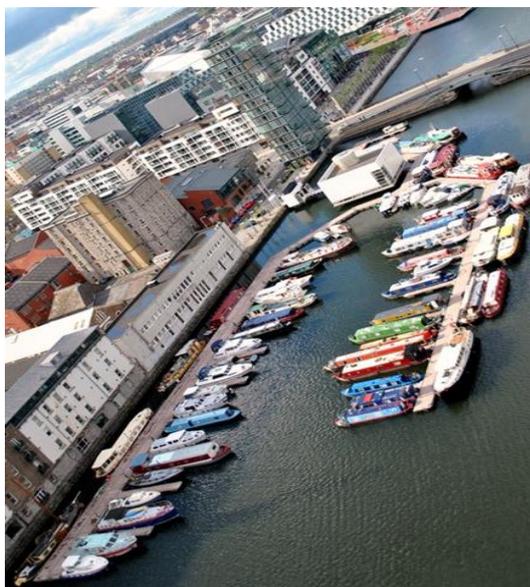


The Inland Waterways Association of Ireland

Cumann Uiscebhealaigh Intíre na h-Éireann

Submission to Waterways Ireland on the Proposed Canal Bye-law Amendments 2014.

03 Feb 2014



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Executive Summary

This Inland Waterways Association of Ireland (IWAI) document is in response to a call from Waterways Ireland for submissions to a public consultation process on proposed Canal Bye-law amendments – the Canals Act, 1986 (Amendment) Bye-laws, 2014. The public consultation process opened suddenly on 6th January and closes after 21 days on 3rd February. In that timeframe, overall the IWAI have held a consultation process through our member based branch network; have arranged public meetings; have met with democratically elected representatives and business associations across the navigations affected; have conferred with other peer groups in the community; have met with Waterways Ireland; and have developed an information campaign on various issues on this matter. The IWAI concerns within these bye-laws are:

- **The proposed 5 day rule.** It is not possible to navigate the system with this in place. It will affect many communities. This should be a 35 day rule - to increase duration of stay by boaters in rural locations to several weekends at a time. This will allow local communities on waterways to gain economic and tourism benefit, and to see advantages of boating facilities in use nearby.
- **The fixed penalty fines and other sanctions.** These are detrimental to ease of use of the navigation systems. The €150 per day fine; with no appeal except through the courts with the possibility of a subsequent fine of several thousand euro; is an outrageous suggestion for normal boaters. Powers of arrest, through the use of the Maritime Safety Act, is an irresponsible attempt at civic order manipulation by the regulators, in relation to the level of monitoring required on inland waterways. Where there are harbour hogging situations; the IWAI supports adequate intervention by the regulators. This should be followed through by utilisation of current bye-laws instead of swinging a sledgehammer of new bye-laws.
- **General fees.** The IWAI is not averse to reasonable costs for use of navigations. However it must be noted specifically, that once boats are on the Canals and Barrow system affected by the bye-laws; there are no alternative opportunities for mooring. Waterways Ireland has a monopoly in this situation and should not abuse it. Provision for house-boats is useful, if it is implemented appropriately (unlike the situation at Shannon Harbour). The high cost of extended mooring; long term mooring such as houseboats; tolls to cross the Liffey; and other fees do not cross reference to other Irish legislation such as standard transport tolls. Barrow fishing boats should not be levied with a fixed fee to intervene in amenity/ tourism.
- **Service Level Agreements and a Customer Charter.** There is a need within these bye-laws for Waterways Ireland to have both of these standards in place, for proper customer service.
- **Legislation and national development documentation.** The IWAI outline some of the planning and community development legislation that does not seem to have been considered by Waterways Ireland in their proposals for bye-laws. The IWAI cross reference targets and opportunities outlined by various government departments and agencies, in support of tourism development (See Appendices 3, 4 and 5).
- **Public Accountability.** The IWAI once again, also now raise significant concerns on the public accountability of the actions proposed by Waterways Ireland through proposed bye-laws implementation, and measures that should be taken accordingly, in particular in advance of the local government and European elections of 23rd May 2014 (See Appendix 6).

It must be stated at the outset of this document that the views expressed are those of dedicated and active users of the navigations along inland waterways systems of the Grand Canal, the Royal Canal and the Barrow River. The views also relate to how these systems are linked to other waterways across the length and breadth of Ireland. We include a wide range of input from interested parties across waterways communities and other sectors of society. The IWAI have been responsible for over 1800 genuine letters of support and concern from communities submitted to Waterways Ireland within the consultation process. The IWAI have been made aware of at least a few hundred other direct submissions to Waterways Ireland, both nationally and internationally on this matter. The IWAI are confident that 2000 + submissions will be made to Waterways Ireland on this issue.

Navigation on the Grand Canal, the Royal Canal and the River Barrow will be drastically curtailed by the proposals of Waterways Ireland. Having reviewed the proposals in-depth, consulted with members, obtained feedback from the communities, business associations and public representatives along these waterways; the IWAI can confidently state that these proposed bye-laws **do not** put user requirements, tourism development and local communities at the centre of the regulations.

The bye-laws proposed by Waterways Ireland are in fact a major threat to the community economic gain of boat travel on the Grand Canal, the Royal Canal & the River Barrow. Many counties are concerned. Navigations and locations affected are along the Barrow through Carlow, Kilkenny, Laois, Kildare and Royal and Grand Canals in Kildare, Dublin, Meath, Longford, Offaly and Westmeath. Access to the 'Green & Silver' tourism route on the Grand and Royal Canals, the Shannon and the Dublin waterways – developed by Dublin IWAI in recent years - is also in jeopardy. Minister Varadkar's Government Department of Transport, Tourism and Sport advises its' mission statement as *"To ensure that the transport, tourism and sport sectors make the greatest possible contribution to economic recovery, fiscal consolidation, job creation and social development."* Tourism is a big picture topic.

Through these bye-laws, loss of boat traffic will result in the loss of socio, economic, heritage, cultural and tourism benefits. Success of 'The Gathering' shows communities can and do get involved in their assets to build tourism opportunities for themselves and Ireland.

The intention of this submission is to productively and constructively highlight areas of concern in the proposed amendments to bye-laws. The IWAI proposals indicate suggestions to sustain, protect and develop the exceptional waterways of the Grand and Royal Canals and River Barrow; to enhance their use, and develop them further.

The boating community is not averse to appropriate management, facility provision, and access to waterways. But boats are key attractions, as the lifeblood of the navigations, and need to be welcomed.

Carmel Meegan

President

The Inland Waterways Association of Ireland

1. Introduction



Caption: IWAI chart of the overall inland navigation routes with the River Shannon, the Shannon –Erne Waterway and the Erne system highlighted in blue; and the Royal Canal, Grand Canal and River Barrow highlighted in Green.

This Inland Waterways Association of Ireland (IWAI) document is a submission to the Waterways Ireland public consultation process on the proposed Canal Bye-laws amendments, to result in the Canal Act, 1986 (Amendment) Bye-laws, 2014.

This document outlines the detrimental and harmful impacts that will occur if these new bye-laws are enacted. Our intention is to highlight areas of concern within the amendments and provide ideas and suggestions that will sustain, protect and develop the exceptional waterways of the Grand Canal, Royal Canal and River Barrow so as to enhance their use and benefits.

