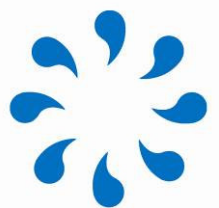


# WORK PROGRAMME



## 2008 – 2011

- ◆ Representing inland navigation authorities to government, regulators, other policy makers and stakeholders
- ◆ Developing and sharing information and guidance for the operation, management and development of inland waterways for navigation and wider uses



Association of  
Inland  
Navigation  
Authorities

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# Introduction

The three-year cycle for planning AINA work was established in 2005/06 with the publication of *New channels, new challenges*<sup>1</sup> which served as an action plan for delivery up to March 2008. That action plan was completed and some significant successes were achieved. This document outlines AINA's work programme for the period 2008 to 2011 which intends to build upon those past successes.

The new work programme also reflects the strategic direction for AINA's future sustainability set out in *Planning for Growth*<sup>2</sup>, which highlighted the achievements and value of AINA over recent years and outlined parameters within which the detail of our forward work programme can be specified.

The work programme is focused on addressing five key priority issues that navigation authorities face. They are:

- ◆ **Facilitating processes by which navigation authorities can gain access to higher levels of funding to maintain and develop their waterways for a range of uses for the benefit of all in their communities.**
- ◆ **The need to modernise the legal powers of navigation authorities**
- ◆ **Working with government and stakeholders to assist the development and implementation of legislation and regulations in a cost-effective and proportionate way to minimise unnecessary or inappropriate cost burdens for navigation authorities**
- ◆ **The safety of all users, waterway professionals and volunteers, and the associated legal liabilities of navigation authorities**
- ◆ **Improving the collection, collation and communication of good quality industry-wide data and statistics**

Outputs will be delivered in relation to each of these issues as a contribution to achieving outcomes with tangible benefits for both navigation authorities and government. By taking such an approach AINA can achieve the flexibility it needs to not only deliver practical and useful outputs, but also be quick and effective in its response to important matters which are not directly referenced in the work programme as they arise.

The five priority issues that have been identified are of major strategic importance and are likely to transcend the life of this three-year work programme. However, AINA intends to deliver significant benefits in relation to all of them.

Each priority issue is presented in context and is broken down into a number of important sub-issues to enable their consideration in a more manageable and structured way.

Targeted outcomes have been identified which are considered by AINA to be achievable and realistic, but will require concerted effort by AINA itself and by AINA working in partnership with a wide range of other stakeholders.



## Partnerships

In recent years, AINA has become widely recognised for its work by many user groups and stakeholders associated with the waterways. AINA will continue to work with such organisations, as appropriate, on matters of mutual concern or interest.

One particularly significant partner with whom AINA will need to work closely and positively is the Inland Waterways Advisory Council (IWAC). It is important that the distinction in roles between IWAC and AINA is understood. IWAC exists to impart advice of a strategic nature on the value, use and development of the waterways and to use this to influence government policy and action. AINA's unique position allows it to gauge the views of its members and to build consensus to provide independent and objective comment and guidance on practical and operational issues which face navigation authorities. AINA has developed close links with IWAC in order to input practical and operational knowledge which IWAC can use to augment its arguments on strategic policy issues.

In April each year AINA will issue an agreed list of projects to be delivered in relation to the work programme. The list of projects to begin in 2008/09 is given in Annex A.

1 New channels, new challenges, Action Plan 2005/6-2007/8, AINA, November 2005  
2 Planning for Growth: building on the past to create a sustainable future, AINA, June 2007

## **Facilitating processes by which navigation authorities can gain access to higher levels of resources to maintain and develop their waterways for a range of uses for the benefit of all in their communities.**

### **Context**

The waterways are a priceless asset for the nation in terms of their natural environment and heritage value. They offer extensive opportunities as a catalyst for urban and rural regeneration, and they offer huge potential for wide-ranging economic, social and environmental benefits. The nature of the waterway network differs greatly from place to place. Much of the network, because of its age, requires a high level of continuing investment in order to secure its safety, integrity and viability; and all of it demands day-to-day input of revenue and manpower.

