

ONLINE MOORING POLICY CONSULTATION REPORT

March 2019

Introduction

The draft Online Mooring Policy consultation policy ran as an online consultation from 26 October to 21 December 2017. There were 70 responses to the online survey including statements from British Marine, the Electric Boat Association and the National Barge Travellers Association.

Of the responses 19 statements supported the new Online Mooring Policy

There were 12¹ statements opposing the removal of the online mooring reduction policy.

The remaining 39 statements did not state either support or opposition for the new Online Mooring Policy but offered varying comments on the new policy.

SUMMARY OF COMMENTS

Online mooring reduction policy

The largest number of comments were on the proposed removal of the current 1:10 online mooring reduction policy. There were 13 statements of support for the removal of the online mooring reduction policy and 12 statements opposing the removal of the online mooring reduction policy with several people stating that they felt the current policy has worked well and does not need to change.

Those in favour of the removal of the reduction policy made the following points;

- They would like to see more online mooring
- The Trust should be aiming to increase the number of mooring options (marina, basins, online towpath) to help liveaboard boaters to choose their best option
- The policy should support creation of online residential moorings in appropriate locations

Those against the removal of the reduction policy made the following points;

- The removal of the policy would be unfair to offline mooring providers
- There are still too many online moorings - further reduction needed
- The possible loss of 14 day general towpath mooring due to the creation of new long-term online mooring
- Do not want to see long stretches of canals cluttered with moored vessels making it difficult to navigate or stop for short periods

¹ Including British Marine's statement representing their 82 members

There were 2 respondents who felt that the allowing online mooring would be acceptable in some locations, but the 1:10 reduction policy could still be applied in other locations, possible over a reduced distance range from new offline marinas. One response was broadly supportive of the policy but was concerned that policy gives too much discretion on individual decisions. Although the new policy does not specifically propose reinstating long-term online moorings that have already been removed through the online mooring reduction policy, there were a small number of mixed views on this. There were 3 comments stating that removed moorings should be reinstated and 3 comments stating that removed moorings should not be reinstated. There was a request to clarify what would happen to long-term moorings that have already been removed through the online reduction policy.

Moorings for end of private land/propoperty

There were a number of comments raising concerns about the proposed change to the end of garden mooring policy including;

- Concern about offside private land moorings creating unfair competition with private mooring providers
- New policy to enable all landowners to have moorings will lead to a reversal of the reduction policy
- Appropriate enforcement would be needed to reduce the likelihood of boaters and landowners exploiting offside private land moorings to the detriment of on-line boating
- Permission for 'end of private land' moorings should be for just one boat registered to the land owner (i.e. sub-letting should not be permitted)
- Permission for 'end of private land' moorings should be for just one boat on residential or garden land, not land with businesses on

One comment felt that offside mooring against private land should be made much easier

- The Trust should recognise all offside moorings on private land as 'valid home moorings'

Winter Moorings

Although there were no specific responses opposing the provision of online winter moorings, there were a number of comments raising comments and concerns about winter moorings provided by the Canal & River Trust including;

- Concern that the the Canal & River Trust, who have no obligation to provide long term on-line moorings for continuous cruisers, are directly and unfairly competing with off-line marinas for 1/3 year
- The provision of permanent, cheap on-line [winter] moorings for 1/3 of a year by the Canal and River Trust could be a significant contributing factor for the rise in continuous cruisers
- Online winter mooring terms and conditions need to be enforced
- Winter mooring permit holders should be expected to move after Christmas winter stoppages are completed
- Online winter moorings should include services

There was one comment on the relaxation of short-stay visitor moorings during winter

- 14 day winter stay time at visitor moorings should not be blanket rule so that there is still room for cruising craft in winter

Residential moorings

There were a small number of comments specifically mentioning residential moorings;

- Concern that the policy discourages online residential moorings
- The Trust should recognise the need and demand for low cost residential moorings

Short stay moorings

There were a small number of comments specifically mentioning short stay moorings;

- Oppose loss of any 14 day mooring space to create short stay mooring
- Imposing charges for extended stay on short stay moorings should be abandoned
- Any 14 day mooring space that has been lost in past ten years to create new short stay mooring should be reinstated (or created elsewhere through dredging)

Other comments

- There is a need to very basic low cost offline moorings (including in basins/laybys etc)
- Better enforcement of boats without home moorings is needed to address 'unofficial' long-term towpath mooring
- The policy needs to consider the rights/needs of disabled boaters
- Online moorings for charity and heritage boats should be permitted
- All mooring sites should include electricity charging points

WHO RESPONDED TO THE CONSULTATION

Responses were received from the following organisations

British Marine, representing 82 marina operators who fall within their membership, and other operators on the Trust's network

Electric Boat Association

National Barge Traveller Association

Breakdown of responses

Boater with a mooring	52.70%	39
Boater without a mooring	24.32%	18
Boating business	4.05%	3
Boating organisation	6.76%	5
Mooring provider	4.05%	3
Other*	8.11%	6

* Inc 3 boaters, 1 business, 2 community groups

Response to key points raised during the consultation

Removing the current 1:10 online mooring reduction policy

1. On what advice has the Canal & River Trust deemed that the current 1:10 online mooring reduction policy is anti-competitive?

We reviewed our Competition Law Compliance Code of Practice in 2015, with an emphasis on ensuring that markets connected to the waterways we manage to work well for consumers. This includes providing the maximum choice of competitively priced on-line and off-line moorings for boating customers, whether through the Trust itself or working with a whole range of commercial third- party mooring providers. We believe that a blanket policy not to provide moorings (and even to remove moorings) in the wide vicinity of off-line marinas runs counter to these objectives.

2. The removal of the current 1:10 online mooring reduction policy would create unfair competition to offline mooring providers.

