

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING:	8 October 2020	EXECUTIVE FORWARD PLAN REFERENCE
		E 3228
TITLE:	Mead Lane Moorings	
WARD:	Saltford	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ul style="list-style-type: none">• Atkins Report. Mead Lane Moorings, Riverbank Mooring Assessment• Highway inspections and actions• Updated Equalities Impact Assessment		

1 THE ISSUE

1.1 At the meeting held on 16 January 2020, the Cabinet resolved to:

- Request that officers to undertake a structural survey of the riverbank at Mead Lane and as part of the survey consider the suitability of this land for future moorings. The request being subject to approval of the revenue budget provision for 20/21 (approved by Cabinet/Council in February 2020)
- Request that officers report back to Cabinet once the results of the structural survey are known, to enable Cabinet to make an informed decision on the long-term use of this land
- Remove moorings at Mead Lane with effect from 21 days after the date of this decision. Any Council enforcement action to be subject to compliance with statutory duties
- Request that officers undertake further analysis of residential mooring arrangements along the river, to include arrangements for boaters and their families

1.2 This report provides an update on the action taken following the Cabinet meeting held in January 2020. In addition, Cabinet is requested to make a final decision on moorings.

2 RECOMMENDATION

The Cabinet is asked to agree to:

- Reduce the number of moorings in the short/medium term, by implementing paragraphs 2.2. & 2.3, thereby increasing the amount of open space along Mead Lane
- Agree to a long-term aspiration to relocate moorings from Mead Lane
- Ensure that suitable alternative moorings are identified and in place prior to reducing further any moorings at Mead Lane
- To increase enforcement & engagement capacity

Specifically:

- 2.1 To work with Waterspace Partners to identify alternative sites for 14-day moorings along the watercourse and to request that it gives due consideration to the Opinion Research Survey assessment and findings, and
- 2.2 To remove the 48-hour moorings at Mead Lane from 1/11/20, on a permanent basis, this part of the riverbank to be reallocated as open space for other leisure purposes and
- 2.3 Agree to no 14-day moorings at Mead Lane, on a seasonal basis, during the time period 1 November until the end of February each year and
- 2.4 When the Waterspace Partnership programme of work and Opinion Research Survey assessment is complete (see 2.1 above), review the moorings on Mead Lane, with the aim that the total number of 14 day moorings available along the watercourse are not reduced, and
- 2.5 Create a joint River Warden post with the Canal and Rivers Trust (CRT)
- 2.6 Delegate future decisions on Mead Lane/moorings to the Cabinet Member for Community Services, in consultation with the Director of Environment and,
- 2.7 Request that the Cabinet Members for Transport and Director of Environment, in consultation with Avon and Somerset Police, review the parking restrictions along Mead Lane/Saltford

3 THE REPORT

- 3.1 **Background.** The Council is landowner for a stretch of riverbank on Mead Lane. Following an escalation in the number of informal moorings, a decision was taken to formalise the arrangements to help control moorings on this stretch of the watercourse. The trial was introduced in 2016 and an initial review was undertaken approximately 1 year later. The moorings remained in place until a more substantial review and consultation was undertaken in 2019. The results of the 2019 review and engagement were reported to Cabinet in January this year. Following the Cabinet decision, Cabinet/Council approved a revenue budget provision of £35,000 for Mead Lane. The funding, available from 1 April

2020, was to be used to engage civil engineers to review the stability of the riverbank and to enhance officer provision to monitor arrangements.