The IWAI was formed in 1954, is 60 years in existence, and has developed a positive working relationship with agency, business and community groups along the national waterways. The IWAI is not just about boaters. The organisation has consolidated its activities to encompass history and heritage, business and tourism development, walking & nature appreciation, water sports and other areas.

The Inland Waterways Association of Ireland is a company limited by guarantee, with a Board of Directors. It is a registered charity (CHY no 10915). It is governed by an Executive Council, of representatives of each of the local branches and directly elected Officers and members. Day to day affairs are managed by an Executive Committee. 22 voluntary branches across the whole island of Ireland are part of our network of presence along and on behalf of navigations and communities the length and breadth of Ireland.

This IWAI submission on proposed bye-laws will be circulated to public representatives along the navigations affected, for the Minister's consultation with these Senators, TD.'s and Councillors.

This document outlines the concerns of the IWAI across several areas. Additionally, Appendix 1 is a brief history of the IWAI. Further reading regarding the waterways is included as Appendix 2. Appendix 3, 4 and 5 outline issues on community legislation, planning legislation and some documentation at national level outlining economic opportunities. Lastly, a short Appendix 6 outlines the major concerns of IWAI as to the public accountability of Waterways Ireland. The IWAI are of the opinion that lack of public accountability of Waterways Ireland is a major issue.

2. Navigation and Boat Tourism:

Navigation, Mooring, Services, and Dry Dock Facilities

The Canal and River Barrow navigations are very different to the Shannon, Shannon-Erne (formerly known as the Ballinamore-Ballyconnell Canal) and Erne navigations. One can traverse both the Shannon and Erne systems with their modern facilities and smaller number of locks in a short number of days. On a weekend trip on the Shannon one can get to visit locations around the river. Alternatively, a few days travel around Lough Derg, Lough Ree, Lough Key or Lough Allen is also possible. Both itineraries have an end option to return to the home port.

Navigation on the Canals and Barrow is significantly different. The Canals in particular are a narrow linear route, and in many cases opportunities for vessels to even turn and retrace their journey is limited. This usually means that anyone travelling on the Canals commits to a lengthy journey, taking many weekends over months at a time, according to water availability, mooring, services, and trip timing. The Canal systems are water managed by manual operation of water flow through locks, and need boat traffic to assist water movement through the system. The Barrow system is in natural flow. Stable use here can also be intermittent; depending on weather, rainfall, water abstraction, mooring, services in towns and villages, and water management.

- a. The mooring permits proposed by Waterways Ireland involve those who wish to travel the system and/or to moor in one location for considerable periods. For the first group the proposed Extended Mooring Permit (EMP) is of some benefit. However the IWAI also call for a more flexible mooring or at best described a Touring Cruising Permit, to allow transit over Spring, Summer and Autumn months. This will allow lengthy duration of stay at town and village locations on the system, without extreme sanctions being introduced for enjoyment of the waterways.

The current five day rule as proposed is a highly negative enforcement option proposed by the regulators. This will reduce interest in the Canals and Barrow, with subsequent reduction of boat traffic. While this is but one sector that utilises the waterways, it is highly inequitable that only one group of users are unfairly targeted with high user fees and sanctions by waterways use. Legal impediments include the proposed introduction of fixed penalties per day; an appeal mechanism only through the courts; and the possibility of arrest by WI authorised officers.

It is impractical in a working week to expect users that for instance moor on a Sunday evening to be back by the following Thursday evening or Friday morning to move a vessel. The tourism and amenity navigation current and potential use of the waterways will die if these bye-laws are introduced.

For the second group, including extended mooring and permanent houseboats; the regulations are at odds with other property management criteria adopted nationally, for instance the Local Property Tax fees schedules. The high costs proposed will price out all but the most affluent in our society, denying access to these waterways to the domestic and international tourism users.

- b. Navigation by boats requires maintenance of vessels. Waterways Ireland suggests a massive increase to possibly thousands of euro for a standard stay of craft in dry dock, particularly large heritage boats, using these necessary facilities. The dry docks were designed and built 200 years ago to service these canal boats and today still facilitate large vessels. The fees proposed will have a significant impact on the ability of boat owners to keep their vessels safe and fit for use and keep historical gems of original trading craft safe for future generations.

This will result in major impact in the number of boats available to travel the system.

- c. The provision of service blocks has not been adequate to date, particularly on the Grand Canal and the River Barrow. The development of private facilities such as marinas, workshops and fuel provision for a number of reasons has not occurred on the Canal Navigations. The IWAI welcome the recent public announcements of Waterways Ireland intention to enter into strategic partnerships to develop its land bank to provide such facilities. The IWAI suggest Waterways Ireland are one element within an inter-agency structure in this.

As man made navigations; Canals bring unique challenges to boat users. This is due to their depth and width, the water availability, including the technical operations required to sluice water through the system, as well as weed growth and other impediments often met along the way. Boats have to travel at slow speed. The likelihood of meeting fast craft is extremely remote. However this illustrates a unique selling point for the canals as users engage in *Slow Tourism*. The Barrow is also a hugely attractive product for the creation of these opportunities.

Given the proximity of the Canals and the Barrow to major centres of population there are further opportunities for development of facilities on these systems. Regular and constant boat traffic serves to highlight what canals were really built for in the past and highlights their potential for the future. In some locations these are places for rubbish dumping and anti-social behaviour. Such behaviour needs to be dealt with by a multi-agency approach.

The IWAI voluntarily contributes enormously to this through holding events and working with local communities and the IWAI seeks to reverse such behaviours. This further enhances the waterways for other users such as walkers, canoeists and anglers. The IWAI are strong contributors to waterways use.

Boat Tourism:



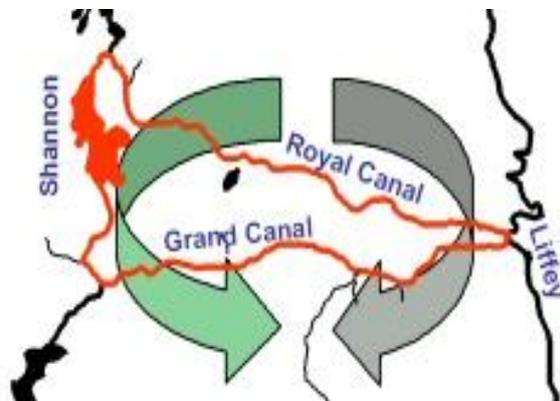
There is major potential to develop various types of tourism and business facilities related to the local waterways as has happened in the UK and on mainland Europe - in particular with the Irish circular route of the Grand Canal – Dublin – the Royal Canal – the River Shannon – Grand Canal, Dublin; marketed over recent years by the voluntary sector in the boating community (Dublin IWAI) as the ‘Green & Silver’ route. The Grand Canal and Royal Canal meet in Dublin, at either side of the River Liffey, at Grand Canal Dock and Spencer Dock respectively.

Also, the Grand Canal navigation provides links to Waterford via the ‘Barrow Line’ to the River Barrow; to Limerick via the River Shannon; and to the north of Ireland via the north Shannon through the Shannon-Erne waterway to the Upper and Lower Loughernes as far north as Belleek. The Royal Canal is also a direct link from Dublin to the north Shannon, providing the same access to both the north and south extremes of the Shannon and links thereof.

