MINUTES of the meeting of the **BASINGSTOKE CANAL JOINT MANAGEMENT COMMITTEE** held at Mytchett Canal Centre, Mytchett Place Road, Mytchett, Surrey, GU16 6DD on 30 November 2017
These minutes are subject to confirmation by the Committee at its meeting 26 June 2018.

Hampshire County Council
* Councillor John Bennison
* Councillor Andrew Gibson
* Councillor Anna McNair Scott
* Councillor Charles Choudhary

Hart District Council
Councillor Simon Ambler
Councillor Jenny Radley
Rushmoor Borough Council
* Councillor Les Taylor
* Councillor JH Marsh
Fleet Town Council
* Councillor Jeff Smith

Special Interest Groups
Basingstoke Canal Society
* Martin Leech
* Philip Riley
Parish Councils
* Alastair Clark
National Trust, River Wey and Godalming Navigations
* John Gibson

Surrey County Council
* Councillor Mike Goodman
* Councillor Ben Carasco
* Councillor Paul Deach
* Councillor Colin Kemp

Guildford Borough Council
Councillor Nigel Kearse
Runnymede Borough Council
Councillor Barry Pitt
Surrey Heath Borough Council
* Councillor David Lewis
Woking Borough Council
* Councillor Kevin Davis
Councillor Ann-Marie Barker
Natural England
Adam Wallace
Inland Waterways Association
* Gareth Jones
Basingstoke Canal Canoe Club
* Brian Gandy
Galleon Marine
* Arthur McCaffery

15/17 ELECTION OF THE CHAIRMAN [Item 1]

The Chairman of the Joint Management Committee (JMC) noted that, as stipulated in the Memorandum of Agreement of the JMC (2014), the Chairmanship of the Committee would rotate once every two years. It was noted that the current Chairman was elected in October 2015 and that a new Chairman would be elected in accordance with the Memorandum of Agreement (2014).

The outgoing Chairman, Mike Goodman, proposed Andrew Gibson, to be elected Chairman of the JMC. This was seconded by Charles Choudhary. It was agreed unanimously that Andrew Gibson be elected Chairman of the Committee.

Andrew Gibson proposed Mike Goodman to be elected Vice Chairman of the JMC. This was seconded by Charles Choudhary. It was agreed unanimously that Mike Goodman be elected Vice-Chairman of the Committee.

16/17 APOLOGIES FOR ABSENCE [Item 2]

Apologies were received from Ann-Marie Barker, Verna Smith and Liz Murnaghan.

Gareth Jones substituted for Verna Smith and Brian Gandy substituted for Liz Murnaghan.

17/17 MINUTES OF PREVIOUS MEETING: 26 JULY 2017 [Item 3]

The minutes were agreed as an accurate record of the meeting.

Members agreed that the issue of the priority of Swan "Cutting" raised at the previous meeting as part of item 8, Capital Works Progress Report, was a concern, but that it was discussed, but not agreed at the previous meeting.

It was therefore **RESOLVED** by the Committee to recommend to the BCA that the priority of work regarding Swan "Cutting" be increased by the Basingstoke Canal Authority (BCA).

18/17 DECLARATIONS OF INTEREST [Item 4]

There were no declarations of interest made.

19/17 QUESTIONS AND PETITIONS [Item 5]

There were two questions received from Dick King, Chairman of John Pinkerton Canal Cruises:

1. How do Officers justify the current Commercial Navigation Licence policy, and the inclusion of Clause 8.3?

2. On which date did the members of the Basingstoke Canal Joint Management Committee approve the current policy for the Commercial Navigation Licence?

The response is attached as **Annex 1**.

The questioner noted the response and expressed that they were happy with the response provided.

20/17 FUTURE OF THE CANAL UPDATE [Item 6]

Declarations of interest:

None

Officers:

James Taylor, Strategic Manager Basingstoke Canal Authority
Lisa Creaye-Griffin, Countryside Group Manager, SCC
Jo Heath, Head of Countryside, HCC
Peter Walker, Canal and Rivers Trust

Key points raised during the discussion:

1. The representative of the Canal and Rivers Trust (CRT) highlighted their role, background and the organisational structure of the Trust in a presentation delivered to the Committee. This presentation is attached as **Annex B**.

2. The ten year strategy for the Canal and Rivers Trust was outlined, noting that the CRT was using its resources to expand in properties, joint ventures and non-property endowments. Members asked for further details regarding how the CRT is financed and managed investments. The representative for CRT offered to share the annual report of the CRT with the Committee.

3. Members questioned the strategy and the assumption of sustained levels of government funding. It was queried whether the funding levels could change as a result of the exit of the United Kingdom from the European Union, and noted that the CRT should prepare for financial pressures. The representative of the Canal and Rivers Trust explained that the funding from the Department of Food and Rural Affairs should remain consistent.

4. Members queried how the CRT is insured in case of canal failure. The representative of CRT noted that it was self-insured, and that any issues would be handled by the CRT's insurance. However, it was stressed that the CRT would prioritise maintenance to minimise any risk of canal failure.

5. Members noted the positive work of the CRT and stressed that more work could be undertaken with volunteers by the Basingstoke Canal Authority (BCA) on a similar model to the CRT, particularly noting participation and involvement with partners.

6. The representative for CRT noted that the expected timescale for the transfer of BCA assets to the CRT was 2022, noting that the CRT was working with the BCA and partners to achieve a sustainable transfer of assets.

7. Members questioned what the management structure would be upon transfer of assets to the CRT. The representative of CRT noted that this had not yet been scoped out, but that this would be developed during the five year period of transfer and that it would work with current stakeholders to construct this framework.

Actions/Recommendations:

1. That the Annual Report of the Canal and Rivers Trust is circulated to the Committee.

21/17 OUTTURN FORECAST 2017/18 AND FORWARD BUDGET 2018/19 [Item 7]

Declarations of interest:

None

Officers:

Jane Lovett, Finance Officer, Hampshire County Council

Key points raised during the discussion:

1. The Finance Officer noted that the service had produced a balanced budget, with the assumption that all partner authorities would continue to provide their current contribution.

2. It was highlighted that the Hampshire County Council capital contribution would cover the next three years, and that Surrey County Council had a capital surplus of £335,430 in at the end of the financial year 2016/17.

3. It was noted that the unallocated reserve was projected to stand at £508,567 at the end of 2017/18 and £510,567 at the end of 2018/19 according to budget forecasts. However, it was noted that the report did not assume that the Campsite redevelopment project would be approved and did not include the required Capital investment in the finance report.

4. Members queried the Farnborough Road mooring and whether this would be likely to provide additional income to the BCA. It was noted that moorings at Farnborough Road had not being implemented due to external approval issues and had negatively affected rental income. It was noted that the service had worked with external partners to resolve these issues and that work would begin shortly.

5. Members questioned the full contributions from partner authorities. The Members from Surrey Heath explained that the Chairman of the Basingstoke Canal Society had been invited to attend a meeting with the Leader of Surrey Heath Borough Council to discuss contributions to the Basingstoke Canal Authority by Surrey Heath.

6. Officers noted that the contributions made by the County Councils for the financial year 2018/19 would not change from the budgeted contribution highlighted in the report. It was explained, however, that all authorities were looking at saving proposals resulting from the severe financial stress placed on local authorities, but that any

decision would be balanced with risk to the canal.

Actions/ further information to be provided:

1. The Committee agreed the outturn forecast for the current year 2017/18

2. The Committee agreed the budget for 2018/19

3. The Committee agreed the proposals regarding the scheme of charges for 2018/19

22/17 CANAL CENTRE CAMPSITE - DECISION REPORT [Item 8]

Declarations of interest:

None

Officers:

James Taylor, Strategic Manager, Basingstoke Canal Authority

Key points raised during the discussion:

1. Officers noted that the decision report was a strategic document to outline the funding requirements for investment in the Mytchett Canal Centre campsite, with the aim of improving service and revenue for the Basingstoke Canal Authority (BCA).

2. The proposal to expand the amount of ground used by the campsite area was outlined, stressing that the plans allowed for better utilisation of the site by improving facilities. It was noted that this would allow for more visitors to use the facilities at once. It was also noted that the improved facilities would also justify an increase in charge for the site.

3. It was highlighted by officers that 80% of the capital for the project would be funded through M3LEP grant funding, and that an expression of interest had been submitted. The remaining 20% would be funded by the BCA reserves. Members questioned the timescale for the grant funding application following any decision regarding the proposal by the Committee. It was noted that the application was viewed favourably, but that any grant application would be determined by the speed of the grant provider.

4. Members questioned the status of any revenue that would come from the campsite development post the planned transfer to CRT. It was noted by officers that this would be part of the negotiation with the

CRT and this would be decided as part of the transfer.