- 3.2 Approximately 2/3 of moorings at Mead Lane are 14-day maximum stay (approximately 245ms), the remainder being of 48-hour duration. The number of moorings is not fixed and is dependent upon the length of boats present. The 14-day moorings are highly valued by the boating community, these being the only moorings of this duration on the watercourse. The 14-day moorings tend to be used by liveaboard boaters, the 48-hour moorings being used for leisure purposes. Boaters are required to move approximately 20+ miles each licence period. Data collected in March 2019 confirmed that 2,456 boats were cruising along the Kennet and Avon Canal, 40% of these (995) between Bath and Foxhangers, some 22% of the water course. Illustrating the high volume of boats in our district. The use of the moorings at Mead Lane tends to be seasonal, the heaviest use being between March and October each year. During officer visits to site (May to October 2019) the number of boats observed on any one day varied between 7 and 13.
- 3.3 **The impact of Covid-19.** The council has been mindful of its' full range of duties during the pandemic, specifically of the need to comply with enhanced housing and homelessness duties, which were extended until 20 September 2020. The moorings have not been re-opened, however, during the pandemic action has not been taken to move people on from the moorings at Mead Lane. Whilst the council's extended duties finished in September, the Twerton sluice gate incident has resulted in many liveaboard boaters being placed in a vulnerable position. As a result of these exceptional circumstances, a decision was taken to extend the 'no enforcement' approach to moorings at Mead lane until the date of this meeting, to support this vulnerable community.
- 3.4 Covid 19 has resulted in a larger influx of visitors to Saltford. The council initially put in place an Emergency Traffic Regulation Order, followed by a Temporary Traffic Regulation Order. These arrangements were put in place following consultation with Avon and Somerset Police and the Temporary Order remains in place to help control traffic, including along Mead Lane.
- 3.5 **Partnership Working.** Officers have held fortnightly meetings with police colleagues and the boater outreach workers at Julian House to monitor all matters Mead Lane, share information and ensure a partnership approach to resolve any issues.

Ward Councillors have been kept regularly updated during the last eight months and they have in turn kept the parish council and community informed. The influx of visitors to the area and numbers of enquiries has resulted in a second 'Community Trigger'. This is as a result of non-boat related visitor behaviour and not as a result of any anti-social-behaviour from boaters. Police colleagues have regularly patrolled Saltford/Mead Lane and council officers have undertaken periodic visits. Levels of reports of anti-social-behaviour from both residents and boaters using Mead Lane has remained very low.

The WaterSpace Partnership (C&RT, Environment Agency, Wessex Water & B&NES) is supportive of a piece of work to identify suitable locations for additional mooring capacity which was identified in the Waterspace Study (p.90-92). Initial areas have been identified and a more detailed study is required to carry out assessment of suitability and engage with landowners, this will link with

the work being carried out by ORS (see section 3.8). The assessment will take approximately 1 year and include consulting with third party landowners and other river stakeholders. Canal & River Trust are developing on a programme called, 'Communities to the West of the K&A' which runs from Dundas Aqueduct to Hanham Lock and which will engage with local communities, boat dwellers and leisure users, this will be launched later this year.

3.6 Survey findings. As soon as was appropriate and as restrictions eased, the structural survey of the riverbank was commissioned. The West of England Combined Authority Professional Services Framework was used as the procurement vehicle and Atkins was appointed to undertake the survey. The link at the end of this report provides details of the survey specification. The draft survey findings are appended to this report.

Atkins Global engineering consultancy undertook a detailed visual survey of the riverbank, road, utilities and 2005 bio-engineered solutions (rock armour) on Wednesday 3 September. A summary of their assessment is detailed below:

- Bank stability and condition: Atkins recommend that short term there are no immediate concerns or signs that mooring is adversely affecting the stability of the riverbank. There was evidence of erosion caused by people traversing the bank, though these include anglers and leisure users, as well as boaters. The rock armour and bioengineering are intact and maintaining the bank as it had been designed to do so. The riverbank has developed horizontally, there is an element of 'cliffing' and some of the rock armour has moved/settled. The consultants advise that these changes (post 2005) are very much in keeping with expectations and should not be viewed negatively.
- Road stability and condition: Atkins found the road to be in good condition, however, there is some evidence of rutting due to vehicle parking
- Utilities: Atkins found no evidence of damage to utilities or sewage pipe.
- Atkins made several recommendations for future action (ref: section 6, Atkins report):
 - Medium/Long term – bank below mean water level
 - Medium term – bank above mean water level
 - Medium term – road verge

3.7 Highway Inspections. The highway at Mead Lane is inspected on a six-monthly rotational programme. No issue of highway stability or poor condition has been raised. The report detailing inspections undertaken during the last two years is appended to this report.