All navigation authorities are experiencing difficulties in securing sources of income for their duties. Even those who receive grant-in-aid funding from government have been severely affected in recent years due to pressures on that funding as government has emphasised the total resources available to the waterways including revenue generated through commercial activity. Funding from external bodies such as local authorities has become more difficult to attract, especially that which supports revenue expenditure. The capital funds from the Lottery-based organisations have become harder to secure as it is often used to fund more 'mainstream' projects, competition for which has become much more fierce.

Funding to maintain appropriate levels of service and infrastructure investment need to be evaluated. British Waterways and the Environment Agency rely on government funding to make up the shortfall between income and expenditure needs.

There are some 20 or so other operational navigation authorities in Britain with statutory duties whose ownership and operation is a mixture of public, private and voluntary/charitable sectors. Some receive public sector resources from a variety of sources such as local authority budgets, Regional Development Agencies, the National Lottery and in some cases grants for flood protection. The smallest navigation authorities in the charitable sector have more erratic sources of income and in some cases this lack of financial security not only stifles their attempts to discharge their statutory duties to maintain their waterways for navigation, but even threatens their survival as independent organisations. Secure and stable funding for these smaller navigation authorities is therefore a crucial issue just as it is for British Waterways and the Environment Agency.

### **Sub-issues**

- ◆ Understanding (across all government departments) of the economic, social and environmental benefits created by the waterways both in terms of existing benefits and the potential for greater and more varied benefits for communities
- ◆ The need to establish the waterways network's investment requirements in order to quantify and qualify the industry's arguments for increased funding opportunities
- ◆ The need to make available to all navigation authorities the skills and resources required to achieve successful grant applications
- ◆ The need to influence future rounds of government and European grants to ensure they incorporate opportunities for the waterways
- ◆ The creation of new grant-aiding schemes relevant to the waterways, including appropriate tax incentives and subsidies for navigation authorities' operations; while also facilitating more effective use of existing schemes and opportunities
- ◆ The need to secure the practical support of the Regional Development Agencies and riparian local authorities through targeted and coordinated efforts

### **Targeted outcomes**

- A clear understanding of the long-term asset management strategy needed to maintain the existing waterway network and the proper costs involved in achieving this
- Based on credible results of properly resourced and soundly-based research, a clear business case to provide a basis upon which to make strategic decisions on the future resourcing of the waterways. This would show clearly and unambiguously the economic, social and environmental benefits of the waterways, the loss of benefit should existing income streams reduce and the potential for increased benefits that would accrue through more sources of income.
- Recognition for AINA as an important partner of the new government interdepartmental committee for the waterways
- A clear strategy for communicating the above outcomes to all government departments
- Greater facilitation of funding opportunities for waterways projects by government departments in addition to Defra to reflect the contribution that the waterways make to their agendas

### The need to modernise the legal powers of navigation authorities

#### Context

Navigation authorities are operating in a rapidly changing world but the archaic nature of the legislative framework is not proving to be readily adaptable. This situation disadvantages not just navigation authorities but also those individuals and groups that rely on the waterways for business, leisure or recreation. It also impacts on other partners and stakeholders who work with navigation authorities in developing and promoting inland waterways to reach their potential as catalysts for urban and rural regeneration, and as environments to enhance the quality of life for all.

It is in the public interest for navigation authorities to be granted new powers and have anachronistic ones replaced. It is important to tidy up the mish-mash of archaic pieces of legislation dating back over the last two centuries and more. All navigation authorities, large and small, are affected in some way. They need to be able to respond to changes in legislative and regulatory requirements to not only demonstrate, but deliver a 'duty of care'. Three fundamental pressures highlight the need for change. They are the need to improve public safety, the need for navigation authorities to raise revenue for essential maintenance and development of their waterways by the levy of reasonable fees and charges, and the need for greater consistency of operation across the inland waterways of Great Britain.

Government is under an obligation to assist as in the Secretary of State's response to the Select Committee report on inland waterways<sup>3</sup> in 2001 said, "...it is acknowledged that the legislation governing the waterways is out of date in certain respects and the Government would review this with a view to revising it when Parliamentary time allows". This need was reiterated in the Select Committee report on British Waterways<sup>4</sup> in 2007.