5. Members questioned whether there had been any public interest in the campsite report and whether any responses could be shared with the Committee. Officers noted that a question to the service had been submitted and that a response had been provided which would be shared with the Committee.

6. Members stressed that the service should, when looking at the operation of the campsite subject to approval, ensure that there is adequate consultation and advice taken on the management of such a site.

7. It was suggested by Members that there were opportunities to work with local enterprises to expand interest in the site and develop future partners with the BCA. Members highlighted that work of this nature would improve the bid for grant funding.

8. It was stressed that the proceeds earned from the campsite would be retained by the Basingstoke Canal Authority exclusively.

Resolved:

1. That the Committee authorised officers to implement the proposed campsite improvements, apply for all necessary consents, and apply for a Rural Development Fund Grant with match funding to be drawn from the BCA reserve; subject to the approval at an appropriate level within SCC that the whole proceeds from the development will be retained by the BCA.

Actions/ further information to be provided:

1. That officers share with the Committee responses and queries put by residents to the service regarding the Canal Centre Campsite.

23/17 CANAL MANAGEMENT REPORT [Item 9]

Declarations of interest:

None

Officers:

James Taylor, Strategic Manager, Basingstoke Canal Authority

Key points raised during the discussion:

1. Officers explained the report of works undertaken by the BCA since the last meeting of the JMC, noting particularly that there had been

water shortage and subsequent seven week closure over the summer period, which had led to a negative impact on income.

2. It was highlighted that anti-burglary strategies put in place by the BCA had proved successful at thwarting an attempted robbery.

3. Officers noted that there was a conservation management plan being renewed by the service. It was noted that a draft had been taken to the conservation steering group.

4. It was stressed by officers that, as a result of the completion of the Dogmersfield landslip, that preliminary work was being undertaken by the BCA on Swan “Cutting.”

5. Members questioned the progress of the dredging survey. Officers noted that the survey had been undertaken, which had provided an estimate of volume of material that needed to be dredged. It was noted that the service was looking at the capital allocation for such a project, and to ascertain feasibility.

Actions/ further information to be provided:

None

24/17 BCA RISK REGISTERS [Item 10]

Declarations of interest:

None

Officers:

James Taylor, Strategic Manager, Basingstoke Canal Authority

Key points raised during the discussion:

1. Key risks were highlighted by officers, noting that the primary risk was relating to spending reviews undertaken by local government which could potentially have a severe detrimental impact upon the finances of the BCA.

2. It was noted that there had been minimal variation in the risks since the last meeting of the committee, with the exception of the lowered mitigated risk score of BCA 32, due to the proposed redevelopment of the campsite, and the increased risks associated with BCA 17, 41 and 49, which were in relation to increased risk of conservation failure.

3. It was stressed that the same level of funding was required to ensure that risks and their mitigation remained stable.

Actions/ further information to be provided:

1. That the JMC noted and approved the annual revision of the Risk Register

25/17 CANAL SOCIETY REPORT [Item 11]

Declarations of interest:

None

Witnesses:

Philip Riley, Chairman of the Basingstoke Canal Society (BCS)

Key points raised during the discussion:

1. The Chairman of the BCS highlighted the work of the society during the period June 2017 to November 2017. It was highlighted that the trip boat *Kitty* was proving to be successful.

2. The Chairman of the BCS noted that they were concerned with delays relating to the Farnborough Road Moorings and expressed dismay with Natural England's reluctance to engage with the Committee.

3. The Chairman of the BCS noted that they were satisfied that Hampshire County Council had done some engagement work regarding Swan "Cutting" and stressed that they were happy to work with the County Council to resolve the issue.

4. The Chairman of the BCS highlighted to the Committee that they had been nominated for an award for their volunteering work, noting that this was a positive step for the society. Members also offered to provide support with community support for volunteers.

5. Members congratulated the BCS for their work on social media and their work with engaging the community, and Members offered their support to the BCS to further their base.

Actions/ further information to be provided:

1. None

26/17 ACTIONS TRACKER AND FORWARD WORK PROGRAMME [Item 12]

Declarations of interest:

None

Officers:

Richard Plummer, Democratic Services Assistant

Key points raised during the discussion:

1. Key points of the action tracker were highlighted by officers:

    a. Action 1, (Ref 16/7) relating to the proposed Business Case Task Group, officers explained that a decision regarding a business case should be made by the entire voting membership of the Committee, and that it would not be appropriate to delegate these to a small group due to the nature of the Committee. Therefore it was agreed that any urgent Business Cases would be circulated and agreed upon by email, and that any decision that is made in this manner could be included in the next public agenda pack of the Committee, to ensure openness and transparency.

    b. Members were made aware of the letter sent regarding partner contributions.

    c. It was agreed that a draft letter would be submitted on behalf of the JMC to Natural England reminding them of their membership duties.

2. All other actions were noted to be completed at a later date highlighted in the report.

Actions/Further information to be provided:

1. The Actions and forward plan were noted and agreed by the Committee.

27/17 DATE OF THE NEXT MEETING [Item 13]

The Committee noted that its next meeting would be on 28 June 2018

The Vice-Chairman suggested that the next meeting should take place as a site visit meeting. This was agreed by the Committee.

Meeting ended at: 11.54 am

Chairman

John Pinkerton Canal Cruises

www.johnpinkerton.co.uk

Submitted Question to JMC for meeting 30th November 2017

Commercial Navigation Licence Policy

Evidence

The current Commercial Navigation Licence policy for the Basingstoke Canal Authority includes the following terms and conditions for a Commercial Navigation Licence for craft operating on the Basingstoke Canal:

Basingstoke Canal

Hampshire County Council

Licence

7	**Alienation:**	7.1	This Licence is personal to the Licensee and cannot be assigned, transferred, sublet or otherwise disposed of, except by surrender to the Licensor.
		7.2	The Licence does not give the Licensee any tenancy or legal interest in the Premises and the Licensee accepts that the Licensor retains control and possession of the Premises at all times.
8	**Insurance & Indemnification:**	8.1	The Licensee shall insure all boats, equipment and such other possessions used on the Premises against fire, theft and such other risks as it deems necessary.
		8.2	The Licensee shall maintain a Public Liability Insurance at all times with a reputable insurance company to the value of £10 Million per claim, and shall supply to the Licensor proof of the Policy if required.
		8.3	The Licensee shall indemnify and keep indemnified the Licensor against all actions, proceedings, costs, claims, demands or other losses arising directly or indirectly from the Licensee or its hirers' use of the Premises under the terms of this Licence.

1. Clause 8.2 requires a Public Liability Insurance to the value of £10m per claim. This is in line with the Policy chosen by other canal authorities for their Commercial Navigation Licence requirements.

2. Under Clause 8.2, Insurers will expect **Proof of Negligence** by the Insured before payment is made.

3. Clause 8.3 is requiring **UNLIMITED INDEMNITY** for **ANY LOSS** by the Owners, and by definition, does not require **Proof of Negligence by the Operator**, nor require the **Operator to have Control** over the cause of the incident.

4. Enquiries made to Insurance Brokers confirm that Insurance cover for such a widely embracing indemnity is not available.

5. Enquiries made of CRT, Environment Agency, National Trust and other canal authorities show that there is no evidence that any of these operate a Policy to include a clause similar to 8.3 in their Commercial Navigation Licence. CRT Policy when IWA run events on CRT property is that Public Liability is limited only to insurable levels (£10m).

6. From the wording of Clause 8.3, any claim could be greatly in excess of £10m. It is noted that BCA Policy for public events with 1000+ attendees, run with their permission, requires only Public Liability insurance to a maximum of £10m (*ref BCA website*).

7. The Policy detemining the current Licence document wording indicates it is adapted from a pre-existing Commercial Land / Property Tenancy agreement, tempered by Clause 7.2.

Conclusions

8. Items 3 - 6 indicate that by inserting Clause 8.3, the Policy is imposing unfair contractual terms on the Operator. (In practice, would it be enforceable in law?)

9. Item 7 indicates that the current Policy has created a document which is wholly inappropriate for an agreement which is intended to licence, by 'Permit', navigation of private waters. (Policies for other activities have similar situations, for example horse-riders purchase 'Permits' to ride specific routes over privately owned land, typically Forestry Commission.)

Questions

10. How do Officers justify the current Commercial Navigation Licence policy, and the inclusion of Clause 8.3?

11. On which date did the members of the Basingstoke Canal Joint Management Committee approve the current policy for the Commercial Navigation Licence?