Tourism Ireland has identified three major products for overseas marketing in the near future years. These include the Wild Atlantic Way; Dublin (for the short weekend break market); and the forthcoming Ireland Through the Ages (from Carlingford to Cork). The midlands still do not feature in any major way in the national holistic overview of Irish tourism products. The ‘soft adventure’ tourism market; the heritage tourist demographic; the sector that has some time on its’ hand; and the family tourism sectors should all now be identified as significant audiences for midlands tourism products, along the Canals and the Barrow, include boating. Some of these could be marketed under the ‘Green and Silver’ identity, encompassing the route outlined below.

The ‘Green and Silver’:

On the 25th of June 1946, Tom and Angela Rolt left Athlone aboard, *Le Coq*, a 28ft x 8ft converted ship's lifeboat, on a voyage that would inspire both their contemporaries and successive generations of waterways enthusiasts, for, unlike most of us, Tom Rolt documented this voyage in his book “Green and Silver” published in 1949 (and once again in print and available¹).



¹ http://shop.iwai.ie/catalog/product_info.php?cPath=24&products_id=129



Indeed the IWAI's logo and burgee colour-scheme derive from the title of Rolt's inspirational book. Incidentally, Ruth Delany² was aboard *Hark*, the last boat to do the circular route of Royal and Grand canals in 1955, prior to the canal's closure in 1961.

With the closure of Ireland's Royal Canal in 1961, Rolt's *Green and Silver* offered successive generations the only opportunity to experience this journey by boat.

His book offered a glimpse of what might be experienced if, and when, the Canals were restored.

Rolt was the first to document a successful transit of the route in *Green & Silver*, a book which had a positive influence on the development of the Irish waterways. It seems fitting therefore to name this the *Green & Silver* route. *Green & Silver* also echoes the mixed urban & rural nature of the route.

From Athlone, they journeyed down the Shannon and entered the Grand Canal at Shannon Harbour. From there, they voyaged to Dublin and then returned to the Shannon via the Royal Canal. Then, they voyaged north to Lough Key and back south to Lough Derg, (also taking in the West Clare Railway of Percy French fame).

In the long term, services could be further developed for the equestrian community; camp facilities for instance for Green & Silver canoeists, and maybe even for light use vehicles such as scooters. Anglers are already a very important market but not necessarily seen as a huge resource yet in some areas. All of the above have potential for the Grand Canal, Royal Canal and River Barrow.

Potential tourism users of this route are not only the domestic boating sector. Hire boat bases on the Shannon and the Barrow have craft suitable for navigation of the Canals and Barrow. German, UK and even Swiss nationalities are the focus of much of Ireland's boat tourism marketing overseas. A hire boat service has now commenced at Richmond Harbour at the west end of the Royal Canal. A day-hire service is commencing operation at Sallins on the Grand Canal. Two restaurant/trip barges operate in Dublin city. It is clear to the service providers there is a market for canal travel 'out there', particularly in line with the focus that Tourism Ireland and Fáilte Ireland have now consolidated; marketing Irish products to the international tourist.

² Ruth Delany is author of several internationally acclaimed publications on Irish Waterways and has co-authored other such material. She is both a founding member, and a past President, of the IWAI.

Primary methods of assisting with this tourism and cultural corridor include keeping the navigation open with ease of access for boat tourism; providing services for navigating traffic; and engaging communities in tourism promotion. Secondary methods include support of Waterways Ireland, along this and other routes such as those developed by the Barrow corridor.



3. Outdoor and Amenity Value of the Canals and Barrow

Walkers; anglers; heritage lovers; local communities and others appreciate the Canals and Barrow. The Grand Canal national waymarked walking route runs from Dublin down through Kildare, and across most of Offaly; similar to the Royal Canal Way and the Barrow Way in their locations. Several other walking routes are in the vicinity of these navigations and are being marketed accordingly, and cycling routes are in development. There are a huge range of ecclesiastical heritage sites along the system, some user facilities for boats in town and villages, and general tourism attractions in the vicinity of the inland navigations. The IWAI welcomes extending these routes to users other than boaters, but insists that navigation on the national asset of the waterways should be a priority within the development plans for these amenities, for the benefit of all those communities as well as domestic and international tourists and vessels.

Many community festivals utilise the Canals and Barrow as part of their activity and would be in a position to capitalise on its' potential for community and international tourism. Land leases from Waterways Ireland have also assisted communities developing facilities. In the recent past these include areas in Daingean and Edenderry and slightly further back in time the Royal Canal Amenity Group spent thousands of voluntary hours and fund raised significantly over 40 years; to pioneer the re-opening of the Royal Canal. All such examples across the waterways are with specific interest in promoting navigation as well as general user appreciation of waterways.

National plans such as cycle routes developed along waterways towpaths are also of course to be welcomed. Once again, the IWAI state that the navigation artery is the fundamental aspect of these locations, and it is imperative to keep boats welcome on the systems and to provide facilities and services for such tourism as well.

4. Detailed comments on the proposed amendments

The amendments are noted under the following headings.

1. Citation and commencement
2. Definitions
3. Mooring and use of the canals for recreation, navigation and fishing
4. Houseboats
5. Mooring of boats and fixing of ropes
6. Tolls and charges
7. Fixed payment notice
8. Schedules

First Schedule

Second Schedule

The proposed amendment sub text in relation to each of the above is presented below in tabular form in the yellow coloured background, with the green background below as the IWAI opinion.

Proposed wording of Canal Byelaw Amendment 2014

Citation and Commencement

- (1) These Bye-laws may be cited as the Canals Act, 1986 (Amendment) Bye-laws 2014.
- (2) These Bye-laws shall come into operation on the day of 2014.
- (3) References to the Commissioners of Public Works in Ireland contained in the Canals Act, 1986 (Bye-Laws) 1988 (S.I. No. 247 of 1988) shall be construed as references to Waterways Ireland.
- (4) The Canals Act, 1986 (Bye-Laws) 1988 and these Bye-laws may be cited together as the Canals Act 1986 (Bye-laws) 1988 and 2014.

The IWAI viewpoint:

The Inland Waterways Association of Ireland (IWAI) state that the decision to publish yet another amendment to Statutory Instruments, rather than consolidate all of the above into one set of regulations, is adding unnecessary complexity for users. It is also making it cumbersome and difficult for users to get a clear understanding of the requirements. To have to keep moving from one document to another, to assess most relevant document in relation to the bye-laws, is highly confusing.

IWAI calls for one single Statutory Instrument to document all permissions and issues to users of the Canals and River Barrow to provide and unambiguous understanding of the Bye-laws.

The 21 day consultation period is too restrictive. A much longer consultation period should be enacted in any forthcoming bye-laws, similar to the three month consultation period currently in operation for consultation on the draft Corporate Plan 2014-2016.

Otherwise immense pressure is placed on the voluntary community; on the timetable of local authority council meetings in which debate in such amendments to bye-laws should take place; and on other individuals, groups and agencies that may wish to make submissions. Any change in bye-laws now offers a chance for Waterways Ireland to implement a much longer consultation period within any public engagement on their actions and operations. The IWAI proposes a longer consultation period for future is enacted within any changes in the current bye-laws in 2014.

Definitions

2. In these Bye-laws, except where the context otherwise requires –
“annual canals cruising permit” means the permit required by all boats under the Bye-laws to cruise and navigate the canals;
“visitor cruising permit” means the permit issued to a boat visiting the canals from another navigation during the period 1st day of April to the 31st day of October. The permit will allow the use of the canals for continuous cruising for a period of 30 days without charge. Thereafter the boat if it remains on the canals will require an annual cruising permit.
“Waterways Ireland” means the implementation body for inland waterways established pursuant to the British Irish Agreement Act, 1999.

