

Agenda Item No. 4(f)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

12 April 2016

Report of the Strategic Director – Economy, Transport and Communities

**AN AGREEMENT WITH BRITISH CANOEING TO ENABLE GREATER
CANOE ACCESS TO THE CHESTERFIELD AND CROMFORD CANALS**

(1) **Purpose of Report** To seek approval to enter into a legal agreement with British Canoeing to facilitate greater access to, and promotion of, the Chesterfield and Cromford Canals by British Canoeing members.

(2) **Information and Analysis** The Chesterfield and Cromford Canals are operated by Derbyshire County Council's Countryside Service. They currently have good access for canoeists to utilise the water. Both sites have an agreed fee-charging structure for use of the waterway for canoeing, as well as some other forms of boating activities on the Chesterfield Canal. A day ticket for canoeing on both canals is currently (in line with Countryside Service charges) charged at £1.60 per boat.

Boating uptake on both canals is still low, considering the accessibility of the waterway to large local populations and those from further afield. Through discussions with British Canoeing (BC) staff, it has been identified that promotion of both facilities by BC would assist with generating more public interest in using both canals for canoeing. Promotion by BC would take the form of a newly-developed Canoe Trail for each canal.

Canoe Trails are free resources that provide all of the information necessary for people with some canoeing experience to find new places to paddle. As well as helping the public to find new places to paddle, the trails also include all of the practical information required; maps and information, such as where to park and the location of the nearest toilet. There is also information about the history of the waterway and other local sites of interest.

Alongside this promotion of the County Council's canoeing facilities, BC has offered to arrange a 'block licence' for both sites, whereby BC members can use either canal for no charge at the point of use, enabling them to get on the water without the need for completion of paperwork, a much easier process. The County Council would request that BC members book their details with

the appropriate visitor centre (as described in the agreement), and Countryside Service staff will keep a log of use.

(3) **Financial Considerations** The 'block licence' agreement with British Canoeing will cover the loss of income from day licences, which would have been purchased from the County Council directly. At the end of each financial year, the County Council will invoice BC for the equivalent value of the waived day ticket charges, up to a total value of £500 per annum. This total would be subject to annual review, depending on how successful the scheme is. With greater promotion of each canal, it is hoped that income from this activity will increase over time. The anticipated increase in canoe use gives potential for an increase in site income through Visitor Centre sales and car park revenue. Any income will be used to supplement existing Revenue Budgets for the management of canals.

(4) **Legal Considerations** It is proposed to enter into a legal agreement with British Canoeing to cover the arrangements proposed above. A copy of the draft proposed agreement is attached at Appendix A.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Gemma Gregory, extension 37612.

(7) **OFFICER'S RECOMMENDATIONS** That:

- 7.1 Approval be given to enter into a legal agreement with British Canoeing, to facilitate greater access to, and promotion of, the Chesterfield and Cromford Canals by British Canoeing members.
- 7.2 The Director of Legal Services be asked to finalise the legal Agreement with British Canoeing, prior to signing.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

British Canoeing & Derbyshire County Council

DERBYSHIRE CANALS USER AGREEMENT

BETWEEN: DERBYSHIRE COUNTY COUNCIL

Care of: County Hall, 88 Smedley Street, Matlock DE4 3AG

AND: BRITISH CANOEING (BCU)

Care of: Chris Page, British Canoeing, National Watersports Centre, Adbolton Lane, Nottingham, NG12 2LU

In this document:

DCC - Derbyshire County Council (DCC)

BC - British Canoeing (BC)

The purpose of this agreement is to facilitate the use of DCC managed canals (The Cromford Canal and the Chesterfield section of the Chesterfield Canal) for British Canoeing's members. British Canoeing will agree to fund water fees for its members, to a maximum of £500 per annum payable to DCC subject to a minimum charge per annum of £30).

Cromford Canal

1. The Cromford Canal is subject to a number of restrictions and regulations, due to its sensitive nature for wildlife as a Site of Special Scientific Interest. These Conditions of Use are contained in Appendix 1 of this agreement.
2. BC members are hereby advised of the Conditions of Use and will be required to adhere to them at all times.
3. The Cromford Canal has a specific booking requirement, which will still be relevant for BC members wishing to use the waterway. This process is described in the Conditions of Use in Appendix 1 of this document.
4. DCC will note the BC Membership Number of all canoeists who book, and will invoice BC £1.60 per boat for each member who accesses the waterway.
5. This agreement is restricted to individual BC members accessing the Cromford Canal for recreational paddling. BC members will not be able to gain free or reduced cost access to the canal if they are leading groups, conducting training or coaching, or are canoeing in a professional capacity. DCC will determine this when booking requests are made. No limits are to be made to the number of times any individual member can access the canal, as long as membership details are recorded for each visit.
6. Only BC members will be eligible for free access to the canal. If a group consists of a mixture of BC members and non-members, only the BC members will have their fees paid by BC. If a

member and non-member share a boat (e.g. an open canoe or tandem kayak) the fee for the boat will be paid by BC.

