

## NATIONAL BARGEE TRAVELLERS ASSOCIATION

### RESPONSE TO GRAND UNION CANAL TRANSFER PUBLIC CONSULTATION SEPTEMBER / OCTOBER 2024

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#### **What is your main area of interest in the Grand Union Canal Transfer?**

National organisation representing the community of boat dwellers without a permanent mooring on the UK's inland and coastal waterways ("Bargee Travellers").

Please add the following categories to your list of interested parties:

1. National voluntary or civil society organisation
2. Bargee Traveller: nomadic/ itinerant boat dweller on the waterways affected by the scheme
3. Boat dweller with a permanent mooring on the waterways affected by the scheme

*None of the below:*

*I live locally*

*I work locally*

*I'm a local business owner*

*I'm a landowner within the corridor route*

*I'm a regular visitor to/user of the canal*

*I'm a local representative (e.g Councillor, MP)*

*(please specify in the text box below)*

*I'm part of a statutory organisation*

*(please specify in the text box below)*

#### **Introduction**

This consultation response is from the National Bargee Travellers Association (NBTA). The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice and support for itinerant boat dwellers on Britain's inland and coastal waterways ("Bargee Travellers"). 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 at least 200 individual cases each year.

The navigable inland waterway system in Britain is home to an estimated 15,000 to 50,000 Bargee Travellers. There are as yet no accurate statistics for the number of people living on boats either with or without a permanent mooring in the UK. There are at least 21 inland navigation authorities in the UK. Canal & River Trust is the largest, with around 80% of the UK's inland waterways. Other significant navigation authorities are the Environment Agency; the Broads Authority; the Conservators of the River Cam; the Middle Level Commissioners; Peel Holdings (the Bridgewater Canal) and British Waterways Scotland

(trading as Scottish Canals). An unknown number of Bargee Travellers live in coastal harbours and estuaries, some of which are controlled by harbour authorities.

## **Responses to selected consultation questions**

### **Northern section**

In this section, we are proposing to transfer water from a new advanced water treatment plant (AWTP) in Minworth to the Coventry Canal at Atherstone via a new 20 kilometre underground pipeline. You can read more about our plans for this section on pages 15-24 of our brochure.

#### **3. Pipeline corridor**

**a. Do you have any comments that could help us develop our proposed pipeline corridor to a more defined pipeline route from Minworth to Atherstone?**

**b. Do you have any comments on the two pipeline options we have presented at Atherstone to connect to the outfall location, where the water will enter the canal network?**

In choosing the outfall point, consideration must be given to the impact on Bargee Travellers and boat dwellers on permanent moorings who reside in the vicinity. Close to Atherstone top lock, there are boaters' sanitary facilities with boats coming and going frequently; the locks themselves; a dangerous and derelict factory, and 24 hour Visitor Moorings in the shadow of this factory. At the golf course location, there are also 24 hour Visitor Moorings and 14-day towpath mooring space in the area.

In addition, the consultation documents fail to address potential water level or flow issues affecting the Ashby Canal and the Coventry Town Arm. Both are directly connected to the Atherstone to Hawkesbury level of the Coventry Canal. Will new locks be built at Marston Junction and at Hawkesbury Junction to maintain consistent water levels on the Ashby Canal and the Coventry Town Arm?

### **Canal section**

To help the water along its way and to ensure that our water transfer doesn't adversely affect the navigation and recreational use of the canal network, we'll need to build some new equipment such as pumping stations and gravity bypasses, alongside adapting some of the existing structures. You can read more about our plans for this section on pages 25-38 of our brochure.

**5. Do you have any comments on how we are considering the flow of water, or any information that will help us identify other potential impacts on the canal as a result of the water transfer?**

Will the towpath bank be reconstructed to accommodate flow and prevent erosion? If so, Armco (sheet piling) should be used to enable Bargee Travellers to continue to moor for 14 days.

Will the towpath bank be raised to accommodate higher water levels? If so, this should be reconstructed to enable mooring for 14 days. If the freeboard on the towpath bank is higher than about 0.5 metres, this can make mooring for 14 days difficult or impossible.