The IWAI viewpoint:

In relation to the Visitor Cruising Permits, all the other permits proposed are annual permits. Within the above definition the visitors cruising permit will only be available to a boat visiting the Canals and Barrow from another navigation during the period 1st day of April to the 31st day of October. IWAI welcome this permit but believe that it should not be limited to a set period of time, but should be available for use for the same period as all other permits.

Moorings and use of the canals for recreation, navigation and fishing

3. (1) These bye-laws make further provision for the care, management, maintenance and control, and the regulation of the use of the canals and moorings on the canals and their use by the public for recreation and navigation purposes. Moorings shall be designated by Waterways Ireland for such purposes.

(2) The tolls and charges are set forth in the First Schedule to these bye-laws.

The IWAI viewpoint:

IWAI recognise the need to regulate in this regard. However these regulations must distinguish the unique nature of the Canals and River Barrow waterways. IWAI request that advance consultation should take place with the local authorities and the local boating community when considering where to put both short term and extended moorings so as to ensure their compatibility with user's needs.

Criteria for evaluation of houseboat moorings should include population hierarchy management, vehicular access; public safety, waste management, service provision such as electricity and water; service block provision and so on. Houseboat management is welcome, if managed properly (reference the failed example of Shannon Harbour). Fees are high and do not equate to other national property ownership schedules.

The IWAI also have a concern that implementing high charges in this regard implies Waterways Ireland could be seen as a rateable entity by the Valuation Office and local authorities, in terms of income on assets.

Houseboats

4. (1) These bye-laws make provision for the care, management, maintenance, control and regulation of the use of the canals and moorings on the canals by houseboats. Houseboat moorings shall be designated by Waterways Ireland for such purposes.

(2) The tolls and charges are set forth in the First Schedule to these bye-laws.

The IWAI viewpoint:

The IWAI welcomes the recognition by Waterways Ireland of the fact that approx 100 users have chosen to live on board their boats. These users who represent a cross section of society live in communities along the navigations at locations including Shannon Harbour, Tullamore, Lowtown, Sallins, Hazelhatch & Grand Canal Dock (Grand Canal), Monasterevin & Graiguenamanagh (Grand Canal Barrow Line & Barrow Navigation) and Castleknock & Richmond Harbour (Royal Canal). Many of these users have lived aboard for 20 years or more. They have established links with their wider community and put down roots in their chosen area.

Historically due to lack of recognition by Waterways Ireland, the existence of these Liveaboard communities along the navigations has been unregulated. Whilst the IWAI understands that regulation must follow recognition, great care must be exercised by Waterways Ireland in developing and implementing regulation to govern this category of user.

IWAI has concerns about the proposed regulations regarding Liveaboard users. They are categorised as follows;

The IWAI believes that a consultation exercise and value for money study should be completed by Waterways Ireland before determining the pricing structure for Houseboat moorings.

(1) Protection of the Home under the Irish Constitution: IWAI believes that the protections extend to owners of houseboats and that Authorised Officers would not have Powers of Entry without the owner's permission or the relevant warrant.

(1)2 Terms and Conditions attached to the Houseboat Licence Agreement: the IWAI believes these to be too restrictive and requests that the obligations of both the user and those of Waterways Ireland under any licence agreement are laid out clearly in plain English. This will give users the option to consider the licence on offer and make an informed decision as to whether or not the licence suits the user's requirements.

(1)3 Duration of the tender for Houseboat Licence: The IWAI is of the view that the tender period of one year is too short considering that Liveboard users will be intent on continuing to use their boat as their home. The IWAI would suggest a rolling agreement that renews automatically subject to the user and Waterways Ireland fulfilling their respective obligations under the any contract law and a service level agreement (SLA) that the IWAI would require in this instance.

In any instance, can Waterways Ireland supply a definition of 'houseboat', particularly under the Family Home Protection Act, 1976.

(2)1 Recognition of ability to pay: The IWAI requests that Waterways Ireland take account of a users ability to pay and consideration given to some form of means testing or discounted charging as is the practice on some waterways in the UK.

(2)2 Scale of charges: It has been stated already in this report that the IWAI supports fair and equitable charges in return for an agreed level of service. The IWAI is extremely concerned at the range within the pricing structure for proposed Houseboat moorings. In line with best practice and in the interest of transparency; Waterways Ireland should bring forward a detailed price list taking account of locations and level of service for all proposed Houseboat mooring locations.

Mooring of boats and fixing of ropes

5. The Canals Act 1986 (Bye-laws) 1988, Bye-law 25(1) is hereby amended by the substitution of the following paragraph for paragraph (d):

(d) at the same place on the canals, or within three kilometres of the location for more than 5 consecutive days, or a total of 7 days in any calendar month, without an appropriate permit from Waterways Ireland. The period of days shall be reckoned from the day the boat moored and shall be included in the period.”

The IWAI viewpoint:

The IWAI express major concerns on this issue. This is based on feedback from our members and local communities and business representatives all along the waterways.

Effectively this means that if a boat moors on a Sunday, within the 5 day rule they must move again before midnight on the Thursday otherwise they are liable to be fined €150 per day. In normal weekend boating it is not possible to undertake an 'early move' timetable.

The restriction of 7 days per month means that towns and villages see only fleeting glances of vessels as they speed through locations. In addition the 7 day provision mitigates against the development of a hire boat industry. Under this rule, each vessel would be restricted from using certain locations as the 7 days may have been used by other hirers in the month.

This bye-laws amendment lacks definition as the three kilometres is not described as straight line or canal length. This provision does not support slow tourism in towns and villages.

Tolls and charges

6. The Canals Act 1986 (Bye-laws) 1988, is hereby amended by the substitution of the following Bye-law for Bye-law 40:

“Tolls and charges

The Canals Act 1986 (Bye-Laws), 1988 is hereby amended by the substitution for Bye-Law 40 of the following bye-law:

“ The owner or master or person in charge of any boat shall

- (a) pay tolls and charges prescribed by Waterways Ireland for the use of the canals or any canal property and as set out in the First Schedule to these bye-laws;
- (b) ensure that permits issued by Waterways Ireland in return for payment of tolls and charges shall be displayed in such a manner on the boat as to be legible from the canal-bank at all times during daylight hours.”

IWAI Viewpoint:

The IWAI is in agreement that reasonable charges should apply for Waterways usage. However IWAI strongly note that the only group subject to such charges are boat owners; even at that it would appear only currently compliant boat owners are affected.

A Deposit system on permits has been previously introduced by Waterways Ireland by an ad-hoc method. There are no terms and conditions or an appeals mechanism in that current system. It is not mentioned as a charge and if still in place should be included as criteria in addition to any insurance and indemnity requirements; with terms, conditions and an appeals process. It should be noted that no commercial marinas request open deposits.

In relation to the extended mooring, given the nature of Canal banks and depth below vessels often it is not possible to moor tight to the bank in order for the permit to be visible. Distance from the bank can vary greatly depending on vessel size, type of hull, and available water draft. There should be no penalty for such failure, and the adequate display of a permit.

There is also the responsibility on Waterways Ireland to ensure that such permits are appropriately printed to allow for viewing at a distance, this is not covered in this section.