Dick King
Chairman JPCC
20 November 2017

RESPONSE:

Under the Memo of Agreement [MoA] for the Canal partnership the Basingstoke Canal Authority operate the entire Canal under the policies and procedures of Hampshire County Council. The most recent MoA was agreed by this Committee in February 2014 – this delegated authority to grant boat licences to the Strategic Manager and Canal Manager.

It would not be the normal role of the Committee to draft the individual terms in a specific legal document. Therefore in accordance with Hampshire County Council's usual policies and procedures advice was sought from Hampshire County Council Estates and Legal professionals in the preparing of boat licences for commercial and quasi-commercial businesses. The licence resulting from this advice included a relatively standard clause requiring licensees to indemnify the Council as a consequence of their activity.

Following a discussion with the Canal Society Chairman, Philip Riley earlier in the year, the Strategic Manager queried the inclusion of clauses in the draft licence for the John Pinkerton to require both insurance cover of £10m, and an open ended liability to indemnify the Council.

Officers are pleased to say that Hampshire County Council Legal Service have now reconsidered the matter and have offered revised advise that the indemnity clause should match and reflect the £10m insurance liability. The Strategic Manager in consultation with Estates professionals will offer revised licences to the boating businesses affected by this change in Legal advice.

Mike Goodman
Chairman of the Basingstoke Canal Joint Management Committee

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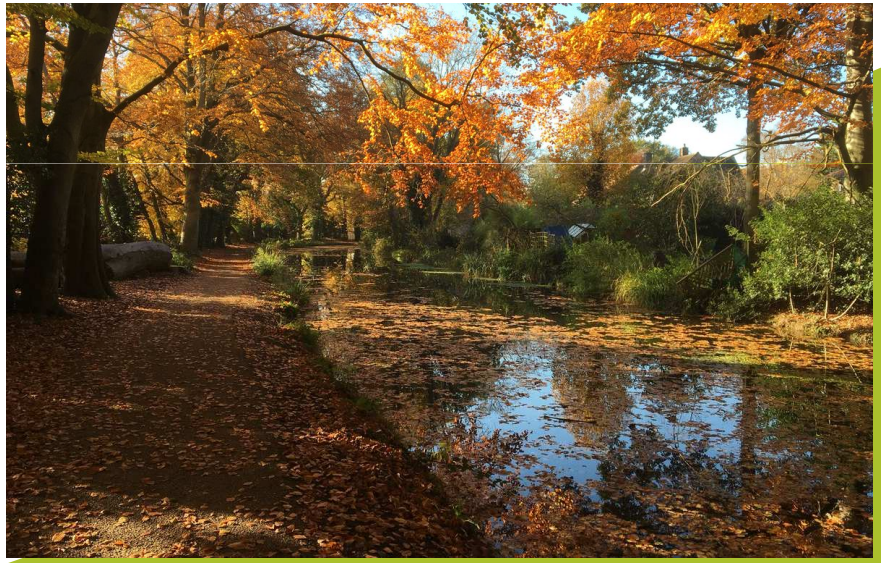
Canal & River Trust

Canal & River Trust and the Basingstoke Canal



Peter Walker – National Infrastructure Services Manager

Basingstoke Canal
JMC Meeting
30 November 2017

Photo credits: @TheBCATeam, @BasingstokeCS

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Canal & River Trust

- A bit about me!
- Introduction to the Canal & River Trust
- The Basingstoke Canal and why we're interested in it
- Summary
- Questions

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Canal & River Trust

- Peter Walker
  - Chartered Civil Engineer
  - Joined British Waterways in 2003
  - Engineering and project management roles
  - Regional Engineer to 2016

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Canal & River Trust

- Peter Walker - Responsibilities
  - Waterway transfers / acquisitions
  - Restoration – strategic overview
  - Environment Agency Navigations transfer
  - Getting the best deal for the waterways from HS2
  - Working with third parties wishing to undertake works that can affect the Trust

Canal & River Trust

The Canal & River Trust was formed in July 2012:

- “To protect, manage and improve the nation’s canals and river navigations for the millions who enjoy them”
- Transfer of waterways and associated public assets (and people) to third sector – largest ever
- New governance to involve users and other interested bodies
- Underpinned by 15 year contract / grant agreement with Government
- Cross-party support - and at heart of new ‘localism’ agenda

We care for…

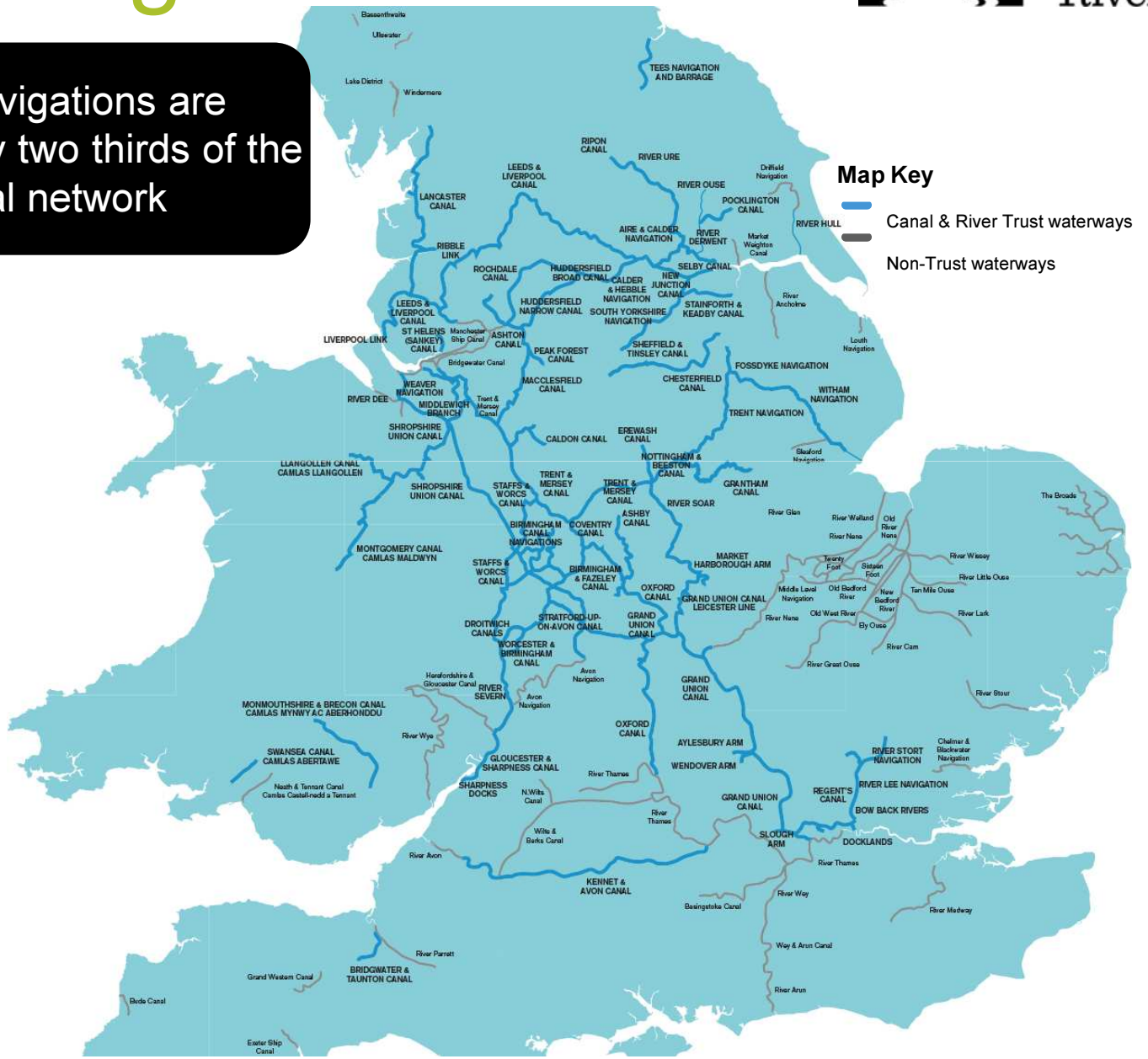
Canal & River Trust

- 2,000 miles of historic canals and river navigations, plus several docks, 72 reservoirs in England & Wales
- Over 2,700 listed structures – more than anyone bar the National Trust and Church of England:
  - Locks, bridges, aqueducts, cuttings, embankments, tunnels, culverts
- World Heritage Sites/ Scheduled Ancient Monuments
- Environment – 63 SSSIs, SACs
- Water ‘assets’
- Our Archives and Collection
- Our property ‘endowment’