3.8 Local Plan Review. Opinion Research Services (ORS) have been commissioned to undertake an assessment of the need for further moorings within B&NES. This encompasses two main elements – an assessment of current supply and need or demand. The latter will be assessed through means including a survey of boat dwellers and liaison with other relevant stakeholders. This work is underway and is anticipated to be completed later this year. Dependent on the results of this assessment the most appropriate actions, including the role of the planning system/Development Plan policy, will need to be considered and agreed. Adopted Development Plan policy in B&NES is set

out in the Placemaking Plan through Policy H6, which is a criteria-based policy enabling planning applications for new and additional moorings to be determined. Currently it is not anticipated that the Local Plan partial update will address boat dweller provision given that the scope of the partial update is limited to specific issues in order to maintain timely progress in its preparation and adoption. If planning policy needs to be reviewed in respect of boat dwellers/moorings this could be done through various mechanisms which will need to be properly considered. The ORS assessment and findings will be shared with the Waterspace Partnership

3.9 Charging precedents: The council does not currently charge for moorings at Mead Lane. There is no single system for how Local Authorities charge for moorings, indeed it would appear very few do. The following examples are cited as options for charging;

- Charging for overstaying: moorings offered in popular locations are often free, but charges are applied for overstaying or non-compliance of mooring terms. For example, East Cambridgeshire District Council charge £100 every 24 for overstaying on their popular council owned moorings in Ely.
- Charging for facilities: Charging is most used for boats that use private marinas or pontoons that offer facilities such as electricity and water hook up, washrooms and Wi-Fi. Prices vary depending on popularity of location and demand and can range from £1000 - £30,000 per annum (high-end central London location). Fees for local marinas (Saltford, Devizes, Bath) range from £2000 - £4,500 per annum for full hook up and use of facilities. The [Thames Visitor Mooring](#) offer a range of mooring locations along the river which vary in price (free - £200 per night), length of stay (24 hours – 7+ days) and facilities. Crucially, all boats just pre-book to support the management of boat movement and mooring along the Thames. There is a desire within the local community to keep Mead Lane as natural as possible and the council does not intend to put in additional facilities for boaters. If the council did decide to put in place a charge, it would be based on the facilities available.
- Charging for entering the network: Bristol City Council has developed a charging system which charges for navigation and berthing once entering Bristol Port Authority area at Netham Lock. The prices include use of the facilities and depend on the size of vessel and which pontoon or mooring is used. Prices range from £500 - £5000 per annum.

3.10 Enforcement. Monitoring and enforcement of boat overstays was commented upon by many respondents to the 2019 Mead Lane consultation. Many respondents were supportive of increased regulation. Some individuals proposing that CRT be commissioned to regulate overstays, with penalties in place for overstays that occur for no good reason. Officers have explored the opportunity of putting in place a joint engagement and enforcement post with CRT. CRT is supportive of a joint River Warden post, covering river moorings, safety and community engagement. With a focus on key localities such as Warleigh weir, Pulteney weir (Bath Rugby) and Mead Lane. Duties to include river safety and management of river moorings to ensure compliance with boater licences. The council contribution to this post can be funded from the revenue growth agreed for 2020/21. The postholder would be employed by CRT and this would initially be on a 2-year trial basis. Increased enforcement will ensure that action is taken in relation to overstays, increase turnover on the use of Mead

Lane/council moorings, thus helping boaters to fulfil their CRT continuous cruising licensing conditions.

4 STATUTORY CONSIDERATIONS

4.1 Duty to consult. The council has ensured that the consultation on the moorings was undertaken at a formative stage (Autumn 2019). The recommendations in this report have been developed in accordance with the weighted preferences arising from the consultation and to address key matters raised, such as enforcement. There was an excellent response to the consultation, which was open for 32 days. The consultation responses and the riverbank structural survey have informed the recommendations in this report.

4.2 Equality Act 2010 duties. The Council has a public sector equality duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people carrying out their activities. Live aboard boaters are not specifically covered under the protected characteristics identified under the Act (eg Gypsies and Irish Travellers); however, age, disability and pregnancy/maternity are protected characteristics under the legislation. In March 2019, CRT data indicated that there are 995 boats operating between Bath and Foxhangers, of which 403 of these are on continuous cruiser licences. 48 boats/boaters have licences with reasonable adjustments in place under the provisions of the Equalities Act 2010. An Equalities Impact assessment is attached to this report and members attention is specifically drawn to this. Members must consider the impact of the phased reduction in moorings on those with protected characteristics. Barriers faced by the boating community include difficulty in accessing services such as education and health care. Access to public transport and WIFI can also be an issue. There is a limited number of residential moorings available and some do not accept children.