Fixed payment notice

7. (1) This bye-law specifies the fixed payment notice provided for in section 7A of the Canals Act 1986 as inserted by section 56(c) of the Maritime Safety Act, 2005 (No. 11 of 2005).

(2) The notice set out in the Second Schedule shall be the specified notice.

(3) A fixed payment notice shall be deemed to have been well and sufficiently served if sent to the person concerned by registered post or delivered to him or her by an authorised officer of Waterways Ireland

IWAI Viewpoint:

The IWAI has a number of concerns on this item:

- 1. Fines of €150 per day are punitive and anti user and tourism development.*
- 2. There is no appeals system save for an appearance in the District Court. Similar 'on the spot' regimes have an appeals mechanism.*
- 3. Suggestions of fines are not the method by which to encourage boat tourism.*
- 4. A process to deal with harbour hogging can be adequately introduced without financial and legal sanctions on compliant boaters within for instance a visiting permit of say 35 days instead of five days for duration of stay.*
- 5. Fines should only be legislated for habitual fenders.*
- 6. There are suggestions of powers of arrest being available within the utilisation of the Maritime Safety Act (2005). This is irrefutably opposed by all who are interested in the development of the waterways. Can WI advise on the detention facilities they propose to employ here?*

FIRST SCHEDULE *Bye-Law 6 Tolls and Charges*

(1) Annual canals cruising

Pay an annual fee of €130 for each boat on the canals to cruise and navigate the canals and the locks.

(2) Annual extended canals mooring permit:

Pay an annual fee for each boat mooring on the canals not continuously cruising or navigating the canals. The permit allows the use of a mooring identified by Waterways Ireland where the boat may be moored.

Pay a fee of €160 to €1,600 for an annual mooring depending on size of boat, location and services provided.

Pay a fee of €2,500 for an annual mooring in Grand Canal Dock. A daily fee of €10 applies to

boats granted permission to moor in Grand Canal Dock or in Spencer Dock beyond 5 days.

(3) Annual houseboat mooring permit:

Pay a fee of €1,250 to €3,500 depending on the location and the services provided by Waterways Ireland.

(4) Barrow open fishing boat licence:

Pay an annual fee of €50.

(5) Visitor cruising permit:

Granted free of charge for a boat visiting the canals for a period of up to 30 days. Thereafter an annual canals cruising permit is required.

(6) Tolls:

Pay a fee of €25 for passage through Camden Lock, Buckingham Lock, Westmoreland Lock, Grand Canal Dock, Ringsend Lock and Spencer Dock Sea Lock.

Pay fee of €25 for each boat to raise the Newcomen Bridge.

7) Boats entering dry dock for repairs:

Pay a fee of €50 per day for the first 7 days or part of any day. Thereafter a fee of €75 per day for the next 7 days and thereafter a fee of €100 per day.

IWAI Viewpoint: Using the same numerical references as above.

(1) Annual canals cruising permit

Use of all locks and bridge necessary for the user route should be included in this permit.

(2) Annual extended canals mooring permit

This new Annual Extended Canals Mooring Permit is identified as allowing holders to moor for a year in one designated spot. In theory no-one else can moor there. However to date WI has not managed this function. Apart from houseboat moorings, and EMP spots, in many locations on the Canals and the Barrow, there are no other facilities other than a soft bank to tie too (except in three areas where some floating jetties are available). The proposed bye-laws allow Waterways Ireland to vary/ adjust the fee between €160 and €1,600; there are no details on which locations will attract what charge other than for mooring in Grand Canal Dock in Dublin at €2,500 p.a. There is no schedule of value regarding services provided per location identified for mooring.

There has been limited consultation with the local authorities, communities and end users on where allocated mooring areas will be placed. In many cases Waterways Ireland appear to suggest unsuitable areas known for anti-social behaviour, including vandalism. Locations

may have limited road access for users, Garda patrol car access or Emergency Services access as may be required. Many suggested moorings are in isolated areas, even in towns. They are not suitable locations to leave boats unattended, even within a 35 day rule.

The requirement to pay a security deposit with no terms of what that deposit is for and with no appeal mechanism with normal rules of fair procedure is not acceptable or customer friendly. No other Authority or Company offering paid moorings seek such an open deposit.

(3) Annual houseboat mooring permit:

The IWAI highlight that the lack of information of points on a scale for Mooring and Houseboat charges is a cause for concern. This may cause people to relocate their floating homes, and/or even be rendered homeless. There is no recognition of occupancy on board, i.e. single/ double/family occupancy and also social circumstance concerning Houseboat charges. Best practice in the UK would indicate this should be a consideration.

(4) Barrow open fishing boat licence:

The IWAI note that this is a new charge under the Waterways Ireland permit structure. It will be a requirement to have a licence to fish from an open boat. It is not clear why fishermen on the River Barrow are being singled out for a floating boat fishing charge, if they wish to fish from an open boat rather than the bank. The IWAI advises this is of significant concern, similar to the 'Rod Licence' issue; and will not encourage fishing amenity and tourism on these waters.

(5) Visitor cruising permit:

The IWAI welcome this permit but believe that it should not be limited to a set period of time, but should be available for use for the same period as all other permits.

All the other permits proposed are annual permits, under the above definition a Visitor Cruising Permit will only be available to a boat visiting the Canals and Barrow from another navigation for a period of 30 days during the period 1st day of April to the 31st day of October. 30 days is insufficient to encourage slow tourism and community gain of boat traffic.

(6) Tolls:

These are new charges in relation to passage through Dublin. The IWAI understands that there were no previous charges for the sea locks onto the Liffey. There was a commercial charge for the old Camden lock to the canal – that old lock is now not in operation. There is no rationale for charging above the standard Canal Lock Rate for these locks.

It does not make sense to charge to move from one waterway to another. This is not in practice on any of the other Irish waterways, for instance moving in the north of Ireland on the Shannon-Erne waterway, or moving from the western end of the Canals out onto the Shannon. This will drastically impede use of the Green and Silver route in part or in whole.

The fees suggested will reduce usage dramatically – just when Waterways Ireland and others have restored the ‘Green and Silver’ route by opening the Royal to full access and boat movement. These fees put a significant financial penalty in place to access the facilities.

Also, the Newcomen Lifting Bridge only opens once a month for a few hours. If a boat times it wrong or gets delayed on a trip because of canal issues such as weed, low water etc., the vessel could get see an invoice for several hundred euro while waiting for the bridge to lift.

Approaching from the Grand Canal, over the Liffey and up through Spencer Dock, users have no choice but to stay in Grand Canal Dock and to wait for access under the Newcomen Lifting Bridge.

If traveling from the Royal Canal out onto the Liffey, there are two further important points to consider. The first is travelling into the city; perhaps on a two day run in from the 12th Lock at the 12th Lock at Blanchardstown/ Castleknock. It is necessary to plan arrival at the 12th Lock weeks in advance due to the limited operational timetable of the Newcomen Lifting Bridge; this may necessitate mooring that would be in breach of the 5 day rule. The second is there are no secure waiting moorings to use nearer and within the city as one approaches that bridge.

In all the above cases no penalties should apply for waiting for the Lifting Bridge, or any delays of the user that might be outside their control e.g. vandalism; not getting through the bridge and having to turn back and so on.