Our Navigations

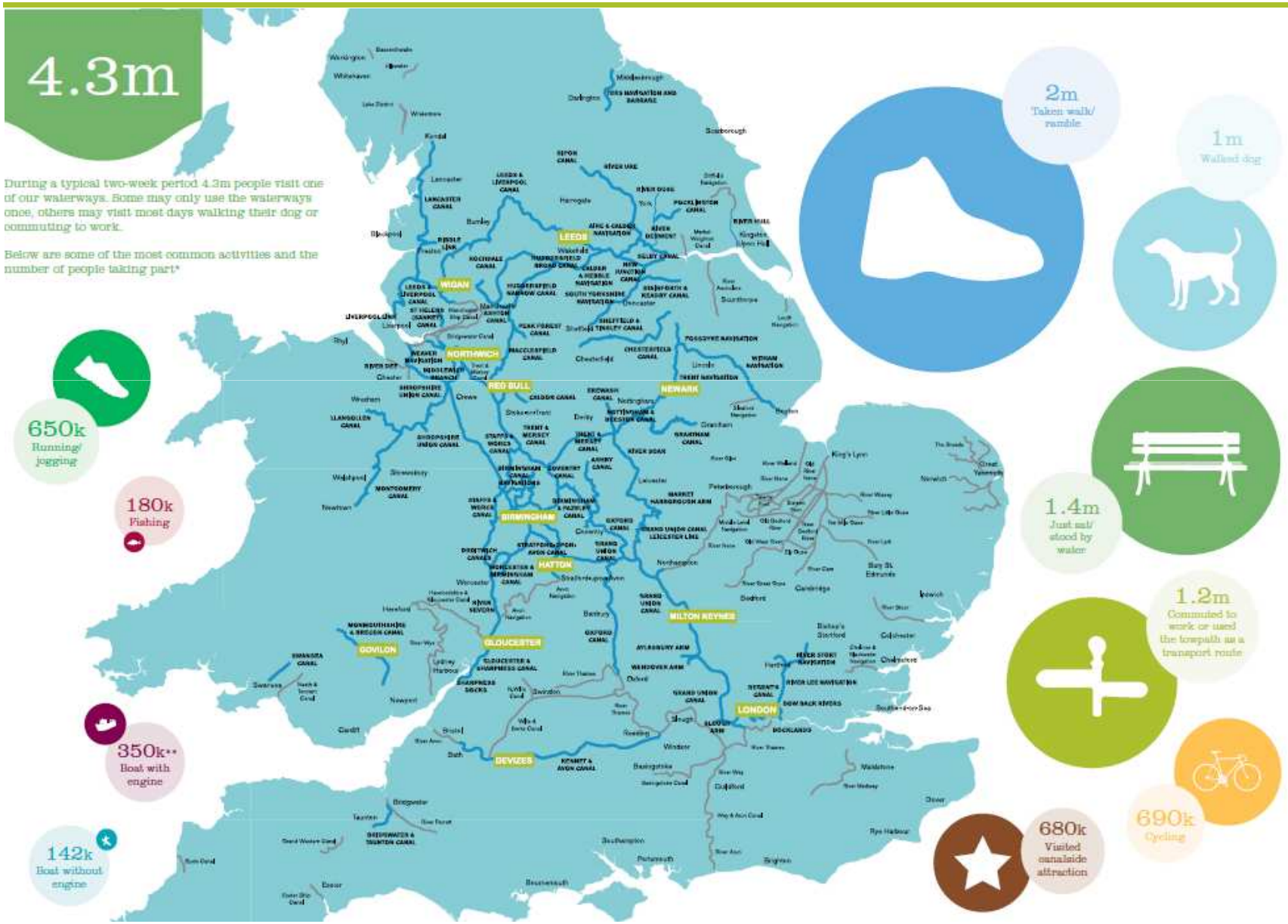
Canal & River Trust

Our navigations are roughly two thirds of the national network

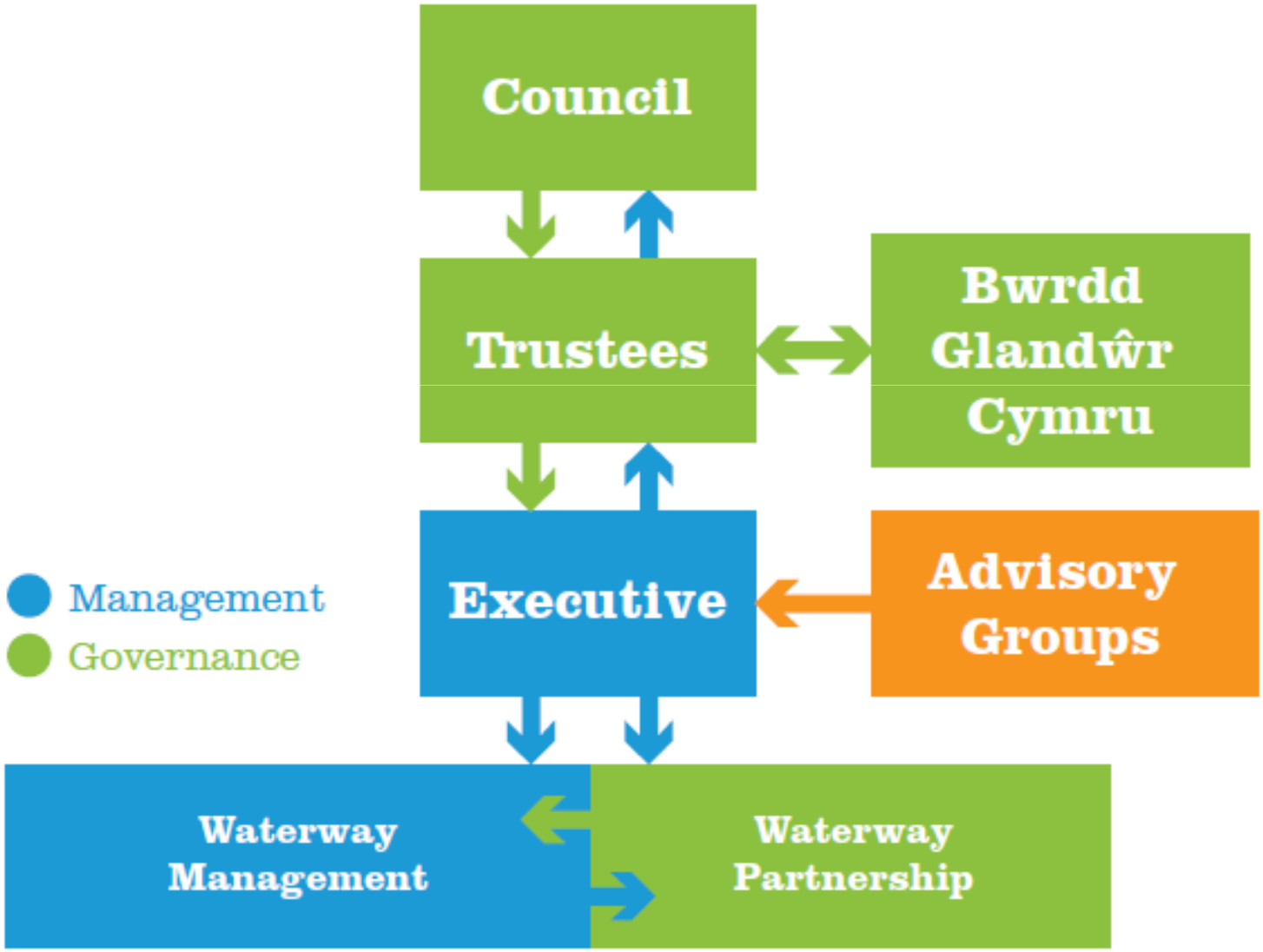


Use of our waterways

Canal & River Trust



Governance framework



Contract with Government

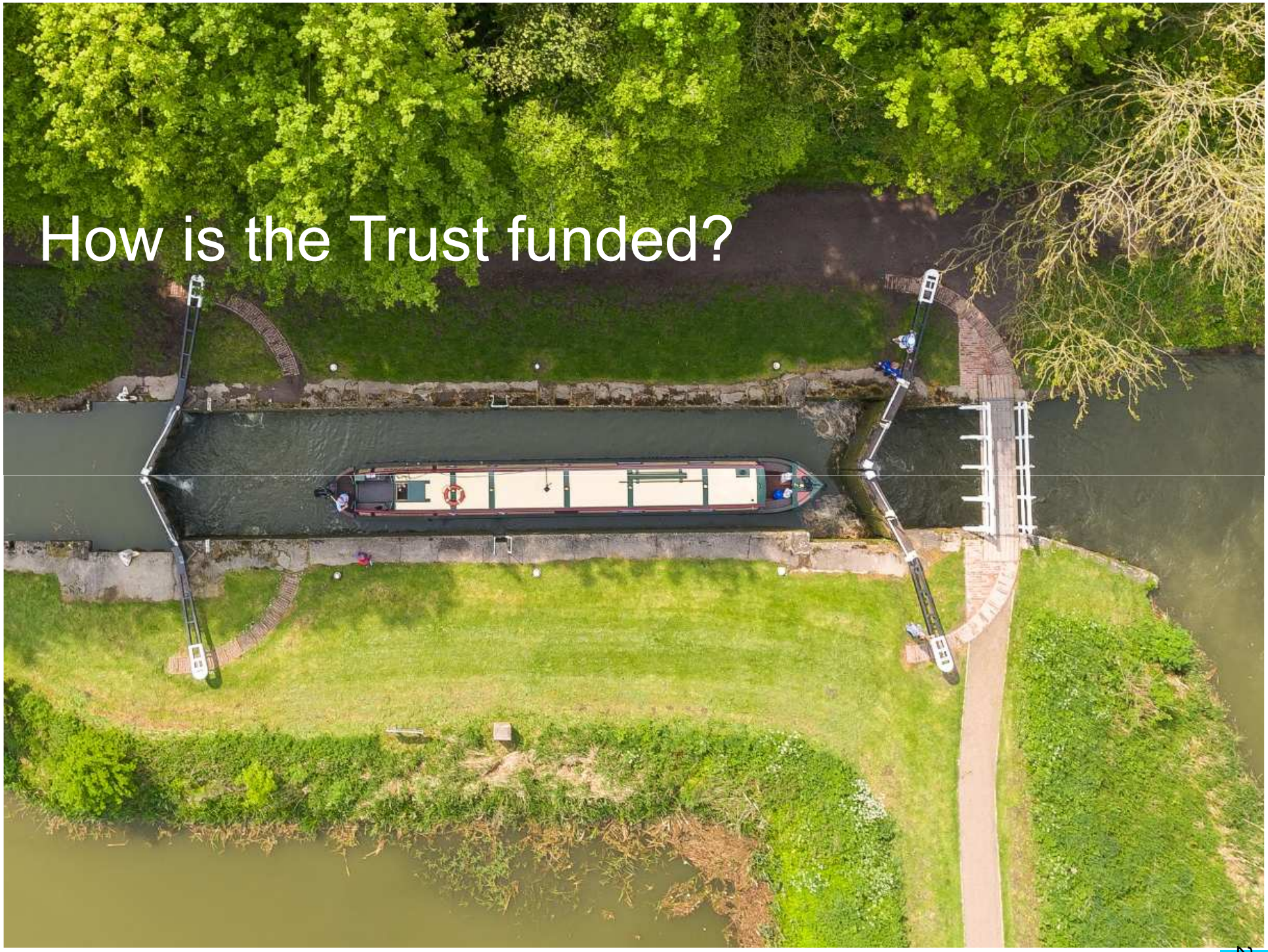
- Requires the Trust to meet certain conditions in return for commitment to 15 years of grant funding :
