



The  
Mersey  
Conservancy

# The Mersey Conservancy

The Mersey Conservancy is based at the Maritime Centre in the Port of Liverpool. Previously, the Conservancy had been based for many years at the offices of the Department for Transport in London. The Acting Conservator of the River Mersey (ACRM) is employed by the Department for Transport as an independent office holder; however, the costs associated with his employment are met equally by the Mersey Docks and Harbour Company (MDHC) and the Manchester Ship Canal Company (MSCC).

The primary role of the ACRM currently is to assess plans or projects below the high water mark that may have an effect on the regime of the River Mersey and hence its safe navigation. The ACRM has statutory powers under the Act of 1842 for better preserving the navigation of the River Mersey and must be consulted re: application for consent by proposers, agents or developers to undertake such plans or projects.

At present, the ACRM is Dr Martin Bailey. Dr Bailey was recruited to the post of ACRM in September 2008. He has brings a broad scope of experience to the ACRM role with a background in marine survey and research. Dr Bailey can be contacted at:

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## The Origins of the Mersey Conservancy

The origins of the Mersey Conservancy begin when Charles I granted a **Royal Charter to Liverpool in 1626** conferring the right to levy tolls for shipping and to carry out improvements to the navigation of the River Mersey. The first enclosed commercial dock in the world was opened in Liverpool in 1715 and, between 1626 and the mid 18<sup>th</sup> century a number of navigational improvements were made to the River Mersey.

During the 1690s, navigation from Runcorn to Warrington was possible and following completion of the **Mersey Irwell Navigation** of 1720 access to shipping was improved so that it became possible to navigate from Liverpool to Manchester by way of locks which were constructed between Howley Wier at Warrington and Manchester. During the same period, improvements to navigation were also being made to the **River Weaver** following the passing by Parliament of an Enabling Act in 1721.

By 1761 the then **Liverpool Dock Committee** were charged with the task of considering means of ensuring the well being of the port and its harbour. This responsibility implied the navigation depths in the port approach channels in Liverpool Bay in addition to the middle estuary (from the Mersey Narrows upstream to Runcorn Gap) and the upper estuary including the rivers Mersey and Weaver as far as Warrington and Frodsham Bridges respectively.

As the amount of shipping and the draught of ships increased, so did concern about the ever changing nature of the sand banks and channels in Liverpool Bay and the estuary upstream of the Narrows. In response, advice was sought from consulting engineers on the best means of maintaining navigable channels throughout the navigation.

Between 1809 and 1827, six different reports stressed the importance of conserving the storage capacity of the estuary above the entrance to the Narrows as a means of ensuring the effective sourcing of navigation channels by the inflow and egress of tidal waters. However, although the **Corporation of Liverpool** claimed full powers of conservancy dating from the **Royal Charter of 1626**, other navigational interests including the **Mersey and Irwell Navigation Company** and other various canal companies disputed the claim. The Corporation of Liverpool was therefore urged to seek the necessary legal authority for complete powers of conservancy in the best interests of all stakeholders.

### **1842 - The Mersey Conservancy is formed**

In response, Liverpool Corporation proposed that either a **Conservator of the River**, or a **Body of Three Commissioners** be charged with the responsibilities and powers needed to control civil engineering works. Such works could include capital and maintenance dredging, land reclamation, or the construction of jetties, quays and wharfs which might have an impact on channel depths and widths within the navigation system.

Other navigational interests headed by the **Mersey and Irwell Navigation** (the predecessors of the **Manchester Ship Canal Company**) opposed the proposal that developments associated with their waterways being under the domination influence of Liverpool. When the Corporation promulgated the Bill for the Mersey Conservancy in 1842, a **Conservancy Commission** consisting of three representatives of the Crown was set up with the task of appointing a completely impartial **Acting Conservator** to carry out the provisions of the **1842 Mersey Conservancy Act**<sup>1</sup>.

The three Commissioners were:

- The First Commissioner of the Admiralty;
- The Chancellor of the Duchy of Lancaster; and
- The Chief Commissioner of Her Majesty's Office of Woods and Forests.

The duties of the Acting Conservator were stated as being ***“....to survey and inspect the Mersey within the limits of the Commissioners' jurisdiction and to report to the Commissioners upon the state of navigation thereof, specifying all impediments, encroachments, nuisances and annoyances in, upon, or affecting the same, and when and by whom from what cause such impediments, encroachments, nuisances and annoyances have been created, or have arisen.”***

Under Section 6 of the 1842 Act no person was to be permitted to construct and pier, quay, wharf, jetty, etc within the limits laid down without giving two month's notice in writing the Acting Conservator. In addition to surveys and the annual inspection, the principal components of the **Acting Conservator's duties include:**

- Granting or withholding of consent on behalf of the Commissioners.
- The observation of progress through Parliament of Bills affecting the river.
- Ensuring that the Conservancy provisions under various enactments were complied with.

The first Acting Conservator was **Vice-Admiral Robert Fitzroy** who, as Captain of **HMS Beagle**, embarked on a five year survey exercise around the world in 1831. The naturalist on board was **Charles Darwin** and the results of his work led to the publication some years later of the Origin of Species which described his theory of natural selection. As a result, the voyage of Charles Darwin and HMS Beagle under Captain Fitzroy proved to be the most thought provoking circumnavigation of the world ever undertaken.

Following its creation, the post of **Acting Conservator** was generally reserved for the retiring **Hydrographer of the Royal Navy**. This trend changed in 1988 and the appointment of **Mary P. Kendrick M.B.E.** to the role. Mary Kendrick had a research background in hydrography and geomorphology and had worked previously on the Mersey Estuary as a consultant. An interview of Mary describing the role of the Acting Conservator in 2008 can be heard here: [\[http://www.merseybasin.org.uk/press.asp?action=view&id=34034\]](http://www.merseybasin.org.uk/press.asp?action=view&id=34034).

After the **1842 Conservancy Act**, the next event affecting the role of the Acting Conservator occurred with the passing of the **Manchester Ship Canal Acts** between 1885 and 1911. Under them further duties and powers were assigned to the Acting Conservator including the obligation to make an annual inspection of the Manchester Ship Canal.

In 1919, under the **Ministry of Transport Act** and the **Ministry of Transport Order (Commissioners for the Conservancy of the River Mersey Transfer of Powers)**, all of the powers and duties of the three Conservancy Commissioners including the appointment of the Acting Conservator were transferred to the **Minister of Transport**. This arrangement continues today under the **Secretary of State for Transport**.

<sup>1</sup> **An Act for better preserving the Navigation of the River Mersey [30<sup>th</sup> July 1842].**