7) Boats entering dry dock for repairs:

Serious fee increases are proposed for dry-dock use. These are too expensive for any vessel owner to undertake major work on the larger historic boats. (A 30 day stay in the dock will increase 550% from €364 to €2,025). This will lead to rapid decline in the boatworthiness of traditional canal boats and their preservation for historical record.

There is no alternative to using the WI dry-docks on the Canal system. These issues must be reconsidered to prevent the above occurring.

SECOND SCHEDULE

CANALS ACTS 1986 and 2005 Bye-Law 7

FIXED PAYMENT NOTICE

The IWAI Viewpoint:

See response earlier at 7.1.

5. The need for multi-agency collaboration on the Canals and Barrow from now on:

The IWAI acknowledge current infrastructure on the three navigations. It is noted that in many recent cases of development, Waterways Ireland have in fact not been the funding agencies. These include the boardwalk and new pedestrian bridges in Tullamore (through ERDTF funding via the Town Council); and the forthcoming service block in Banagher (Rural Development Programme funding (via the local development company administering LEADER II resources) and private funds. Other locations on the waterways had similar funding structures.

Much of the local infrastructure around canal bank soft and hard landscaping in recent years has also been undertaken by funding support to local communities by local development companies; along with volunteer fund-raising; and in many cases significant hours of input from the community sector via both fund-raising and work. Public resources such as time and expertise from local authorities have been forthcoming from local authorities and other agencies as well. These include the like of the facilities to be developed by Grand Canal Sports in Daingean; and the towpath walk on the canal line by Edenderry Town Council.

It is viewed by the IWAI and supporting communities that the current direction of Waterways Ireland is becoming too broad. It is welcome that groups such as canoeists; anglers; cyclists and so on are targeted for use of the waterways. But this should not be at the expense of the navigation itself. WI need to re-focus on navigation as a core element of the Canals & Barrow.

To work effectively Waterways Irelands should consider itself a contributor within an interagency framework; An interagency opportunity has recently been established through the January 2014 publication of the Local Government Bill 2013, particularly in relation to 'alignment' of needs, identification of resources, and a community development approach (see Appendix 3 - Community Planning Legislation).

Various studies have been conducted by many agencies into the heritage, tourist, navigational and environmental aspects of the Grand Canal, the Royal Canal and River Barrow. The per capita spend of boaters is very significant in areas they visit and encompasses all commercial and leisure businesses. This potential can be further developed in years to come and during the wider boating season if proper infrastructure and canal byelaws that are complimentary to promoting greater boating traffic are put in place. Thousands of boats per annum currently utilise the River Shannon. Properly marketed and with proper facilities and access, a significant percentage of these can provide growth for the Canals and Barrow in terms of waterways use; further attracting overseas visitors and the international tourist.

6. Conclusion

IWAI was established to safeguard the navigations from officialdom of the 1950s, with threats of low bridges and the Grand Canal being filled in. It is highly unfortunate today that the IWAI still need to be active in protecting the same waterways. All of these waterways were designed for boating traffic initially bringing trading commerce. These have the potential to now bring new tourism opportunities and lifestyle benefit through the navigation ability of recreational boating, both long stay and overseas.

The IWAI recognises that there is a need for efficient and effective management of the waterways.

The IWAI supports Waterways Ireland in ensuring that the waterways are not abused. Reasonable charges form a necessary part of this. However charges must be value for money and attract boating.

Ongoing navigational use of the waterways is necessary to keep them open and to develop future growth of waterways activities. These should of course include all users, but most importantly the boating and wider communities that will be negatively affected if these proposed bye-laws are adopted.

The IWAI suggest working in partnership with Waterways Ireland, and all the other agencies interested and involved in the Canals and the Barrow. The same applies for other navigations.

The IWAI having examined the proposed Byelaws and having consulted with its members suggests the following.

1. Travelling Permits

- a. An Annual Touring Permit that would allow vessels to moor in designated locations up to 35 Days, designed to encourage traffic and tourism.
- b. The IWAI welcomes the 30 day visitor permit but queries why it is only being made available between April and October, not all year round as per the other permits availability.

2. Mooring Permits

- a. That an independent system including arbitration be available on the designation of long-term moorings spaces including location and cost factors.
- b. That House boat moorings permits be of sufficient duration given their designation as a home, and of reasonable cost.
- c. A Winter Mooring Permit in line with current Shannon Navigation Rates for mooring in the period 1 October to 31 March.
- d. The rationale for the imposition of a deposit, insurance and an indemnity needs to be in commercial marinas only insurance is a requirement.
- e. An independent disputes resolution process should be put in place in cases where a deposit (if payable) is withheld.

3. Fixed penalty notice

- a. Permits of €150 per day are punitive and anti user and tourism development.
- b. There is no appeals system save for an appearance in the District Court. Similar 'on the spot' regimes have an appeals mechanism.
- c. Suggestions of fines are not the method by which to encourage boat tourism.
- d. A process to deal with harbour hogging can be adequately introduced without financial and legal sanctions on compliant boaters within for instance a visiting permit of say 35 days instead of five days for duration of stay.

- e. Fines should only be legislated for habitual fenders.
- f. The authority to issue fines be at an appropriate senior level within Waterways Ireland and that appropriate training is given to officers with the authority to issue fines

4. Use of Dry Docks

A waiver for dry dock fees should be made for vessels over 50 years of age, given that the dry docks are the only available resource for these vessels on the canal system. The onus of proof in this regard to rest with the vessel master

5. Tolls

All locks and bridges necessary to cruise the Canals and Barrow should be included in the annual cruising Permit

- a. There should be no toll for the lifting of obstruction of Newcomen Bridge given the infrequency of use. IWAI commit to continue to assist Waterways Ireland in the organisation of the movement of vessels though this obstruction in an efficient fashion.
- b. When there is 35 days rule in rural areas; for the touring permit; this could translate into a shorter duration of say 21 days in the city harbours. Only thereafter should the Fee of €10 per day mooring in Grand Canal Docks (GCD), the fees should be waived at times of festivals and rallies, or for anyone doing the 'Green & Silver' to encourage traffic into this area and to provide a visual amenity during these events.
- c. Day mooring fees in GCD should be waived if mechanical faults\force majeure\industrial disputes prevent exit from GCD.

As final comment, IWAI can again confidently state that these proposed bye-laws **do not** put user requirements, tourism development and local communities at the centre of the regulations.

Appendix One: The Inland Waterways Association of Ireland

The Inland Waterways Association of Ireland was founded in 1954 to promote the navigation, development, use and maintenance of Ireland's navigable rivers and canals. When the Shannon was almost totally underdeveloped for pleasure boating, the IWAI promoted the benefits of the waterways against proposals for the building of low road bridges, thus ensuring the development of the river as a national asset. Later, the association successfully resisted the threatened closure of the Grand Canal in Dublin and has done much to instigate the improvement of the Barrow and to focus interest and activities on the restoration of the Royal Canal with our sister body; the Royal Canal Amenity Group. IWAI is itself a cross-border body, a rapidly growing organisation, a democratic organisation. It is currently representative of over 3500 members and has twenty two branches: five in Northern Ireland and fourteen in the Republic and two activity-based branches. Every member is affiliated to a local branch and each branch is represented on a national Council. Activities are insured, participants are indemnified and safety procedures are key.

Objectives of IWAI

The Inland Waterways Association of Ireland (IWAI) is a voluntary body representing over two thousand enthusiasts, with 22 branches across the island of Ireland.