  - ‘Principal Asset’ condition –the key waterway structures
  - Flood-related assets condition
  - Towpath condition
  - Demonstrate Asset Management ‘best practice’
  - Manage property endowment commercially
  - Regular contact and reporting

- Renegotiation in 2022

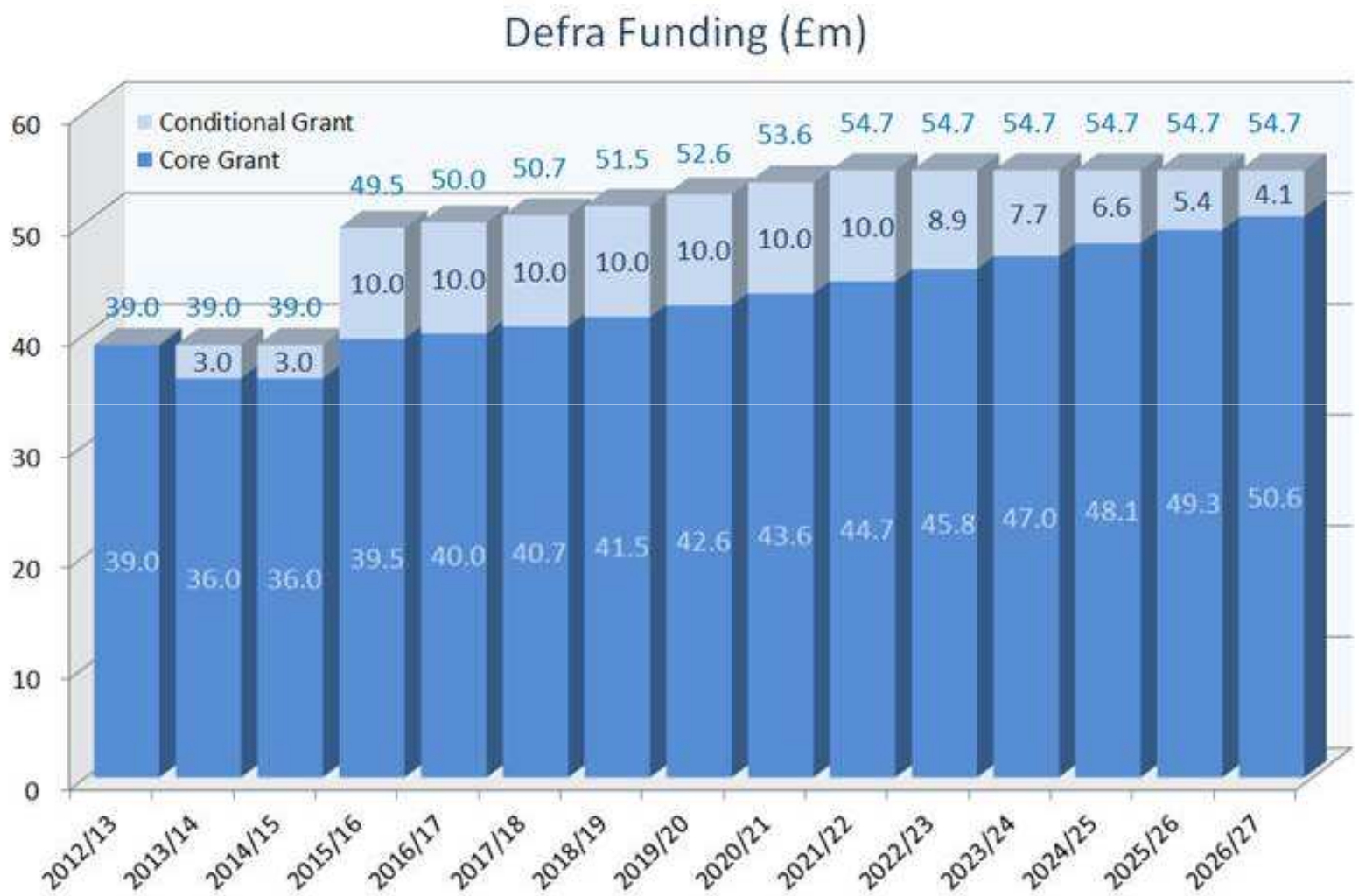
Canal & River Trust

defra
Department for Environment Food and Rural Affairs

How is the Trust funded?



