

## **National Barge Travellers Association**

### **Response to consultation: Wiltshire Council 2017 Boaters Survey Final Report**

#### **Introduction**

This consultation response is from the National Barge Travellers Association (NBTA). The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice for Barge Travellers: itinerant boat dwellers on Britain's inland and coastal waterways. This includes anyone whose home is a boat and who does not have a permanent mooring for their boat with planning permission for residential use. The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has members on all the major navigation authorities' waterways and beyond. The NBTA deals with approximately 200 individual cases each year.

#### **The need for protection from Canal & River Trust enforcement against Barge Travellers**

The NBTA welcomes the efforts that Wiltshire Council is making to meet its responsibilities to boat dwellers under Section 124 of the Housing and Planning Act 2016. However, consideration of the draconian and punitive enforcement regime that Barge Travellers have faced on Canal & River Trust waterways such as the Kennet and Avon Canal since early 2015 is missing from the report. The report is silent regarding the effects of this harsh regime on boat dwellers and their families, and lacks any proposals by Wiltshire Council to challenge Canal & River Trust or to mitigate the effects of enforcement on Barge Travellers.

In May 2015, Canal & River Trust imposed a policy of requiring boats without a home mooring to travel a range of 15 to 20 miles, which has now become 20 miles, over their licence period, or their licence renewal will be restricted to a short term period or refused altogether unless they take a mooring, with the consequent risk that their homes will be seized, removed and destroyed. This requirement goes beyond what is stated in the British Waterways Act 1995, which does not specify a minimum distance or a travel pattern beyond the 14-day limit in any one place.

The 2015 policy meant that Barge Travellers who had the same travel pattern for many years and whose licences had been renewed without any issues going back up to 20 years, are now being told that their annual travel patterns no longer comply with the law even though the law has not changed since the 1995 Act was passed. Before 2015 they were able to maintain their access to employment, education for their children, health care and social participation and to meet the clearly specified limit in the 1995 Act of 14 days in any one place.

The effect on Barge Travellers on the Kennet and Avon Canal has been severe. They are being forced to travel distances that make it extremely difficult to stay within reach of their jobs or their children's schools, and make it impossible for them to access health care or to stay near elderly relatives. If they choose to keep their homes they may be faced with the need to give up working, take their children out of school, miss out on vital health care and abandon elderly family members. For many Barge Travellers, especially families, travelling such distances and enduring extremely long daily journeys to and from school or work either on public transport or by vehicle is not sustainable either financially or physically. Many are living with the stress of the constant fear that their boat licence will

not be renewed and they will lose their home.

The above enforcement policy is a systematic violation of the Article 8 and Protocol 1 Article 1 rights of Bargee Travellers under the European Convention on Human Rights. Many have already given up their homes; uprooted their lives; moved to the 20% of the UK's inland waterways not controlled by Canal & River Trust; or ignorant of their rights, have had their boats seized without being able to defend themselves in court.

Wiltshire Council should be investigating how it can protect Bargee Travellers from unlawful enforcement and how it can uphold their Article 8 rights. The Council should be taking action to uphold the right of Bargee Travellers under Section 17(3)(c)(ii) of the British Waterways Act 1995 to travel on the Kennet and Avon Canal without being subject to the harsh and unlawful requirements of Canal & River Trust since 2015. The Head Teacher of Bathampton Primary School has described Canal & River Trust's enforcement policy as 'inhumane'. If the Council were to take such action, the number of permanent residential moorings required would be fewer and thus more manageable and easier to provide.

### **Demand for moorings artificially inflated by enforcement**

The background to the need for more residential moorings identified in the Wiltshire Council report is the enforcement regime described above. Many Bargee Travellers have only sought a permanent mooring because of Canal & River Trust's current enforcement of Section 17(3)(c)(ii) of the British Waterways Act 1995, which has increased the pressure on moorings and has forced more Bargee Travellers to take a mooring. Any assessment of the need for permanent moorings is certain to be skewed by the effects of Canal & River Trust policy.

The demand for residential moorings is being artificially inflated by Canal & River Trust enforcement policy as Bargee Travellers seek moorings to escape the pressure caused by the threat of the loss of their homes or because their licence renewal has been refused unless they take a home mooring. Canal & River Trust has announced plans to sell its wholly owned subsidiary marina business BWML, which owns Bath Marina among others. It appears that Canal & River Trust is also preparing to sell its directly managed moorings business, Waterside Moorings, as mooring fees have been increased, in some cases by up to 100%, between April and June 2018.

### **Affordability of moorings**

Many who live aboard on permanent moorings are likely to be priced out, and will end up giving up their moorings and potentially becoming a target for enforcement, risking the loss of their homes. The Canal & River Trust system of auctioning moorings to the highest bidder, which applies in areas such as the Kennet and Avon Canal where demand outstrips supply, makes moorings even less affordable and artificially inflates prices as Bargee Travellers are pressurised into bidding well above the guide price out of desperation to avoid losing their homes. Moorings must be genuinely affordable with predictable annual increases in line with the Consumer Price Index. Most boat dwellers are working people on low incomes or retired people on fixed incomes. At present a permanent mooring on the Kennet and Avon Canal is unaffordable to many, with the risk of unpredictable and unmanageable price increases.

In the light of the above, it is disappointing that the survey did not seek information on the

incomes of boat dwellers, as this would have been informative regarding the pricing of future moorings to ensure they genuinely meet the needs of boat dwellers.

### **Transit moorings**

The absence of questions about temporary, transit or winter moorings in the survey is a considerable missed opportunity to analyse the level of need for moorings that are longer term than 14 days but not permanent. As a result the Council do not know whether temporary or transit moorings are needed or for how long, or the reasons why these might be needed. The provision of temporary, transit and winter moorings would not require the same planning consent as permanent residential moorings. It is notable that the survey did not ask for information about the use of winter moorings which are provided by Canal & River Trust and by some private operators.

### **Survey questions and responses**

We note that although the survey is part of Wiltshire Council's fulfilment of its duties under Section 124 of the Housing and Planning Act 2016, there were no questions designed to screen out the responses of leisure boaters who do not live aboard from influencing the results. We note that some 23% of responses were from people who stated "I live in Wiltshire off of my boat". This is likely to have skewed the survey results.

The free text responses to questions about the improvements desired on the Kennet and Avon Canal further demonstrate the likelihood that the results are skewed by responses from people who do not live aboard. Some of the answers to questions about desired improvements on the canal and the location of these improvements reveal prejudiced attitudes against Bargee Travellers that are typically held by leisure boaters and the settled housed community rather than other groups.

In addition, the inclusion in the survey of some 16 questions about the type of permanent moorings preferred by respondents serves to skew the results towards obtaining a result expressing a preference for a mooring or towards an assumption that because these questions were answered the responses demonstrate a need for moorings.

**National Bargee Travellers Association**  
**28th June 2018**