ups which bring the charity into disrepute.

The sales documents show that the site is currently producing a total income of £180,000 per annum but says there is significant development potential. As part of the Big City Plan and recent investment in the area by Birmingham City University, Digbeth is undergoing wholesale regeneration and the property will be an important landmark scheme, with its proximity to the HS2 Curzon Street station.



EA River takeover on the agenda again

Once again the C&RT takeover of Environment Agency navigations - long a key target of the Inland Waterways Association - is under active discussion and other boater organisations are urging members to scrutinise carefully what is happening. The National Association of Boat Owners (NABO) says: "The financial implications of any move to merge navigation management of EA and CRT waters needs to be fully investigated and understood

"NABO is against any merger until CRT shows it is able to catch up with the backlog of maintenance and adequate funds in place to protect the canal infrastructure going forward.

The Environment Agency (EA) and Canal & River Trust (the Trust) have established a joint working group to explore different options for running the 620 miles of EA-managed river navigations. It still remains the Government's ambition to transfer the EA's responsibility for navigation of the rivers to the Trust, subject to affordability and approval by the Trust's Board and the Minister.

The Trust claims: "This will help realise the benefits of a sustainable navigation and give the public greater involvement in the running of the waterways."

Currently, the working group is said to be at a very early, information gathering stage, and no decisions have yet been made on the details of a potential move. It will begin with an information and data gathering exercise looking at all of the EA's navigations. Any boater with concerns is asked to contact Mark Ormrod, Environment & Business Manager - Navigation: mark.ormrod@environment-agency.gov.uk

Leeds & Liverpool Canal Bicentenary (1816-2016)

Mile-post campaign will mark canal's 200th birthday

The Leeds & Liverpool Canal Bicentenary this year is being marked by the Canal & River Trust with a fundraising appeal to restore or replace missing mileposts along the waterway's 127 mile route.

It hopes dozens of local groups and individuals will adopt their local stretch of canal and its mile marker, with sponsors donating up to £200 to restore each milepost and volunteer work parties to help restore damaged or corroded mile posts.

A Heritage Lottery Fund grant of £36,600 has paid for the appointment of a new project officer Alice Kay, making 40 new mile posts and a programme of activities, heritage events and art workshops for local residents.

About a third of the original 127 mile posts are missing or severely damaged, 89 need re-painting and around 75 need new number plates fixing to them. The original cast iron mile markers date back to the 1890s. They were installed as a response to legislation introduced to regulate canal freight tolls.



Skipton Mayor Cllr Gordon Bell, Mr John Webb and guests at the unveiling of the Canal & River Trust's mile marker appeal - EveryMileCounts in Skipton

Marking the start of the canal bicentenary celebrations, the first newly

restored milepost to be unveiled was unveiled in Skipton in February.

Summer stoppages are agreed in Birmingham

An unusual deal that will mean The Canal & River Trust closing down certain canals during the height of the summer season has been agreed in Birmingham. After a meeting between the Birmingham Canal Navigations Society and C&RT the dates for the Summer Stoppages were agreed after the Society insisted that the timings of BCN events were avoided.

West Midlands Waterways Manager, Ian Lane has told the society that the start dates are a guide but the jobs will not necessarily take as long as suggested. The society says all routes are duplicated so cruising need not be interrupted although an alternative route may need to be taken.

The BCNS says: "For example, when Rushall is closed an alternative way through the Walsall Canal can be taken and after three weekend clean ups by BCNS and a good weekend BCN Clean Up by WRG and others the route should be well improved and worth navigating."

Task Name	Func Loc	Duration	Start	Finish
Aston Lock 2	BF-003-005	30 days	Mon 09/05/16	Fri 17/06/16
Lock 1, Top Lock Rushall	RC-001-001	30 days	Mon 05/09/16	Fri 14/10/16
Lock 2, Rushall	RC-001-002	30 days	Mon 05/09/16	Fri 14/10/16
Lock 4, Rushall	RC-003-004	10 days	Mon 05/09/16	Fri 16/09/16
Lock 6, Rushall	RC-003-007	10 days	Mon 05/09/16	Fri 16/09/16
Lock 7, Rushall	RC-003-008	10 days	Mon 05/09/16	Fri 16/09/16
Lock 4, Ryders Green	WS-001-009	30 days	Mon 27/06/16	Fri 05/08/16
Lock 8, Ryders Green	WS-002-007	10 days	Mon 27/06/16	Fri 08/07/16
Lock 1, Smethwick	WV-022-011	30 days	Mon 27/06/16	Fri 05/08/16
Lock 1 Brades Double	BG-001-002	15 days	Mon 11/04/16	Fri 29/04/16