This issue is inextricably linked with priority issue 1. AINA asserts that there is no other industry or sector in Great Britain where statutory undertakers discharge their duties without any public subsidy or any legal powers to raise revenue through reasonable fees and charges.

#### Sub-issues

- ◆ The complexity, archaic and wholly inconsistent nature of the legal framework within which waterways are managed, and the need for greater consistency across the waterways nationally
- ◆ The lessons learnt from the experiences over recent years of the Environment Agency's and the Broads Authority's attempts to modernise their legislative powers
- ◆ The much-anticipated review by British Waterways of its legal status and its exploration of alternatives for the future
- ◆ The inability of some navigation authorities to adopt the Boat Safety Scheme and to initiate basic safety control measures due to the limitations of their legal powers
- ◆ The considerable (and often prohibitive) cost of achieving legislative change and the "Catch-22" situation faced by navigation authorities who need legislative changes to raise funds, but need funds to achieve such legislative change



<sup>3</sup> Government Response to the House of Commons Environment, Transport and Regional Affairs Committee, Fourth Report, Session 2000/01, Inland Waterways  
<sup>4</sup> House of Commons Environment, Food and Rural Affairs Committee, Seventh Report, Session 2006/07, British Waterways

#### Targeted outcomes

- All stakeholders working in partnership to secure a comprehensive review of waterway legislation
- As an interim measure, to secure a cost-effective method for obtaining the necessary changes navigation authorities require to enable them to continue in business and operate their navigations safely and efficiently. This could be achieved through use of Legislative Reform Orders or other similar instruments

### **Working with government and stakeholders to assist the development and implementation of legislation and regulations in a cost-effective and proportionate way to minimise unnecessary or inappropriate cost burdens for navigation authorities**

#### **Context**

There are increasing, but understandable, demands made on navigation authorities through regulation. Within the government's regulatory regime, inland waterways are often not understood and navigation authorities are often unwittingly the victims of regulations meant to deal with non-waterway issues. For example, over recent years a great deal of navigation authorities' resources have been spent identifying and understanding the implications for the industry of regulation concerning waste management and the Water Framework Directive.

Although well intentioned, new regulation can have very serious detrimental effects on the waterways if the intricate balance of users, heritage and environment are not properly understood. There are direct links in this regard with the lack of funding opportunities and charging powers expressed in relation of priority issues 1 and 2 respectively. AINA seeks to work with government and its regulators to understand the implications of new regulations and to voice legitimate concerns – in particular that government departments need to understand the disparity between a growing regulatory requirement and the lack of funds to implement it.

There is an urgent need for greater understanding and awareness by navigation authorities and government of the scope and impact of existing legislation and regulations, and the potential of those in development or in prospect.

This will enable AINA to assess the impacts of such legislation/regulation on (a) navigation authorities (individually and collectively) in the management of their waterways, and (b) businesses reliant on the waterways such as operators of hire boats and marinas; while also maximising the potential value of the legislation or regulations in question.

Furnished with sound evidence that is both qualified and quantified, AINA will then be in a useful position to build and present properly considered arguments aimed at safeguarding the industry's position such that any associated additional operational or management costs, if appropriate and justified, are also proportionate.

It is vital that AINA develops a strategic framework for advising navigation authorities (and opinion formers, government and regulators) of the potential implications of existing and emerging legislation/regulations.

#### **Sub-issues**

- ◆ The need for government and regulators to understand the scale and potential implications of the regulatory burden faced by navigation authorities
- ◆ The need for navigation authorities to become fully engaged in the development of the process for regulating the Water Framework Directive and to ensure their compliance with its requirements
- ◆ The continued need to find more cost-effective and sustainable solutions for waste management, including dealing with dredged material
- ◆ The government's agenda for sustainability and the need for navigation authorities to play their part
- ◆ The need to work with regulators to achieve adequate and consistent standards for the safe operation of vessels, be they for leisure use (either privately owned or let for hire), or used for the commercial carriage of freight or passengers
- ◆ The implications of the Water Act 2003, in particular the proposed introduction of licensing for all water abstractions and the need to protect vital water resources that are essential to navigation authorities to maintain their operations