Defra Contract

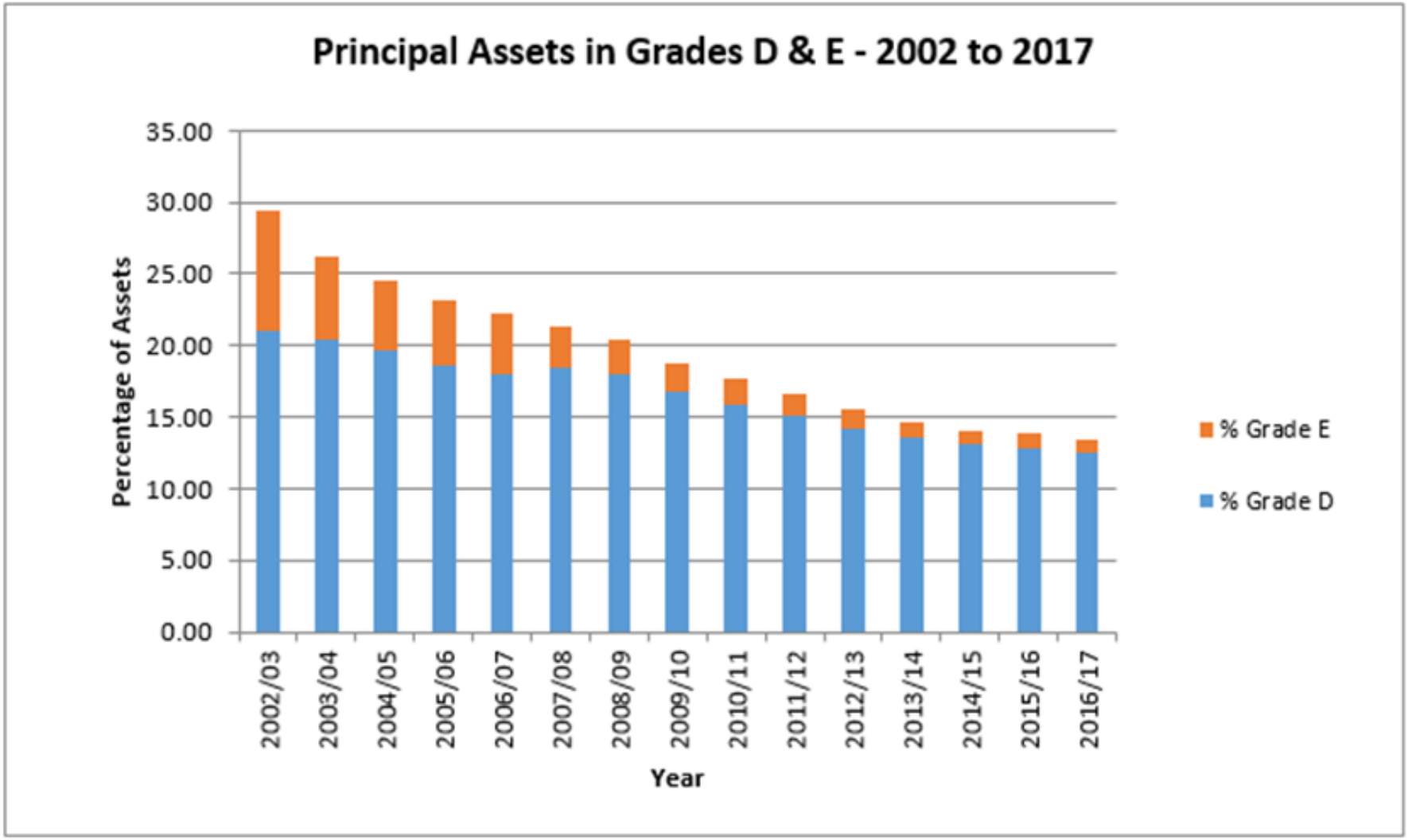


Grant lower than historical levels – but guaranteed
Provides around 20-25% of total Trust income

Defra Contract

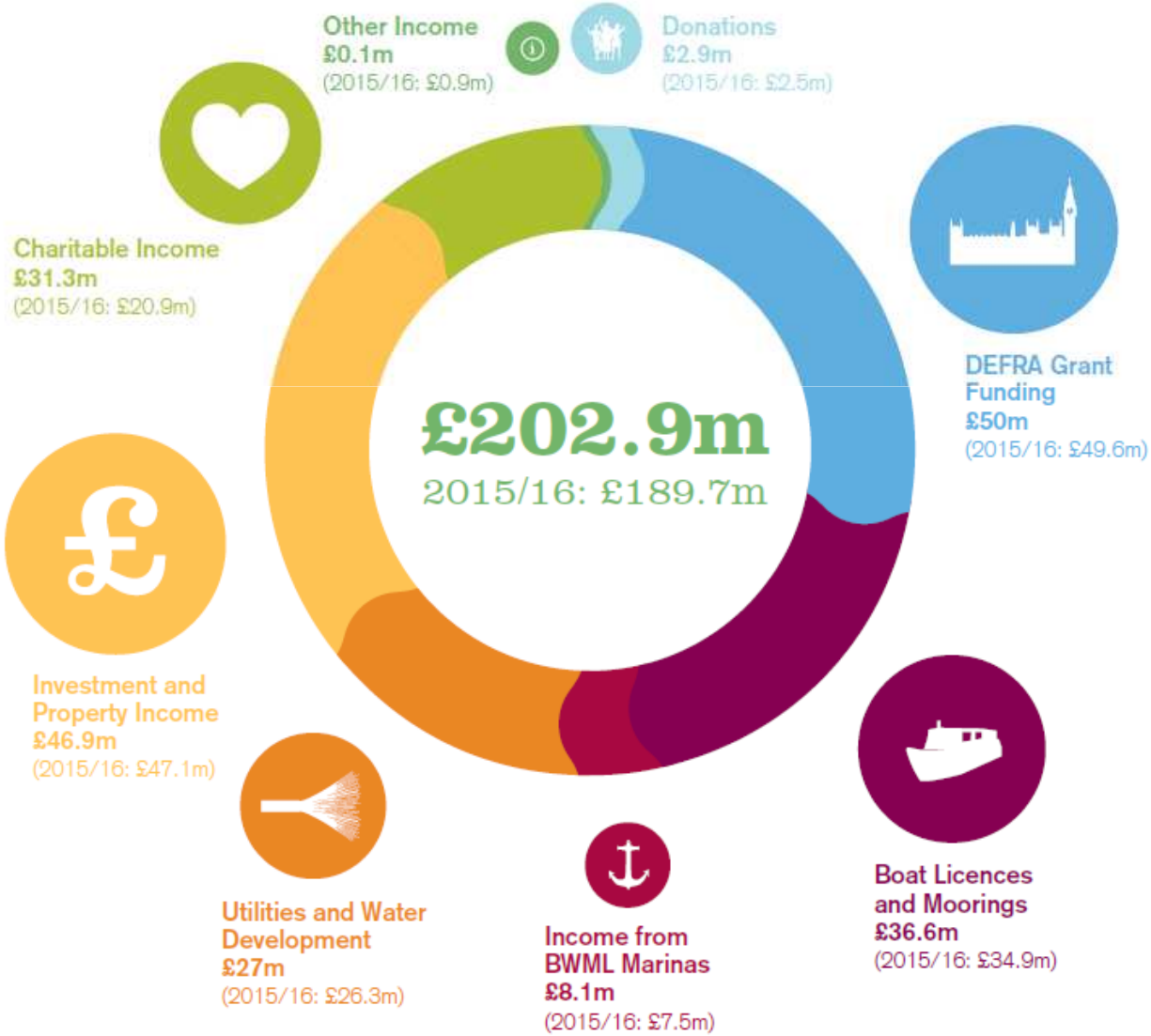
Grant lower than historical levels – but guaranteed
Provides around 20-25% of total Trust income