The recent failure of the sluice gate at Twerton (September 2020) had a significant impact upon the boaters, approximately 50 boats being grounded as a result of the sudden change in river levels. It has highlighted the vulnerability of the boating community. The impacts on this community will take some time to resolve and the council is working closely with its' partners in the Environment Agency and CRT. The Cabinet may wish to take this into account when considering their next steps.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The council has allocated £35,000 revenue for Mead Lane activity during 2020/21 and a £25,000 recurring sum from 2021/22. The proposals in this report can be financed from the allocated revenue budget provision.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

6.2 An update on the key risks and mitigation measures is provided below:

RISK	DETAILS	MITIGATION
Legal	The council has a range of statutory duties to fulfil The risk of legal challenge remains	<ul style="list-style-type: none"> • Relevant officers across the authority engaged in addressing matters at Mead Lane • Senior Officer Coordinating Mead Lane matters • Report recommendations consider the structural survey and consultation outputs/findings
Financial	Cost to implement agreed Cabinet decision Cost of defending any legal challenge	<ul style="list-style-type: none"> • Revenue budget agreed by Cabinet/Council in February 2020
Safety	Structural stability of the Riverbank	<ul style="list-style-type: none"> • The civil engineering survey has been undertaken and the draft conclusion is that there are no signs of instability along the riverbank
Reputational		<ul style="list-style-type: none"> • Council web pages updated • Ward Cllrs keeping community informed • Regular liaison with partners

7 CLIMATE CHANGE/ECOLOGICAL EMERGENCY

7.1 The impacts of climate change will result in more frequent/heavy downpours of rain, possible higher wind speeds.

7.2 Related considerations include how the council manages flood risks and takes forward opportunities to enhance the natural environment, water quality and air quality

8 OTHER OPTIONS CONSIDERED

8.1 Retain the existing mooring arrangements

8.2 Increase the number of 48-hour moorings, reduce the number of 14-day moorings

8.3 Managed open space, no moorings

8.4 Measures to prevent mooring at Mead Lane

9 CONSULTATION

9.1 The council commissioned a third part to undertake consultation and engagement on Mead Lane Moorings in 2019. The consultation took place between 30 September and 31 October 2019. It consisted of an on-line

questionnaire, three stakeholder events and one to one discussion with partners. A total of 1,251 responses were received. We asked for feedback on:

- What people liked/disliked about Mead Lane
- Views on future mooring options (as per current arrangement, changes to 14 day/48-hour arrangements, fewer moorings, remove the option to moor, riverbank as open space)
- Views on enforcement and management of the moorings
- Potential charging
- And an open section for more broader feedback

9.2 The consultation report concludes that after weighting the options that scored highest were those that retain the existing mooring arrangements or increase the number of 14-day mooring/reducing the 48-hour moorings. That said, more 48 hour/less 14-day moorings and a mix of fewer moorings/managed open space were not dissimilar in scoring. The option of managed open space was less preferable.

9.3 A significant proportion of issues raised during the consultation stemmed from the issue of enforcement. Concerns were raised about mooring overstays, parking and environmental matters. The recommendations in this report address the matters of enforcement raised by many respondents.

9.4 As part of the 2019 consultation, contrasting views were expressed about booking and charging for moorings. Those in favour saw booking and charging to increase/support regulation. Some boaters said that they would support greater regulation to ensure a fair opportunity to moor at Mead Lane. Charging was generally unpopular with boaters. Further consultation would be required prior to any charging regime being implemented.

Contact person	Mandy Bishop, Director of Environment Mandy_bishop@bathnes.gov.uk
Background papers	Please see the link to the Cabinet papers for 16 January 20, item 60, Mead Lane Moorings: https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=122&MIId=5556&Ver=4 Please see the link to the Work Package Brief for the Mead Lane River Bank Survey: https://www.bathnes.gov.uk/sites/default/files/work_package_brief_mead_lane_survey_specification.pdf
Please contact the report author if you need to access this report in an alternative format	