#### **Targeted outcomes**

- AINA to be recognised and valued by government as an effective facilitator to enhance understanding between regulators and navigation authorities and ensure proportionality in the development and implementation of regulations
- Recognition by government and regulators of the potential value and benefits of industry self-regulation as a cost-effective means of implementing appropriate regulation
- More effective links with Europe in order to share good practice with operators of European waterways and to gain early sight and awareness of emerging legislative developments on a European level

## **The safety of all users, waterway professionals and volunteers, and the associated legal liabilities of navigation authorities**

### **Context**

Maintaining waterways infrastructure, much of which is more than 200 years old, to meet modern safety and operational standards presents considerable challenges for navigation authorities. In addition, the safety of users, waterway professionals and volunteers either on or adjacent to the waterway, must be of primary concern to all navigation authorities irrespective of the age, nature and type of their waterways. The varied nature of the waterways infrastructure and the day-to-day activities associated with their recreational and commercial use create hazards and navigation authorities must work hard to minimise the risk of accidents.

These challenges are very real and need to be addressed, but it is important to approach them positively and to regard them as providing opportunities to promote and sustain inland waterways as a shared, sustainable resource for a variety of leisure and recreational activities, in particular for use as navigations.

AINA recognises the need for navigation authorities to be able to present a consistent approach to safety issues. Regulation combined with education underpins AINA's approach to safety. Building on the delivery of a number of valuable outputs and contributions towards some highly significant and successful outcomes by working in partnership with a number of stakeholders, The AINA Safety Issues Group (SIG) continues to coordinate and lead this activity. The SIG also serves as the Inland Waters Advisory Group within the National Water Safety Forum, through which a wider network of important stakeholders, including all relevant government departments, is accessed in addressing important safety issues affecting the waterways.



### **Sub-issues**

- ◆ The continued need to understand and manage inland waterway safety risks in the context of waterway users, professionals and volunteers
- ◆ The safety of all types of vessels on the waterways and their operation
- ◆ The inability of some navigation authorities to implement the Boat Safety Scheme due to inadequate enabling powers
- ◆ The need for better quality accident and incident data to inform decision making
- ◆ The need to maintain effective mechanisms for communication of important safety messages
- ◆ The management of volunteers who work on the waterways and the need to provide the correct level of training and guidance to ensure their safety

### **Targeted outcomes**

- A robust and defensible position for all navigation authorities in response to challenges in relation to their responsibilities and legal liabilities towards the health and safety of their staff, volunteers, users and visitors
- Minimise the number of safety incidents and accidents on the waterways
- Clarity on the respective roles of the Maritime and Coastguard Agency and navigation authorities in relation to safety issues. In particular, agreement on who should be responsible for developing, implementing and enforcing safety regulations on the waterways and how this should be resourced

### Improving the collection, collation and communication of good quality industry-wide data and statistics

#### Context

The importance and value of providing information and guidance is raised elsewhere in this document and will be associated with delivery of actions in pursuit of the targeted outcomes in relation to each of the other four priority issues. AINA needs to hold a credible and reliable evidence base to underpin its arguments in relation to all aspects of its work. The experience of navigation authorities has shown that the presentation of hard evidence pertinent to issues under discussion has generally precipitated a more favourable response from those who navigation authorities try to influence.

Another set of information relates to the provision of data, statistics and analysis about navigation authorities, their waterways and the wider sector on which there is significant scope for improvement. Such information helps navigation authorities to benchmark their activities and understand better the performance of the industry generally.



AINA wants to ensure that it provides the statistical information that members want. Examples may include waterway characteristics, the jurisdictions of individual navigation authorities, their enabling powers and implications, regulations, and data concerning the numbers of boats on the waterways.

There may also be requests not only for actual hard statistics but opinions about future trends. AINA should seek to respond to such requests by providing authoritative comment and expert analysis through targeted individuals within the membership and through credible external sources.