Caring for our assets - Defra Contract Asset Condition measure



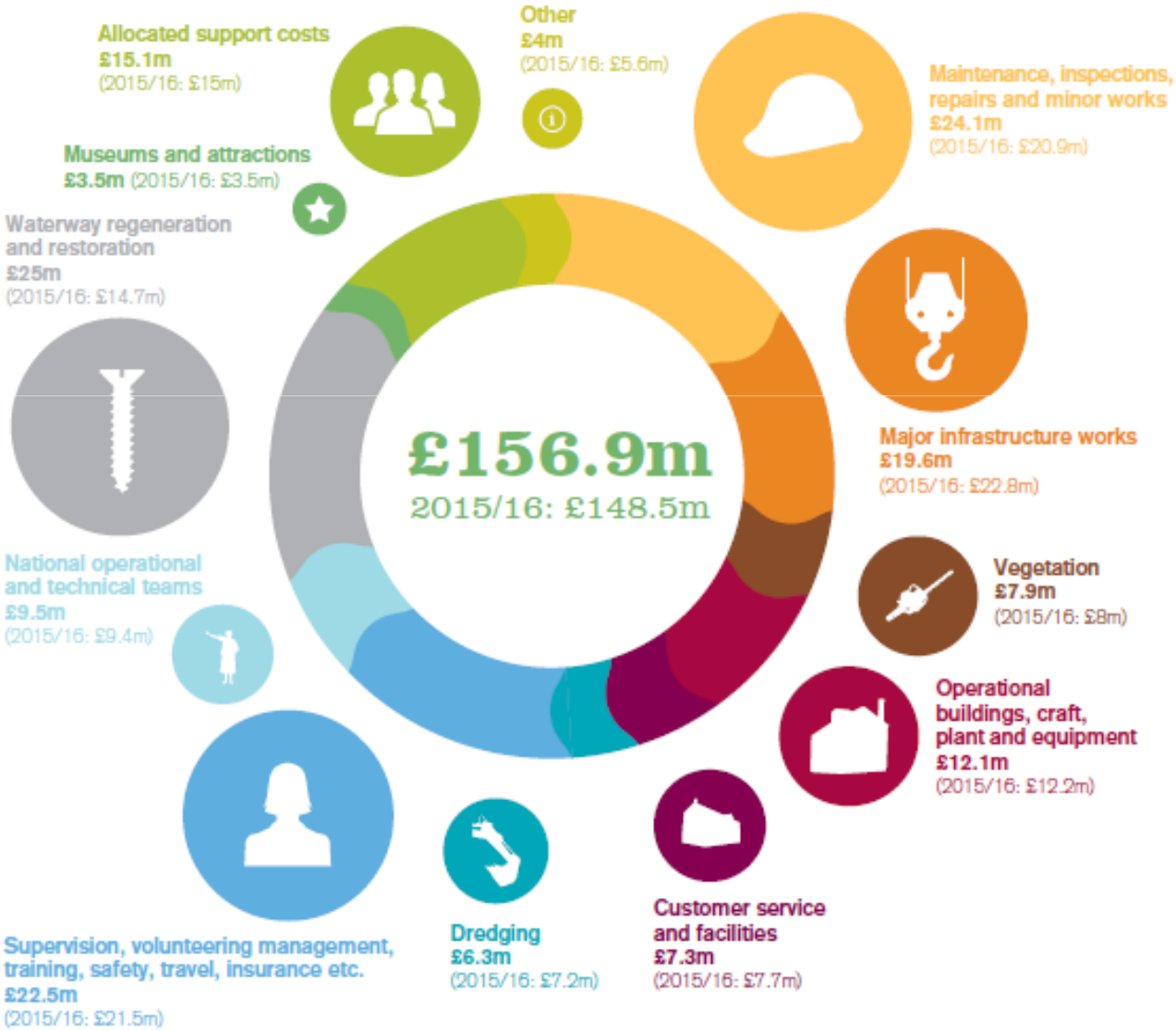
Income

Canal & River Trust



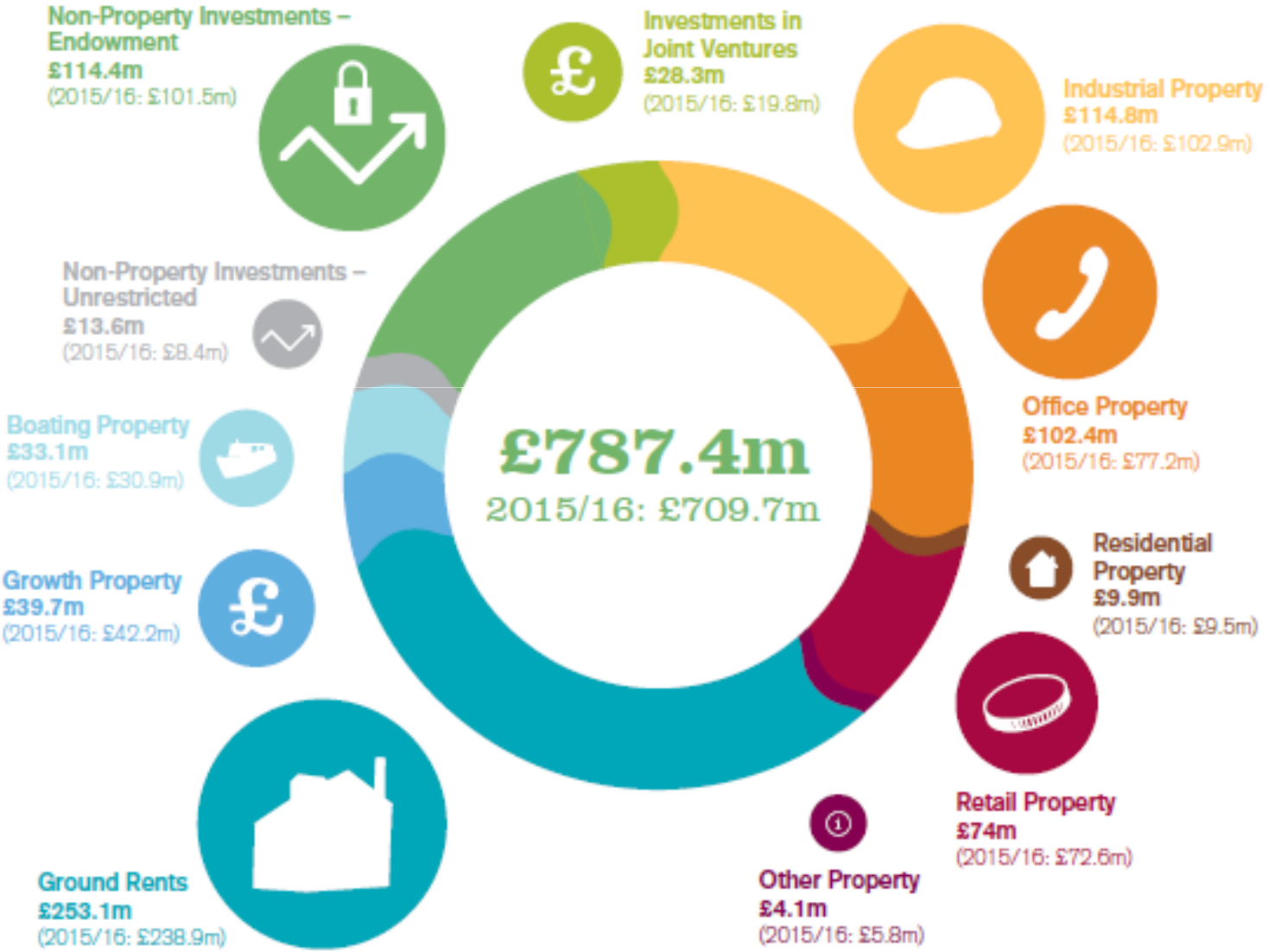
Expenditure

Canal & River Trust



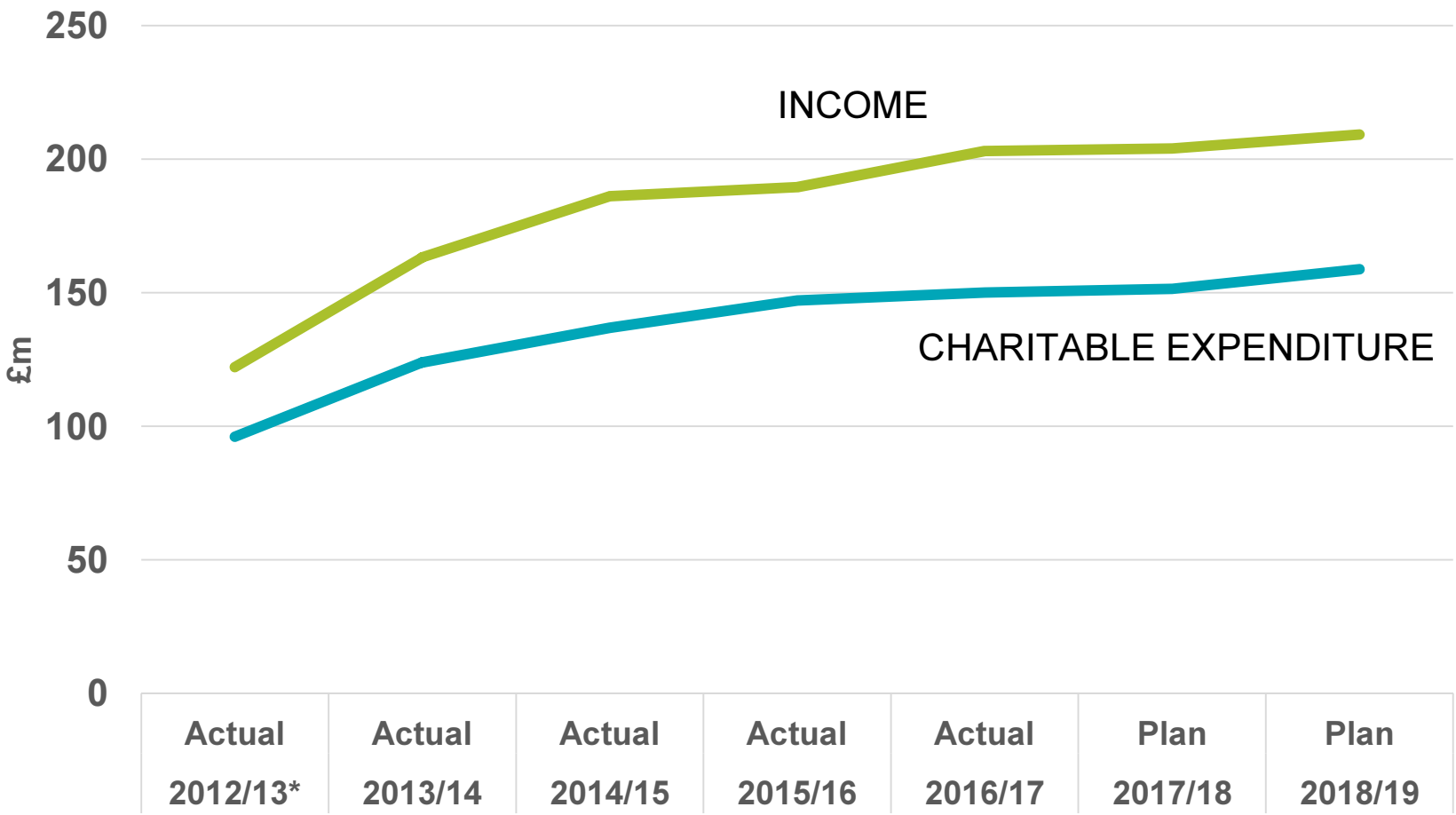
Investments

Canal & River Trust



Income & Expenditure

Rising spend in charitable expenditure delivered by rising income



Growing involvement

Other measures	2015/16	2016/17
Employee engagement (those answering positively to six key engagement measures)	64%*	66%
Volunteer satisfaction	89%	94%
Volunteer hours	481,700	540,700
People aware of the Trust	29%	33%
Friends actively donating to the Trust each month	15,800	20,600
Number of children reached in our education programme	63,900	92,700
Community adoptions	147	181

Looking to the future

- Contract with Government gives us the firm foundation to look ahead to mid 2020s
- Ten Year Strategy is our response to this opportunity:
  - to re-shape the organisation, how it operates, and its funding sources, over that period
  - combine core navigation authority and waterways role with wider public benefit opportunities
- Secure longer term future ….

Our Vision

Looking to the future – Ten Year Strategy

Six strategic goals defined to underpin our Vision – link together to form the 10 Year Strategy

This sustainable cycle will deliver our vision and secure our future

In Summary..

Canal & River Trust

The Trust delivers unique opportunity to create secure, long term future for the waterways –available to and valued by all

15 Year Government contract gives funding certainty and enables long term planning –our 10 Year Strategy takes advantage of that

Firm foundation built in the first five years

Much more to do –to change *what* we do and *how* -to unlock the waterways' full potential

The Basingstoke Canal

- Background
- Why is the Trust interested?
- What can the Trust offer?
- Timescale
- Summary

Background - Our Charitable Objects

Charitable objects

2.1 TO PRESERVE, PROTECT, OPERATE AND MANAGE INLAND WATERWAYS FOR PUBLIC BENEFIT: 2.1.1 FOR NAVIGATION; AND 2.1.2 FOR WALKING ON TOWPATHS; AND 2.1.2 FOR RECREATION OR OTHER LEISURE-TIME PURSUITS OF THE PUBLIC IN THE INTEREST OF THEIR HEALTH AND SOCIAL WELFARE;

https://canalrivertrust.org.uk/media/original/1340.pdf?v=361aa4