As also set out in our [Competition Law Compliance Code of Practice](#), we ensure that the prices charged by the Trust (in respect of its directly managed moorings or the commercial arrangements it has with third parties) are not anti-competitive and achieve an appropriate income and that (to ensure that when engaging in commercial activities and not acting in our role as network operator) we compete with others offering similar products and services, so as to provide best value for consumers and promote innovation. In the majority of cases the Trust's online moorings are sold via an auction process where the market determines the price at the time of sale. The remainder of sites are sold on a 'buy now' basis with the price fixed based on local market rates.

3. The removal of the current 1:10 online mooring reduction policy would lead to a big increase in long-term online mooring.

We do not believe this would be the case. The online mooring reduction policy has seen a reduction of around 630 online in ten years up to 2018. A further 29 online moorings have been identified and will be removed as part of schemes agreed since 2018. The new policy does not support the use of towpaths for long-term online moorings, it explicitly states that online mooring should generally be retained for 14-day moorings, short-stay visitor moorings and occasional temporary moorings. Any other online moorings proposal would be considered and assessed against the extensive criteria set out in the policy

4. The removal of the current 1:10 online mooring reduction would lead to offline mooring providers challenging existing network access agreements.

Although our network access agreements do not contain any express obligations in respect of this historic policy, the Trust will not re-instate moorings removed in respect of marinas that have gone through our new marinas process whilst this policy has been in force.

5. Will any offline mooring applications currently being processed and those that have been approved but not yet implemented still be subject to the existing 1:10 online mooring reduction policy?

Yes, the 1:10 online mooring reduction policy will still apply to these offline moorings. The Trust has already identified where long-term online moorings within 30 miles of new approved/applied for offline moorings would be removed. The automatic reduction of online moorings would no longer apply to any new offline mooring proposals once this new policy is adopted. This will be made clear in the new offline mooring application process.

6. What will happen to sites where online moorings have already been removed through the current policy?

There are no plans to reinstate long-term moorings at sites where they have already been removed. There are no plans to change the current designation of sites where long-term moorings have been removed.

Online mooring

7. Is the Trust planning to use the policy to increase long-term online mooring in areas where there is high demand?

The Trust is not intending to use the policy to increase the number of long-term online moorings. It is important to note that the existing policy does allow the Trust to create new online moorings in areas where there is little prospect of new offline provision being created, for example in London. However, the policy does set out criteria for consideration of new online mooring proposals, these include consideration of local strategies. This will ensure mooring proposals consider local factors.

8. Concern that the new policy will lead to a reduction of general towpath mooring (14 day) space
This is not the Trust's intention. The policy explicitly states that online mooring should generally be retained for 14-day moorings, short-stay visitor moorings and winter moorings.

9. How will the Trust ensure that long stretches of the canal are not occupied with casual towpath mooring (14-day moorings)?

Boaters are permitted to moor for up to 14 days unless local signage indicates otherwise. The Trust will consider options for how mooring can be managed in areas of high demand to ensure fair access to and to preserve the amenity of the waterways for all users.

10. The policy should support the creation of more online residential moorings

When proposing new long-term moorings the Trust do actively pursue residential permission for these, however the decision on whether residential moorings are permitted is down to the local planning authority.

Offside end of private land moorings

11. Will the Trust permit more than one boat to be moored on proposed offside end of private land moorings?

No, with offside end of private land moorings permission will normally be granted for just one boat to be moored adjacent to a private property on the offside of the canal.

12. Will owners of offside end of private land moorings be permitted to sub-let these moorings?

No. As per the current policy we would continue to consider applications for commercial business moorings with a wider public offer that enhance the waterway (e.g. café boat, trip boat etc) through the Boating Business Application process. If the owner wanted to allow someone else to moor their leisure boat against the land, then this would not be permitted under this process.

13. Permitting offside end of private land moorings would create unfair competition to offline mooring providers.

Again, following our Competition Law Compliance Code of Practice, we ensure that mooring agreements we enter into with off-side private landowners are not anti-competitive and achieve an appropriate income

14. How will the Trust enforce offside end of private land moorings?

The Trust's boat sighting data can identify when a boat is moored at a location on the off-side which doesn't have an agreement. Appropriate action can then be taken to resolve this.

Winter moorings

15. By providing online winter moorings the Trust is undercutting offline mooring providers
Winter moorings are offered to boaters without a home mooring at a limited number of locations around the Trust's network for 3 or 4 months in the year, in recognition of the fact that navigating around the network on a continuous basis is much harder during the winter months, due to factors such as weather and stoppages for maintenance reasons. These temporary moorings tend to be basic in terms of facilities and, therefore, very different in nature of off-line mooring provision.

16. How will the Trust ensure winter mooring terms and conditions are complied with?
The Boat Licence Customer Support team follow up any breach of terms and conditions, including winter moorings, when they become aware.

Disabled moorings

17. The online mooring policy should consider the needs of disabled boaters
The Trust's Equality Policy sets out how we provide support to disabled boaters. The need for moorings suitable for disabled boaters in a particular location would be assessed under this policy.

Other comments

18. The policy gives too much discretion on individual decisions
Any proposal for new online mooring would be assessed against the criteria set out in policy to ensure proposals are assessed consistently. Online mooring proposals would be assessed through the Boating Business Application Process or Single Moorings Against Privately Owned Land Application Process (previously end of garden mooring process).

Next Steps

The Trust will adopt the new online mooring policy, replacing the online mooring reduction policy

Proposal for winter moorings from winter 2019/20 will be published by late spring 2019

Trust will consider options for how mooring can be managed in areas of high demand to ensure fair access to and to preserve the amenity of the waterways for all users.

The Trust will continue to review how to ensure its on-line moorings are priced competitively

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