The list of summer stoppages - essential information for anyone planning a trip on the Birmingham Canal Navigations

Boaters fight park planners for their homes

The unelected Broads Authority, which controls planning on the Norfolk Broads has been involved in a long and expensive struggle to remove a handful of liveaboard boats from the river in Norwich. The residents have mounted a lively campaign to save their homes and they fight on despite a series of U-turns by the authority. Here we give campaign leader Gary Barnes, pictured right, an opportunity to explain what is happening.



Thorpe Island is situated on the outskirts of Norwich and is owned by Roger Wood. Dozens of boats are moored here, some at the western end (known as Jenner's Basin) and some at the eastern end (known as River Green).

For several years now, The Broads Authority has attempted to clear Thorpe Island because of complaints from a handful of wealthy neighbours opposite Jenner's Basin. They maintain that the houseboats spoil their view, but the houseboats were present long before the houses were even built. In fact, houseboats have been present on this stretch of river since at least 1922.

Before Roger bought Jenner's Basin he visited The Broads Authority and asked about the mooring rights. The Basin had previously operated as a commercial marina and in 1984 a covenant was agreed limiting the moorings to residential only. Martin Thirkettle, who at that time worked in the planning department at The Broads Authority, assured Roger that he could buy the site with confidence.

However, a change of personnel at The Broads Authority brought with it a different attitude. The Head of Planning, Cally Smith, maintained that there was no planning permission despite the area having previously been operated as a marina and despite the covenant. Roger had every reason to feel confident and continued to moor boats at Jenner's Basin, as well as at River Green.

And so began a lengthy legal dispute that has



Martin, one of the boaters under threat, on his boat at River Green (courtesy of Steve Hunt)

needlessly cost the taxpayer almost £200,000 not to mention the expense incurred by Roger who had no choice but to defend his rights. The case has been through the Courts and also subjected to not one but two Planning Inspections. At every legal turn, Roger has been defeated. We do not know how that is possible but we do know that it is not fair. Back in August 2015 The Broads Authority Planning Committee met and determined to take enforcement action at Jenner's Basin. Cally Smith was asked by Members "Is enforcement action our only option; is there room to negotiate a settlement?" She replied that there was no room for talks; that enforcement was the only option. That was untrue - in a letter dated 1st December 2014 appended to our initial serving of

papers for the application for Judicial Review we said: "I assure you that we are open to negotiations and honour the spirit of the pre-action protocol. We wish to avoid further litigation with the Broads Authority, a course we believe to be in the best interests of both parties" Before that, a meeting was held on the 26th November 2014 between Cally Smith and representatives of Thorpe Island where negotiations were offered repeatedly. That meeting was recorded and a copy made available to Broads Authority Officer, Andrea Long. During the Planning Committee meeting on the 21st August 2015, Members of the Broads Authority referred to the residents at Jenner's Basin as 'feral' and the community a 'shanty town'. The culprits included Chair of The Broads Authority,

Professor Jacquie Burgess and Chair of the Planning Committee, Dr Murray Gray. They went on to order that the residents be evicted. The residents at Jenner's Basin were ordered to leave by 18th December 2015 or face criminal prosecution. Some left but the majority remain. Roger Wood was ordered to cut off the means of electric and water supply in the middle of winter. He refused. There are those who believe the residents at River Green are safe. They are not. The Broads Authority coerced Norwich City Council to issue eviction notices here too. Norwich City owns the river bed beneath the Yare on which the residents are moored. Those eviction Notices are still live. In December 2015, the residents established the Save the Island campaign

If you want to help, this is what Gary suggests:

- A) JOIN this Facebook Group and add your friends/share on your timeline
- B) SIGN our petition on Change dot org - link below <https://www.change.org/p/john-packman-stop-the-social-clean...>
- C) VISIT our website - link below <http://www.savetheisland.co.uk/>
- D) FOLLOW us on Twitter and retweet our story - link below https://twitter.com/Save_Island
- E) CONTRIBUTE to our fundraising to fight the evictions - although our crowdfunding campaign has ended you are still able to purchase official Save the Island mugs from our HQ at River Green (collection only) for £10
- F) VOLUNTEER for our forthcoming events - see separate post for details on 4th/5th/12th March
- G) CALL me on 07501 457127 if you think you can help in some other way

to fight back against The Broads Authority. Not only for those at Jenner's Basin but for all on Thorpe Island. Thousands of people have joined our Facebook Group and signed our petition on Change.org. Our view is this - The Broads Authority is engaged in social cleansing. They are driven by a small number of wealthy, influential people whose interests are prioritised. The residents at Thorpe Island are not 'feral' and the community is not a 'shanty town'. We've acknowledged that there are things we could do to improve the area. For the past few weeks, the residents at Jenner's Basin have spent their weekends tidying-up the site. But we have every right to stay - and every intention. Roger Wood has recently agreed to abide by the Enforcement Notice and has given all of the residents at Jenner's Basin Notice to leave. They have to go by Monday, 18th April 2016. He plans to submit a fresh planning application in line with the Planning Inspector's Report of 2014 which, amongst other things, limits the number of moorings to 25. He is talking to The Broads Authority too, asking them what he needs to

do. We hope that his planning application will be accepted. We hope it will be approved. But it is important to note that the primary concern of the Save the Island campaign is for the residents and at present there is a live Enforcement Notice in place. We are working to have that set aside on three grounds: 1) The lie that was told to the Planning Committee by Cally Smith. 2) Because the Island campaign is for the residents and at present there is a live Enforcement Notice in place. The Enforcement Notice is procedurally unsound. BUT irrespective of all of that, the residents are determined to stay whatever the consequences. A series of actions and demonstrations has been arranged designed to highlight our cause and disrupt the day to day business of The Broads Authority. If required, we will consider boycotting the payment of river tax and disrupt the lucrative tourist trade at key access points within the Broads navigational area this summer. We hope that will not be necessary.

London demonstration plans for NBTA protest against C&RT

The National Barge Travellers Association (NBTA) is organising a demonstration to demand that Canal & River Trust (C&RT):

Stops evicting or threatening to evict boat dwellers without permanent moorings based on their travel pattern, because of an arbitrary and unlawful minimum distance 'rule' that has been imposed since last May

Stops imposing 24 hour mooring time limits (the law entitles us to stay 14 days in any one place)

Stops any plans for the sale of our waterways. Instead it wants C&RT to take positive action to:

- Maintain the banks and towpaths of the waterways
- Install more mooring rings where these are needed
- Install more facilities.

Boaters are invited to join the NBTA contingent at the national demonstration for basic housing rights on Saturday 16th April 2016 at 12.30pm. Meet under the NBTA's banner on the corner of Gower Street and Euston Road, London NW1 2BU



How about buddying up with a volunteer lock keeper for a day?

It is a perpetual moan amongst boaters that Canal & River Trust staff don't understand the issues they face – one answer is to tell them yourself – and now you can do the same for volunteer lock keepers.

Canal & River Trust's 'Boating Buddies' scheme has been running for a few years and was inspired by boaters. It is also backed by the Trust itself and, last year, C&RT's internal newspaper 'The Source' reminded staff that the scheme was still running and carried a couple of news items from staff who had undertaken trips.

In the August edition chief executive, Richard Parry, reinforced the benefits of the scheme. 'In the meantime, I hope you've been able to enjoy some time out on your own – and if you don't have easy access to a boat, why not take the opportunity to go out on our Boating Buddies programme while the weather is fine? It's really important that we all get to appreciate what our customers experience and see things through their eyes; I can recommend it.' One boater, Allan Richards, has taken about 20 Trust staff out on his boat, Albert. Allan says that, whilst he is critical of C&RT in many respects, he is a firm believer in the in the boater inspired 'Boating Buddies' scheme.



Keith Stevens (left) and Pete Sherwood (right) at the Black Buoy Cruising Club (Knowle, Grand Union).

So much so, that he has extended it to include volunteer Lock Keepers (VLK's).

Allan has always believed that VLK's, many of whom are not boaters, would benefit from a boat trip for the same reasons that C&RT staff would. It could give them an opportunity to steer a boat and even work it through the locks that they normally volunteer on.