What fluctuations in water level are planned or expected? Any fluctuations should not be greater than 0.15 metres, otherwise boats moored for 14 days on the towpath will ground when the water level drops, list and therefore be in danger of sinking if they do not rise when the water level rises, due to water entering the hull ports such as the engine exhaust. Grounding can also cause damage to the hull of a boat and can distort the superstructure if a boat is grounded on an uneven surface; the bed of most canals is littered with bricks, rubble, and rubbish such as old bicycles and shopping trolleys.

**6. We have presented locations where we think we will potentially need to locate new equipment such as pumping stations or gravity bypasses. Do you have any comments that could help us develop our plans for these?**

How will you ensure that where new equipment is to be built, there will be no loss of 14-day towpath mooring space in line with your assurance that “no overall mooring will be lost” on page 47 of the consultation document?

**7. Do you have any comments or information that can help us plan for construction associated with our work along the canal?**

Please see our response to Question 12.

**Other comments**

**12. Do you have any comments on any of the other information we have provided, or any other comments you would like us to consider?**

The NBTA supports in principle the use of our inland waterways for water transfer. However it is clear that, even though tens of thousands of pounds have already been spent on the design of this scheme, the existence and the needs of Bargee Travellers have not even been acknowledged, let alone considered seriously. We rely on the waterways for our homes and the proposals in the consultation document will potentially have a severe adverse effect on the homes and lives of Bargee Travellers who live and travel on the Oxford, Coventry, Grand Union and Ashby Canals. The proposals in this scheme raise serious concerns about the loss of existing 14-day towpath mooring space. This has enormous potential to destroy not only the lives of Bargee Travellers who resort to these waterways, but also the character of the affected canals if only designated Visitor Moorings and permanent moorings are to be protected.

As such, the proposals engage and potentially violate the rights of Bargee Travellers under Article 8 of the European Convention on Human Rights/ Human Rights Act 1998.

There are serious misunderstandings in the proposals about the use of the waterway and specifically about the nature and definition of “moorings” that pervade and detract from the design of this project. “Moorings” are not only permanent moorings in a marina, boatyard or along the line of the waterway (usually on the offside but sometimes on the towpath side). “Moorings” are also the entire towpath side of the waterway with some exceptions.

On Canal & River Trust waterways, all boaters licensed without a permanent mooring are entitled by virtue of section 17(3)(c)(ii) of the British Waterways Act 1995 to spend 14 days moored in any one place and they may stay longer if it is reasonable in the circumstances. They are entitled to moor for 14 days anywhere on the towpath side of the waterway that is not signed with a shorter stay time or used operationally (such as a lock landing). They tie

up using equipment, such as mooring pins, hammer and ropes, that is carried on the boat. This temporary 14-day mooring space is essential to enable us to continue to live in our homes. Without it our homes and our lives would become uninhabitable and untenable, resulting in mass homelessness.

In addition, boaters who do have a permanent mooring (such as in a marina) are entitled by virtue of the Terms and Conditions of the Boat Licence to moor anywhere on the towpath on Canal & River Trust waterways for up to 14 days.

Since its inception in 2012, Canal & River Trust has been incrementally removing 14-day mooring space that Bargee Travellers need to use to continue their private and family lives on a par with citizens who live in bricks and mortar housing. Many stretches of former 14-day towpath mooring space have been restricted by Canal & River Trust to Visitor Moorings of 24 or 48 hours, or have been turned into bookable pay-to-stay moorings at £25 to £35 per night, or have been made into “no mooring” areas for spurious safety or environmental reasons (in reality to placate wealthy, powerful local residents and interest groups). In addition, there are many stretches of towpath where mooring is not physically possible due to shallowness of the water at the bank, caused by the failure of Canal & River Trust to dredge in that location, or caused by the failure of Canal & River Trust to repair erosion, or due to the constructed profile of the waterway. Most narrowboats, due to their shape, need between 0.7 metres and 1.0 metre depth of water at the bank to tie up safely without leaving an unsafe distance between the boat and the bank.

Bargee Travellers need to stay in a place for 14 days or sometimes longer, to enable access to their employment and their children’s schools, to complete repairs, or to recover from illness or injury. It is disruptive and impractical for Bargee Travellers to have to move after only 24 hours in one place. Bargee Travellers are typically on the lowest incomes or pensions of all waterway users and cannot afford to pay £25 to £35 per night to stay in a place.