#### Sub-issues

- ◆ The widely disparate nature of navigation authorities in terms of their status, size, resource levels and waterway characteristics making the collection and representation of aggregate statistics difficult.
- ◆ The lack of definitive nation-wide statistics on the numbers of boats on the inland waterways and their use, broken down by navigation authority.
- ◆ The need for evidence of the value both to the waterways and to society of volunteering. This requires the research and collation of reliable data on the numbers and type of volunteers engaged on the waterways, their origins, the wider value of their work in contributing to the agendas of government departments, etc.

#### Targeted outcomes

- An enhanced perception of AINA as a valuable source of good quality, accurate and reliable information, data and statistics pertaining to navigation authorities that can be accessed in a quick and timely fashion
- A greater understanding by navigation authorities and stakeholders of what data are available and how they should be collected

**AINA is the industry body in Great Britain for those authorities with statutory or other formal (legal) responsibility for the management and operation of inland waterways for navigation and wider uses.**

**AINA members are drawn from the public, private and voluntary/charitable sectors. They include the two large navigation authorities supported by grant-in-aid from government (British Waterways and the Environment Agency), in addition to the Broads Authority, other national park authorities, local government authorities, private canal companies, internal drainage boards and a variety of public and charitable trusts.**

**Between them, AINA members have formal (legal) responsibility for some 5,000 km of navigable inland waterways, representing almost a complete coverage in Great Britain.**

## **Purpose**

AINA was set up in 1996 with strong encouragement from government to provide, for the first time ever, a single voice on waterway management issues. As referenced in *Waterways for Tomorrow*<sup>5</sup>, the government's most recent policy document for the inland waterways, the broad purpose of AINA is to facilitate the management, maintenance and development of inland waterways as an economic, recreational, social and environmental resource.

AINA defines inland waterways as including all navigable canals, navigable rivers and navigable lakes, and all associated land and assets such as towpaths and amenity areas – in other words any land which has an impact on, or relationship with, the waterway. Some such areas may be in public ownership, have private access or be privately owned, but all have the potential to be part of the navigation impact zone.

## **Objectives**

AINA has two principal objectives:

- ◆ to represent and promote the collective views of navigation authorities and to speak with one voice to government, regulators, other policy makers, opinion formers, funders and stakeholders; and
- ◆ to develop, share and promulgate information and guidance for the management, operation and development of inland waterways for navigation and wider uses

## **Mission**

AINA's mission is to provide high quality products and services to Members and to be a valuable and constructive partner of government and its agencies in developing initiatives that will contribute to establishing a favourable operating environment for navigation authorities.

## **Vision**

AINA aspires to:

- ◆ add value to the inland waterways sector
- ◆ influence government, its agencies and the inland waterways sector
- ◆ advocate the full potential of inland waterways

<sup>5</sup> Waterways for Tomorrow, Dept for the Environment, Transport and the Regions, June 2000

## **Expectations of AINA by members, government and other stakeholders are increasing. The services that AINA offers in relation to its two principal objectives will reflect these increasing expectations.**

### **Representation**

Representation is a principal function of AINA. Navigation authorities, particularly the smaller 'independents' expect AINA to have a voice that can be heard in the highest echelons of government – a status which few, if any of them, could hope to achieve individually. AINA will continue to target Ministers and their government departments with its views.

Regulators, stakeholders, potential funders and other opinion formers will also be addressed, and AINA will seek to work in partnership with other bodies wherever appropriate to achieve the required outputs and outcomes identified in this document. In addition, AINA will work with partners on the near-continent to seek to achieve greater recognition of recreational waterways on a European level.

AINA will be more strategic in its representations and must not simply regard representation as a matter of handling issues as they arise on an ad-hoc basis. AINA needs sufficient time and flexibility of resources in its budget to position itself more effectively to achieve this by:

- ◆ **Having good intelligence.** AINA needs to know at the earliest possible stage what issues are getting near the agenda of policy makers and which organisations and individuals are becoming important in the policy-making process.
- ◆ **Good networking.** This is essential in the process of gathering intelligence.
- ◆ **Keeping up to date.** A wide range of sources of information, through websites etc need to be systematically monitored.