His opportunity to do this came last year when West Midlands Waterway Manager, Ian Lane, asked him to arrange a 'Boating Buddies' trip for two of his staff. Ian was an early scheme participant on nb Albert and is a keen advocate. One of his staff, Pete Sherwood, had recently been

appointed as Customer Operations Supervisor covering



The photo (by VLK Roger Chapman) shows VLK Vaughan Miles taking Albert into lock 19 at Lapworth Northern Stratford-on-Avon Canal in pouring rain.

the Stratford-on-Avon and part of the Grand Union. This area includes the VLK manned Hatton and Lapworth flights of locks. Allan mentioned to Pete his desire to extend 'Boating Buddies' to include VLK's and the result has been that, to date, five volunteers have had a day out on Albert with the opportunity to steer the boat and take it through locks on the Lapworth flight. Allan has already volunteered to take out more local VLK's aboard nb Albert in 2016. If you are willing to do similar in your area, he suggests you contact your regional manager. With over 700 volunteering as lock keepers on the Trusts waterways in 2015, there is certainly room for expansion of this scheme.

HONORARY RESEARCH FELLOW FOR C&RT

Dr Jodie Matthews, from the University of Huddersfield, is to become C&RT's first ever Honorary Research Fellow and will work with the Trust's museums and archives, and alongside canal researchers and industrial historians.

Dr Matthews is a Lecturer in English Literature at the University of Huddersfield and her research focuses on the nineteenth century. She has turned her attention to the ways in which canal boat people appeared in stories, reports, art and literature, exploring the way in which they contributed to conceptions of the nation in the nineteenth century, and how those ideas inform our thinking today.

Most recently, she has begun to establish with the Trust a new Canal and Waterways Research Network, bringing academics and heritage professionals together to talk about new approaches to waterways history. She has been working with the Trust in Gloucester on the Heritage Lottery Funded-redesign of the museum.

Graham Boxer, the Canal & River Trust's Head of Museums said: "The national waterways museum collection and archives tell the stories of the people who lived and worked on our waterways – from celebrated engineers to anonymous bargees and navvies – who changed the face of Britain.

"These people literally made history and we want to work with more researchers, academics and universities to make these stories more accessible to a wider audience.

Jodie Matthews said: "The intention of the network is to bring rigorous research perspectives on canal and river histories to the Trust's work in its museums.

Special tractor called in to clear tunnel blockage



The winter floods not only put the Rochdale and Aire and Calder canals out of action for boaters, they also had an impact underground in 3.25 mile long Standedge Tunnel where several cubic metres of sand, gravel and other debris were swept in from an underground stream.

The stream flows into the tunnel about 250 metres from the western portal at Diggle and C&RT have had to call in a specialist 'amphibious tractor' to

clear the blockage. The Trust also had to call on the services of a specialist mining consultant, experienced in confined spaces to make sure that the work is undertaken safely.

The two-day job used an hydraulic bucket on the front of the amphibious dredger, known as a Truxor, to remove the debris from the stream. Mark Weatherall, senior project manager at the Canal & River Trust, said: "Working deep underground in a tunnel on a floating dredger is quite unusual and poses many

new problems which, I am proud to say, the team have successfully over-

come in a short period of time. Standedge Tunnel will

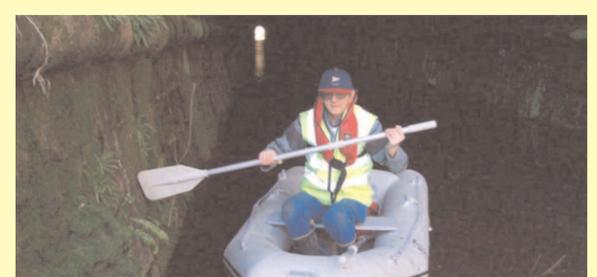
reopen for the summer season as planned on 19th March.

One man tunnel expedition to boost restoration

One boater is continuing his unrelenting campaign to reopen the Northern Reaches of the Lancaster Canal.

Intrepid boater Colin Ogden has turned to the civil disobedience tactics used by the founders of the Inland Waterways Association by going where the Canal & River Trust will find most embarrassing. He said: "On Wednesday February tenth I sailed through Hincaster tunnel and back, the first craft to do so in over 80 years.

"It is in remarkable condition, and holding at least three feet of water. The tunnel is 385 yards in length. "The northern portal is in need of urgent repair...due to Ivy growing between the upper coping stones." Hincaster tunnel is on the closed Northern Reaches and Colin later noticed a sign at the entrance banning boats



from entry. Later in the year he is planning to tow his historic launch along the dry sections of the Northern Reaches which could take the canal system into the heart of the Lake District if restored. Colin thinks restoration should be a priority and believes C&RT doesn't show any enthusiasm for such a project.