7. BC members must carry their membership cards at all times whilst using the canal, in case they are asked to prove their status by a member of DCC Countryside Service staff and to prove the existence of BC third party liability insurance cover. This condition applies whether the BC member is on their own in a boat, is in a boat with other BC members, or is in a boat with non BC members
8. BC will develop a Canal Trail for the Cromford Canal, which will detail: the nature, wildlife and heritage of the waterway, booking processes and Conditions of Use. This will be available to members and non-members, ensuring all have information to enjoy the unique environment of the Cromford Canal, but also enabling users to avoid causing any detriment to either the environment or other users.
9. This agreement covers British Canoeing members to use: canoes and kayaks – including suitable rigid bodied inflatable craft. If a member wishes to use an inflatable craft it must be of rigid construction of the type manufactured by, for example, Sevylor or BIC – rubber dinghies, lilos or any other beach/leisure inflatable will not be accepted.

Chesterfield Canal

10. The Chesterfield Canal is generally accessed from Tapton Lock Visitor Centre, where canoeists purchase boat licences (at day, month and annual rates).
11. BC Members will be advised of the need to register their use of the canal with DCC, in order for this agreement to be continued. They will be advised to either:
 - a) Call Tapton Lock Visitor Centre before their visit to the canal; or
 - b) Register their visit in person at Tapton Lock

Members will be advised that if they wish to enter the water at any point other than Tapton Lock the **must** call in advance to ensure their details are logged.

12. DCC will note the BC Membership Number of all canoeists who book, and will invoice BC £1.60 per boat for each member who accesses the waterway.
13. This agreement is restricted to individual BC members accessing the Chesterfield Canal for recreational paddling. BC members will not be able to gain free or reduced cost access to the canal if they are leading groups, conducting training or coaching, or are canoeing in a professional capacity. DCC will determine this when booking requests are made. No limits are to be made to the number of times any individual member can access the canal, as long as membership details are recorded for each visit.
14. Only BC members will be eligible for free access to the canal – if a group consists of a mixture of BC members and non-members, only the members will have their fees paid by BC. If a member and non-member share a boat (e.g. an open canoe or tandem kayak) the fee for the boat will be paid by BC.
15. BC members must carry their membership cards at all times whilst using the canal, in case they are asked to prove their status by a member of DCC Countryside Service staff and to prove the existence of BC third party liability insurance cover. This condition applies whether the BC member is on their own in a boat, is in a boat with other BC members, or is in a boat with non BC members
16. BC will develop a Canal Trail for the Chesterfield Canal, which will detail: the nature, wildlife and heritage of the waterway, booking processes and Conditions of Use. This will be available to members and non-members, ensuring all have information to enjoy the unique

environment of the Chesterfield Canal, but also enabling users to avoid causing any detriment to either the environment or other users.

17. This agreement covers British Canoeing members to use: canoes and kayaks – including suitable rigid bodied inflatable craft, and Stand-Up Paddleboards (SUPs). If a member wishes to use an inflatable craft it must be of rigid construction of the type manufactured by, for example, Sevylor or BIC – rubber dinghies, lilos or any other beach/leisure inflatable will not be accepted.

Promoting the Agreement

18. BC will develop trails for each canal to facilitate greater promotion of these to canoeists. These will be advertised via the BC website, and on the Go Canoeing website. The agreement for members will be included in an updated list of licensing agreements, and promoted through news stories on the BC website and social media outlets.
19. DCC will promote the trails via their own website and social media, along with links to the BC website to help encourage canoeists to become BC members.
20. The trails will be free for both BC and DCC to print out and for use in visitor centers and at events to help promote both the canals as destinations and BC membership.

Invoicing Process

21. DCC will record the membership number and date of BC members accessing both canals.
22. The record of user numbers will be provided to BC annually by the 1st December – BC will pay £1.60 for each boat, up to a total annual payment of £500, and with a minimum invoice of £30 from DCC per annum.
23. Payment will be due within a calendar month of BC receiving the invoice from DCC

Review of this Agreement

24. This agreement will be reviewed annually to ensure continued relevance for both DCC and BCC.
25. The launch fee for the period of 2016 to 2018 is £1.60 per session per boat, as approved by DCC Councillors as part of a comprehensive Countryside Service charging schedule for that period. This will be subject to review in 2018.
26. Wherever possible both DCC and BC agree to work towards changes in the agreement to maximize the benefits to both organisations.

SIGNED by.....

Name & Job Role:.....

On behalf of DERBYSHIRE COUNTY COUNCIL

SIGNED by.....

Mr CHRIS PAGE

On behalf of BRITISH CANOEING

Appendix 1 - Conditions of Use for the Cromford Canal

Background

The Cromford Canal was built in the 1790s was used a busy commercial waterway until the Butterley tunnel collapsed in 1889 closing the tunnel for four years then a second collapse in the 1900s together with the development of the rail network lead to a slow decline, most of the canal was abandoned in 1944.