### **Information and guidance**

The provision of information to navigation authorities, government departments and the sector as a whole is a principal function of AINA. AINA should be seen as a first port of call for high quality and accurate information about navigation authorities and their skilled at information management and make more effective use of its website for providing information to both navigation authorities and the sector as a whole.

The sector needs information in order to operate effectively. There is a base level of information which all participants in the sector need and which AINA should aim to provide centrally.

Such information would include for example, topical or emerging legislation and regulation which is relevant to navigation authorities, waterway characteristics, the jurisdictions of individual navigation authorities and the nature of their waterways, and data concerning the numbers of boats on the waterways.

In addition, AINA will continue to develop, share and promulgate good practice on a wide range of operational issues concerned with waterway management. It is also important for AINA to have the knowledge to suggest other sources of information that may be relevant to Members that AINA cannot itself provide.

AINA will seek to provide high-quality information and guidance that is accurate and reliable and representative of the industry nationally. Such provision must be made accessible to navigation authorities in a timely fashion. Such provision clearly relates to each of the priority issues 1 to 4 outlined in this work programme. However, it is also regarded as a priority issue in its own right and is considered further as priority issue 5.

In delivering these services and for the duration of this work programme, AINA will focus on a small number of high priority issues in pursuit of outcomes that will contribute not only to establishing a more favourable operating environment for navigation authorities, but also to furthering the government's agenda in relation to waterways. Progress in addressing these issues will be made each year through outputs deriving from a combination of the following undertakings:

- ◆ Focused and timely representations to government officials and Ministers
- ◆ High quality and timely position statements and objective comment as the basis for representational work
- ◆ Consistent frequency of high quality and user-friendly good practice guidance on operational issues for navigation authorities and briefing notes on important items of information
- ◆ Convening industry-wide conferences, seminars and workshops
- ◆ High quality responses on appropriate consultations issued by government and other bodies
- ◆ Facilitated networking opportunities between navigation authorities and between navigation authorities and their partners
- ◆ Appropriate consideration and scoping of potential for industry self-regulation
- ◆ Accurate and reliable responses to specific requests from navigation authorities and from government officials for assistance and information
- ◆ Procurement of research and/or surveys in support of the issues raised in the work programme

## **AINA projects to begin in 2008/09**

All AINA's work will be relevant to the five priority issues outlined in the work programme and in pursuit of the targeted outcomes that have been identified. In addition, in April each year AINA will issue an agreed list of actions to be delivered in relation to the work programme. The list of actions to begin in 2008/09 is given below.

### **Priority Issue 1**

Update AINA's on-line guidance for navigation authorities on funding opportunities and access them.

### **Priority Issue 2**

Prepare a report for government on the existing legal powers of navigation authorities, highlighting limitations and conflicts with other statutes which inhibit and, in some cases, seriously jeopardise their continued existence as independent bodies.

Collate, as a reference resource, a compendium of existing byelaws for waterway management as currently enforced by navigation authorities.

### **Priority Issue 3**

Provide supplementary guidance for members, as required, on how to engage with regulators in using agreed methods to classify their waterways in terms of ecological status or potential under the Water Framework Directive.

Research and investigate the feasibility of AINA, working in partnership with government and other bodies, to develop a version of Regulatory Impact Assessment that all proposed new regulations should undertake. In particular, the development of a waterway-based assessment of the cost burdens and/or income opportunities of any regulatory proposals for use in response to government consultations.

Initiate and investigate, with partners on the near-continent, the feasibility of a 'European Forum for Navigation Authorities', and possibly to attempt to establish one.

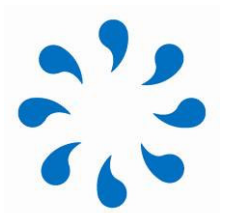
### **Priority Issue 4**

Through the AINA Safety Issues Group work with MCA and BMF partners towards the successful implementation of the Hire Boat Code.

### **Priority Issue 5**

Provide definitive statistics on the numbers of boats on the inland waterways, their use (private leisure, commercial hire for leisure use, commercial freight/passenger carrying, etc.), broken down by navigation authority and linked to moorings and capabilities by navigation authorities for licensing them. Build on this to ascertain carrying capacity on the inland waterways.





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