

National Bargee Travellers Association

Response to CRT Consultation on Shared Use of Towpaths

The National Bargee Travellers Association (NBTA) has the following concerns regarding the proposals for the shared use of towpaths.

1. Use of the towpath for navigation

The towpaths were constructed to be used for navigation. It should be made clear to all users in any towpath code that use by boats is the primary purpose of the towpaths. All towpath users should be made aware that the waterways are working navigations and that they should keep clear of boats and their crews when they are using the towpaths, locks, bridges and landing stages to allow them room to manoeuvre and for safety reasons.

2. Use of the towpath for mooring

Users of the towpath should be made aware that navigation includes mooring on the towpath and that they should keep clear of boats that are being moored and respect the needs of boaters on moored boats.

3. The Article 8 rights of boat dwellers

CRT is bound by Article 8 of the European Convention on Human Rights which confers the right to respect for one's home and family life. These rights extend to the environment outside one's home. Users of the towpath should be made aware that for a significant number of boaters, their boat is their permanent or part-time home and that they should respect the homes of boat dwellers and their families. They need to know that activities such as sawing logs, boat maintenance and repairs, use of the towpath by children playing, and simply sitting outside the boat are all legitimate activities.

4. Use of the towpath for angling

Contrary to CRT's consultation document, use of the towpath for fishing is not free of charge to anglers. There is no provision in the British Waterways (Transfer of Functions) Order 2012 for free use of the towpaths for angling. The only requirement set in the Transfer Order is the provision of free access to the towpaths for walking.

Boaters need to know where anglers are permitted to fish, under what conditions and where fishing is not permitted. We would welcome informal advice for boaters about leaving space between moored boats for anglers if and where this is possible. This would be most effective if it was accompanied by information about ad-hoc use by individual anglers and by angling clubs; use of the towpath for fishing matches; the pegging system used for fishing matches and whether passing or mooring boats help or hinder angling.

Anglers should not be permitted to fish from lock and bridge landing stages, facilities moorings and bridge abutments. There should be clear guidance for anglers regarding whether they are permitted to fish from visitor moorings and this should include advice that they must give way to disabled boaters who wish to moor on a visitor mooring. Anglers need to know that obstruction of the towpath with fishing gear is not only inconsiderate, it is an offence under the Byelaw 31 of the British Waterways General Canal Byelaws 1965-1976.

5. Use of the towpath for cycling

There is no obligation in the British Waterways (Transfer of Functions) Order 2012 to maintain

free access to the towpath for cycling. Funding from Sustrans has enabled BW and CRT to upgrade many towpaths but this funding does not appear to include provision for ongoing maintenance of these upgraded cycle routes. If towpaths are to be used as permanent cycle routes then any funding agreement needs to include funds for long-term maintenance of the towpath surface. The surfaces provided for cyclists also make many towpaths suitable for use by people with disabilities; wheelchair users and users of mobility scooters. This means that cyclists should be made aware that the towpath is not suitable for fast cycling because they are sharing the towpath not only with boaters and pedestrians of all ages but also with disabled users and they should limit their speed and give way to other users.

6. Use of the towpath for walking and running

The NBTA agrees that all towpath users should be made aware that they should give way to those who are slower or more vulnerable than themselves, and that runners should give way to slower users.

7. Dogs on the towpath

Since 2012 CRT has heavily promoted the use of the towpaths for dog walking. This has increased the risk to the public from dog faeces. CRT should provide bins for dog waste at frequent intervals in order to minimise the risk and inconvenience to other users.

8. Access to towpaths for people with disabilities

The NBTA welcomes improvements to the towpath that improve access for people with disabilities, including moorings for disabled boaters, provided that such improvements do not also result in greater use for cycling at high speeds. We would encourage CRT to meet its obligations under the Equality Act 2010 regarding the provision of disabled access and to consult fully with disabled users about the installation of specific improvements and of structures such as vehicle barriers, which have hindered access for users of wheelchairs and mobility scooters in some locations.

9. Increasing the space for boats to moor and improving facilities for boaters

Where towpath improvements are carried out, these should also include measures to reduce congestion by increasing the available space for boats to moor for 14 days on the towpath. In some urban areas the towpaths have been concreted over, preventing boats from mooring using mooring pins. In these areas, some of the concrete should be replaced with grass to allow mooring pins to be used, or rings installed. In other areas the bank has been eroded or there is not enough depth of water to moor boats and therefore maintenance should be carried out to make it possible for boats to moor. In many parts of the waterways the number of facilities for boaters is insufficient and facilities are not properly maintained. Improvements to the towpath should also be used as an opportunity to improve facilities for boaters such as installing additional rubbish bins, water taps and sewage disposal facilities.

10. BW Byelaws

Towpath users need to be aware that the British Waterways General Canal Byelaws 1965-1976 regulate the use of the towpath. For example obstruction of the towpath is an offence under Byelaw 31; obstruction to navigation by users of the towpath is an offence under Byelaw 32 and it is an offence under Byelaw 50 to interfere with a lock or bridge.