The Inland Waterways Association of Ireland (IWAI) is an energetic, fun, voluntary organisation with members from all corners of the Island of Ireland, all sharing a keen and passionate enthusiasm for the waterways of Ireland.

The IWAI advocates the navigation, use, maintenance, protection, restoration and improvement of the inland waterways of Ireland.

It was formed in 1954 to promote the development, use and maintenance of Ireland's navigable rivers and canals.

When the Shannon was almost totally undeveloped for pleasure boating, the IWAI campaigned against the building of low bridges, thus ensuring the development of the river as a national asset. In the 1960s IWAI successfully fought plans to close the Circular Line of the Grand Canal in Dublin. Later the Association campaigned for the re-opening of what is now the Shannon - Erne Waterway (formerly the Ballinamore & Ballyconnell Canal) and the Naas Line of the Grand Canal.

IWAI played its part in the restoration campaign for the re-opening of the Royal Canal between Dublin and the Shannon in recent years. IWAI



The main objects for which the Association was formed are:

- To promote the navigation, use, maintenance and development of the inland waterways of Ireland, and in particular, to advocate and promote the restoration to good order, and maintenance in good order of every navigable waterways and the fullest use of every navigable waterway by both commercial and pleasure traffic provided such is not injurious to the environmental health of the waterways and the surrounding areas.
- To support any proposal which may be calculated to maintain or improve Irish waterways and also to improve navigation, lay moorings and carry out other works of improvement on and adjacent to the waterways.

assistance to the campaign to re-open the Ulster Canal has also borne fruit with the announcement that work is to begin on re-opening the section from the Erne to Clones. Currently, IWAI members are active in restoration projects on the Boyne, Newry and Lagan Canals.

IWAI Branches hold approximately 200 events each year across inland navigations with the wider communities in many locations.

These events include Boat Rallies, Harbour Festivals, Walks, Social Gatherings, Heritage Activities; Family activities and Youth focused events.

Membership and Structure

The IWAI has twenty two branches: five in Northern Ireland and fourteen in the Republic and two activity-based branches. Every member is affiliated to a local branch and each branch is represented on a national Council. IWAI is a voluntary association. Membership of IWAI is open to all those interested in the inland waterways upon payment of the membership fee.

Linkages

Voluntary bodies

The association works closely with the Kilbeggan Harbour Group, Ballycommon Canal renewal Group, the Royal Canal Amenity Group, the Ulster Waterways Group (a lobby group in Northern Ireland which focuses on the development of the Ulster Waterways as an economic asset) and Inland Waterways International (an international organisation for people and organisations interested in inland waterways). The association also enjoys good relations with a number of canal and boating organisations in the UK, US, Canada, Australia and a number of other countries.

Public Bodies

The association has enjoyed a good working relationship with the Heritage Council; with the Rivers Agency of Department of Agriculture Northern Ireland in the past and these good relationships continue with the new body established under the Belfast Agreement - Waterways Ireland. The IWAI have good working relationships with many local authorities; with local peer community groups and with funding groups such as Leader companies. IWAI branches submit productive suggestions to consultations on planning and development, and are available for further meetings and discussions for agencies to collate IWAI input into the wider framework of their agency perspective.

Publications The IWAI publishes its own newsletter **Inland Waterways News** four times per year. The newsletter is circulated free to members and is also circulated to other bodies interested in the waterways. The IWAI has an Internet website www.iwai.ie which is a resource for anyone interested in the inland waterways of this island. In conjunction with the website the association also operates an Internet discussion group. The IWAI is a regular contributor to RTE's ***Seascapes*** radio programme.



Commercial Organisations

The association has enjoyed generally good relations with the Irish Boat Rental Association. At a local level, members are regularly called upon to assist hire craft in difficulties and are also called upon to assist the civil authorities in search and rescue activities from time to time. All branches maintain links to groups such as Chambers of Commerce and local business groups, and have commenced links with the tourism development agencies.

Major Activities

Representation

The association engages in dialogue, both formal and informal, with a wide variety of bodies to represent the interests of its members. It is an active participant in a wide variety of forums and discussion groups organised by state and local authorities on topics related to the waterways.

Restoration

As well as lobbying state and local bodies on the restoration and development of waterways, IWAI members take a direct part in conservation and restoration activities on local projects around the country.

Land-Based Activities

The association organises regular meetings for its members and the general public. The topics can include waterways history, heritage awareness, water safety, boat maintenance etc. The association also organises a range of purely social events. The association also organises walks and visits to sites of interest to waterways enthusiasts around the country.

Water-Based Activities

The association organises regular outings for its members either as small Cruise-in-Company events or as larger Rallies. The larger events usually include a variety of competitions, often with a safety theme and including fun and family based activities.

Training

The association operates (in conjunction with ISA) a training scheme for boat operators especially adapted to inland waterways. The association also runs courses on boat maintenance, VHF Radio Usage, First Aid etc.

Appendix Two:

Publications of Interest re Canal & Waterways Development.

1. **Grand Canal, Royal Canal & Barrow navigation: management and development strategy**
Summary report, Brady Shipman Martin for the Office of Public Works, 1987.
Available from the Waterways Visitor Centre. Main report is out of print.
2. **Waterways Corridors Study:** The Heritage Council 2002
3. **National Canals and Waterways Strategy**
Brady Shipman Martin for the Office of Public Works in 1992.
4. **Grand Canal Corridor Study**
Brady Shipman Martin for the Department of Arts, Culture & the Gaeltacht, 1994.
5. **Royal Canal Corridor Study** RPS Cairns for the Department of Arts, Culture & the Gaeltacht, 1995.
6. **The Grand Canal of Ireland**, Delany, Ruth, Second edition, Office of Public Works and Lilliput Press, 1995. First edition published by David and Charles, 1973.
This classic book provides an incomparable picture of a great canal over two and a quarter centuries. The book is well researched and draws together material from many historic documents.
7. **Ireland's Royal Canal 1789 – 1992** Ruth Delany: Lilliput Press
Items 1, 2, 3, and 4 are available from: Waterways Visitor's Centre & The Government Publication Sales Office.

Appendix 3: Community Development Legislation

The Local Government Bill 2013

Mr. Jimmy Deenihan, T.D., Minister for Arts, Culture and the Gaeltacht, took questions in both the Seanad and the Dail during the mid weeks January 2014, on the Waterways Ireland proposals (to undermine and wreck navigation on the Canals and Barrow and the public consultation process therein). At the same time, Phil Hogan T.D., Minister for the Environment, Community and Local Government, was finalising the amended Local Government Bill 2013, which has now been passed by both houses of the Oireachtas (22nd January 2014). The Explanatory Memorandum³ for the Local Government Bill 2013 states:

‘The Local Government Bill 2013 gives legislative effect to proposals set out in *Putting People First — Action Programme for Effective Local Government* (published October 2012) which outlines an overall vision for local government as the primary vehicle for governance and public service at local level. The Action Programme sets out Government policy for a range of reforms to the local government system including structures, functions, funding, operational arrangements and governance designed to strengthen local government.’

In relation to this document and tourism resources; the provision in the Local Government Bill is the establishment at county level of Local Community Development Committees (Chapter 2 of the Bill). LCDC responsibilities include the making of a Local Community Development Plan, embracing among other perspectives:

³ <http://www.oireachtas.ie/documents/bills28/bills/2013/9813/b9813d-memo.pdf>.