The section between Ambergate and Cromford Wharf has become extremely important for wildlife especially water voles, grass snakes and dabchicks. The entire section is a **Site of Special Scientific Interest** which means that the area has important controls in place to ensure that this special area is conserved for future generations of wildlife and people to enjoy. Natural England, (the statutory body for wildlife conservation in England) has established and monitor legally binding control measures to ensure that the site is conserved appropriately.

Over the same timescale, local schools, scout & guides together with outdoor activity centres and individuals developed a strong tradition of canoeing on this safe and beautiful waterway.

Derbyshire County Council are the land owners of the site and as such are required to ensure that the management and use of the site falls within required parameters.

The Council believes that it is important that people continue being able to use the canal for canoeing and to enjoy its special character.

This guidance is intended to help ensure that people are able to continue to use the canal for canoeing and at the same time do not compromise wildlife and the needs of the Site of Special Scientific Interest.

Terms of use

- All canoeists using Cromford canal must be pre-registered and booked onto the Middleton Top booking system to ensure that the number of canoes on the water does not breach limits in any one day. Tel 01629 823204
- Group leaders and individuals are responsible for their group or own health and safety while using the canal and must follow British Canoe Union (BCU) safety protocols.
<http://www.bcu.org.uk>
- Groups using the canal need to lodge an appropriate risk assessment for the group. Please contact Middleton Top on 01629 823402
- All canoeists should be supervised at all times or have the appropriate BCU qualifications and have the appropriate safety equipment and buoyancy aids
- Public liability insurance is a requirement for all canoeist whether an individual or a group. Membership of BCU provides this facility with insurance up to £5m
- Only rigid canoes such as open Canadian type canoes and kayaks are allowed, other craft such as dinghies, motorised boats, inflatables, rafts & toy boats are strictly prohibited
- All canoes and equipment that has been used in other waters must be washed and drained prior to use in the canal in order to prevent introduction of alien species
- No more than 10 boats will be allowed at any one time and no more than two out of three sessions a day (morning / afternoon / evening) will be used in any one day. If you want to come on the canal at short notice, perhaps because of weather conditions on your first choice of water, you must firstly check availability on 01629 823204
- The launch fee is payable to Derbyshire County Council at Middleton Top visitor centre for each session. There are 3 sessions per day; morning, afternoon and evening. Please leave the water 1 hour before sunset to allow wildlife to settle before dark
- Usual times are :
 - Morning : 9.00 to 13.00
 - Afternoon 13.00 to 17.00
 - Evening : 17.00 to DuskFlexibility can be applied but needs to be agreed in advance so that SSSI conditions are not breached
- Launch fee for 2016 to 2018 season is £1.60 per session per boat
- Canoeing is only permitted between Cromford Wharf and High Peak Junction (Lea Wood Pump). The authority reserves the right to restrict this area at any time for whatever purpose it requires. This can include maintenance or wildlife protection
- Access to the water is from Cromford Wharf only and must be from the section of canal with a stone edge. Landing at any other point is not permitted except in the case of accidents and emergencies. Please note the offside bank of the canal is private until you reach High Peak Junction visitors centre
- When the Leawood Pump is operating all canoeists should avoid its outfall adjacent to the white fence

- Deliberate immersion in the water is not permitted and any confidence building games must be kept under control and undertaken in the turning area at Cromford Wharf. This is to minimise potential disturbance to wildlife
- The canal is ecologically very sensitive and a legally protected Site of Special Scientific Interest. The vegetation in the channel and on the bank side is an important habitat for nesting wildfowl and invertebrates. Particular care should be taken from the beginning of March to the end of the nesting season (normally late August). The site also has a large water vole population which are protected by law from disturbance. All canal users are asked to take great care not to disturb this habitat and the wildlife using it. The submerged vegetation is also of importance and should be treated with care
- The canal is used by a wide variety of different users who want to enjoy the countryside. Please respect other users at all times
- The Narrow boat "Birdswood" is operated by the Friends of the Cromford Canal to carry passengers from Cromford Wharf to High Peak Junction. The boat is heavy and deep in the water and can only move slowly in the middle of the channel
- Every "Birdswood" cruise is controlled by a person who has qualified as a Boat Master under the scheme operated by the Maritime & Coastguard Agency. One Master must be on the boat, probably steering, at all times the boat is in operation. If the master is concerned that canoeists are not aware of his impending approach he/she will give one short blast on the horn
- Stopping of "Birdswood" would cause it to lose steerage. Canoeists must be prepared to give way and stop alongside the offside bank (opposite to the towpath as sometimes a horse will be towing the boat) whilst taking care not to damage the bank side vegetation or disturb nesting birds. When Birdswood is being pulled by a horse, there will be a further impact on the boat's stopping time and steerage ability. Canoeists should also be aware and careful of the rope used to tow the boat.
- Failure to abide by these conditions may result in the right to use the canal being withdrawn