Therefore any further loss of 14-day mooring space on the towpath of the Oxford, Coventry, and Grand Union canals caused by the Grand Union Canal Transfer scheme will have a severe adverse effect on the homes and lives of Bargee Travellers. We therefore demand a guarantee that no 14-day towpath mooring space will be lost in the construction of this project. We demand that if structures such as weirs or outfalls are designed so as to impede the use of 14-day towpath mooring space that these structures are redesigned in a way that will enable boaters to continue to moor on the towpath at that location.

If meeting our demand will incur additional expense then this is the consequence of not involving the community of Bargee Travellers and their representative groups from the inception of the scheme. This could easily have been achieved by simply asking Canal & River Trust for a comprehensive and genuine list of boater representative groups and contacting all of them.

Your outline undertaking to protect “moorings” is entirely inadequate. The statements about “mooring sites” and “moorings” on pages 27 and 47 of the Public Consultation Document demonstrate a total failure to understand the needs and rights of Bargee Travellers on Canal & River Trust waterways. The mitigation proposed in these statements will not address the consequential loss of 14-day temporary towpath mooring space that Bargee Travellers use.

On page 27 you have stated:

“We may need to temporarily close mooring sites as part of the work we’ll be carrying out. Where this is needed, we’ll replace lost mooring space with temporary sites until the original moorings can be re-instated and will take the opportunity to upgrade and improve moorings where possible. Should we need to permanently relocate any moorings, we’ll consult with canal users on the best locations for these.”

On page 47 you have stated:

“To take water out of the canal, we’ll need to build a new weir. This structure consists of outlets built into the canal bank and it allows us to pipe water from the canal in a controlled way and at a low speed. We’ll carefully consider any potential impacts on canal users and wildlife and aim to minimise them as much as possible. If the site that’s selected affects existing moorings on the canal, these would be compensated elsewhere, and no overall mooring will be lost.”

Have you even considered that “existing moorings on the canal” that might be affected includes the entire towpath apart from operational moorings?

How will you ensure that you will replace any lost 14-day towpath mooring space with temporary sites, given that towpath mooring space is finite?

How will you re-instate the original 14-day towpath mooring space?

How will you upgrade and improve 14-day towpath mooring space where possible?

How will you permanently relocate any 14-day towpath mooring space that will be permanently lost to the construction works?

How will you consult with canal users on the best locations to permanently relocate any permanently lost 14-day towpath mooring space?

You claim that “no overall mooring will be lost”: how will you ensure that no 14-day towpath mooring space will be lost?

How will any 14-day towpath mooring space that is affected be “compensated elsewhere”?

How will you ensure that if you temporarily or permanently relocate permanent moorings, that there will be no loss of 14-day towpath mooring space?

We require answers to all these questions.

The consultation document is flawed and inadequate. It does not provides anywhere for a respondent who is resident on the waterways that will be affected to clearly state so, or to state whether or not they have a permanent mooring. The consultation is wholly inadequate for the purposes of stakeholder identification or impact assessment.

We note that there is no explanation in the consultation document of ‘Who we are’: that is, who the promoters of the scheme are, beyond listing the organisations that make up the partnership. We demand clarity about who the members of the partnership are, what their relative shares in the project are, what the projected profit is, how that profit will be

distributed, what organisation is taking this project forward, what status the organisation has, the Company number, and the names of the Directors and the Chief Executive. We require answers to all these questions.

If the scheme is designed to, or will incidentally deliver dividends to existing or future shareholders of Affinity Water or Severn Trent Water, we wholly oppose the scheme. We believe that water supply should not be carried out for private profit, but only for the public good and genuine community benefit. In any event, we propose that the Grand Union Canal Transfer should become, or be transferred to, a Community Interest Company.

Public confidence in both private water companies and in Canal & River Trust is extremely low. As the only organisation in the UK that represents Bargee Travellers, we the NBTA demand membership of the Board of Directors of the Partnership, Joint Venture or other Company that is promoting and overseeing the Grand Union Canal Transfer. We require membership of the Board in order to safeguard the interests of the community who will be most directly affected by the scheme, whose existence and needs have not even been acknowledged, let alone properly considered in this consultation.

**National Bargee Travellers Association**  
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