- ‘community elements of the Plan’ means those parts of a local economic and community plan relating to the local and community development of the functional area of the Committee pursuant to section 66B;
- ‘economic elements of the Plan’ means those parts of a local economic and community plan relating to the promotion of economic development of the administrative area of the local authority pursuant to section 66B;
- ‘representatives of local community interests’, in relation to the functional area of a Committee, means persons who are representative of community interests that are concerned with promoting the development of aspects of those interests within that area and such representatives may include representatives of non-governmental organisations, development agencies, community-based groups, recognised associations for the purposes of section 128, youth organisations, cultural bodies, sporting bodies and social movements and networks.

It is contradictory in the extreme to consider permitting one publicly funded agency (Waterways Ireland) to undermine and threaten boat navigation along the Canals and the Barrow through the current proposed amendments for bye-laws; while the parallel Local Government Bill 2013 legislation to streamline economic and community interests; as well as ‘ground-up’ mechanisms, has now been passed by both houses of the Oireachtas.

The national agenda - of overviewing local needs, focusing local resources, and facilitating community driven solutions (in partnership with agencies) is undermined by these bye-laws in relation to the Canals and the Barrow as current and potential socio and economic arteries; of navigation, tourism, heritage, arts, business development, and cultural use and appreciation

The bye-laws must not be implemented outside of this framework to develop local communities.

Appendix 4: Planning Legislation

Planning legislation is in place at national; regional and local level. This legislation exists to manage physical, spatial and environmental planning in Ireland.

Regional Planning : ‘Regional Planning Guidelines’ (RPGs) have been part of Ireland’s planning policy framework since 2004 and, taking account of experience since then and the requirements of the Planning and Development (Amendment) Act 2010, new Regional Planning Guidelines for the 2010-2022 period have been adopted by each of the Regional Authorities. Implementation of the 2010 Regional Planning Guidelines are a vital part of the Government’s programme to enable Ireland’s planning system to play its important role in overall economic recovery by delivering a plan-led planning system and where plans at national, regional and local levels are effectively aligned, to the benefit of the economy as a whole, the environment and to the citizen⁴.

Waterways Ireland’s proposals for amendments to the Canal Bye-laws will contradict some tourism issues supported by Regional Planning Guidelines (RPGs); in the South Eastern Regional Authority, the Dublin Regional Authority, the Mid East Regional Authority & the Midlands Regional Authority.

Local county planning functions and operations: There is a need to re-consider the bye-laws consultation period for the national assets of the Canals and the Barrow; at both Corporate Plan level and legislation level. Instead of just 21 days, these should at the very least be in line County Development Plan timelines (reference the Planning and Development Acts; and Planning Regulations); that require drafting of development plans up to 2 years prior to adoption of such plans.

⁴ [http://www.viron.ie/en/Publications/Developmentandhousing/Planning/FileDownload,1605,en.pdf](http://www.environ.ie/en/Publications/Developmentandhousing/Planning/FileDownload,1605,en.pdf).

Stage	Week	Activity
Stage 1	1-8	Initial public consultation and display of Issues Paper
Stage 2	8-16	Manager's Report on submissions to Elected Members on Issues Paper
Stage 3	16-26	Consideration of Manager's Report by Elected Members on Issues Paper
Stage 4	26-38	Preparation of Draft Plan and Environmental Reports
Stage 5	38-46	Consideration of Draft Plan by Elected Member's and make Draft Plan and Environmental Reports
Stage 6	46-48	Advertising of Draft Plan and Environmental Reports
Stage 7	48-58	Public Consultation on Draft Plan and Environmental Reports
Stage 8	58-70	Manager's Report on submissions on Draft Plan
Stage 9	70-82	Consideration of Draft Plan and Manager's Report by Elected Members Making of Development Plan unless material amendments are proposed
Stage 10	82-85	Publish Notice if Material Amendment(s) on Draft Plan
Stage 11	85-89	Public Consultation on Material Amendment(s) only
Stage 12	89-93	Manager's Report on submissions on Material Amendment(s)
Stage 13	93-99	Consideration of Manager's Report by Elected Members and making of Development Plan

(In the Activities column of the above table, references to the County Manager/ Elected Members, could not apply to Waterways Ireland, due to lack of public accountability of WI – see Appendix 6).

Local Authority County Development Plans: In many of these CDPs; tourism resources of waterways, and their development, are significantly contradicted by the proposed amendments to the bye-laws. The Waterways Ireland proposals within the bye-laws will curtail navigation and subsequent waterways tourism opportunities; with the loss of a wide range of socio and economic current and potential benefits to all the locations along the system. Individual County Development plans adversely affected are those of Carlow, Kilkenny, Laois, Kildare, South Dublin, Dublin City, Fingal, Meath, Westmeath, Longford and Offaly.

Appendix 5: National documentation on economic development.

The IWAI has researched opportunities identified by various government agencies in the recent past, with an IWAI specific interest in the waterways tourism opportunities.

IWAI suggest there is significant scope for integration of ideas – ‘joined up thinking’ – for developing and marketing the navigation of inland waterways in Ireland as a huge tourism asset, with the overall perspectives developed by various agencies, for economic recovery.

Department of Jobs, Enterprise and Innovation (2012) *Action Plan for Jobs*

<http://www.djei.ie/enterprise/apj.htm>

Department of Environment, Community and Local Government (2012) Local Enterprise Offices

<http://www.environ.ie/en/LocalGovernment/LocalGovernmentAdministration/News/MainBody.2942>

Department of Environment, Community and Local Government (2012a) *Putting People First-Action Programme for Effective Local Government*

<http://www.environ.ie/en/PublicationsDocuments/FileDownload.31309,en.pdf>

Forfas (2013) *Social Enterprise in Ireland Sectoral Opportunities and Policy Issues*, Dublin

<http://www.forfas.ie>

Pobal : OECD Local Economic and Employment Development Programme (2013)

<https://www.pobal.ie/News/Pages/OECD-LEED-Local-Job-Creation.aspx>

LEADER funding – Ireland will apply in 2014 for the next round of funding, from 2015 onwards.

Appendix 6: Waterways Ireland Public Accountability.

There is no open and transparent public accountability of Waterways Ireland, such as a Board. In the Republic of Ireland, vacancies for board members of public agencies are handled by the Public Appointments Commission. In other structures, for instance the democratic mandate of local and national government, their ability to nominate public representatives to various public bodies, is an important role.

Both governing departments (currently the Department of Arts, Heritage and the Gaeltacht in the Republic of Ireland; and the Department of Culture, Arts and Leisure in the North of Ireland) have overviewed the management and governance of the Waterways Ireland entity as a cross border body since its inception.

However, despite calls for a Board to be established; including the consultants review of the St. Andrews Agreement in 2008; and requests several times by the Inland Waterways Association of Ireland (IWAI); public accountability including representation by user groups has not been forthcoming.

These current bye-law proposals are a prominent example of why authority to develop and implement them should NOT be within the powers of one person, in this instance the Chief Executive Officer of Waterways Ireland.

This gap in public accountability, which should include representation by user groups including the IWAI, is a major problem. Indeed it is a significant threat to effective management of the inland waterways of Ireland. IWAI once again calls for broader public accountability of Waterways Ireland.

-ends-