Background - The Trust's Drivers for the Transfer

- **A truly national organisation:** increasing our ownership of the England and Wales Inland waterways – currently we own c 65% of these
- **A secure future for the canal**: The Trust is its natural 'home', with our focus on, and capability to, manage the inland waterway navigations for the benefit of users and the public.
- **A larger integrated network under one managing body**: potential cost efficiencies and new income generation potential, e.g. fundraising, and volunteering
- **Expansion into an area where we don't currently have a presence**
- **Greater community involvement**: more local focus, more local 'ownership'

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- **Expansion into an area where we don't currently have a presence**
- **Greater community involvement**: more local focus, more local 'ownership'

- **But… any waterway taken on by the Trust needs to be adequately funded**

What we can offer

- A secure future for the waterway in an organisation dedicated to not just managing >2000 miles of waterways but to exploiting their potential to transform places and enrich lives
- Developing the ongoing relationships with volunteer groups and key stakeholders
- Promotion & marketing – open days, live broadcasts etc
- Commercial expertise in income generating activities

Timescale

- Councils wish to complete the transfer by 2022
- We would like it to happen sooner

Summary

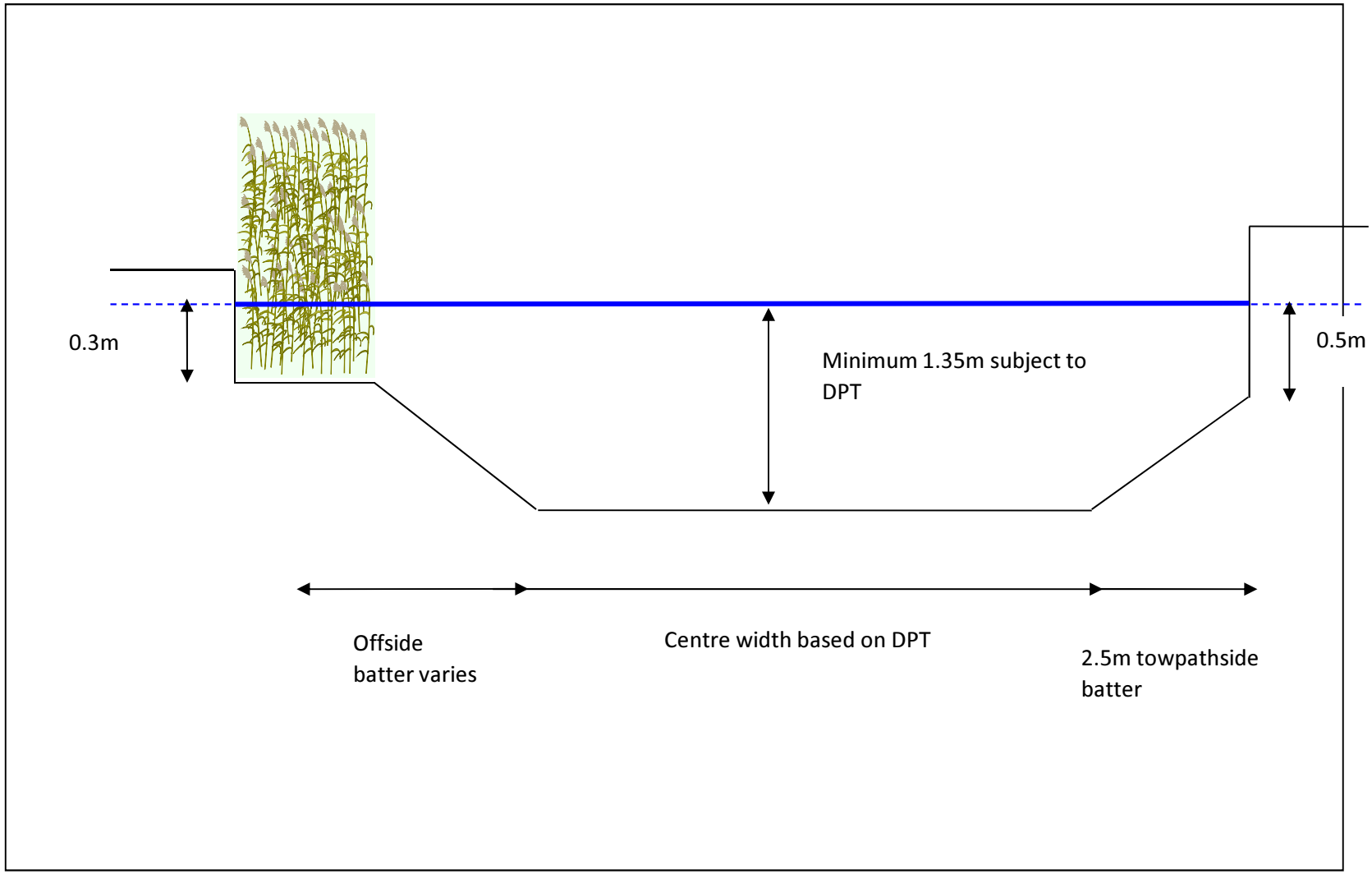
- Canal & River Trust looks after 2,000 miles of historic canals and river navigations and has had a very successful first five years
- We have an ambitions plan for the future and would like the Basingstoke Canal to be part of that plan
- We are looking forward to working with all the stakeholders in the canal to secure a sustainable transfer by 2022
- The transfer must work for the Trust and the Councils

Canal & River Trust

Canal & River Trust and the Basingstoke Canal

Any questions?

Dredging

- Currently on a four year programme as follows
  - Year 1 – Identify potential projects, carry out surveys
  - Year 2 – Contractor adds projects to the programme, briefs written, investigation works
  - Year 3 – Cost estimates completed, programme confirmed
  - Year 4 – Dredging undertaken

Dredging profile