

Chief Executive's Report

Summary: This report summarises the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings.

1 Bridges Update

Contact Officer/Broads Plan Objective: Angie Leeper/NA5

- 1.1 Network Rail has confirmed that as a minimum the renewal of Somerleyton Bridge will be added to their renewal portfolio and will be included in their Control Period 6 funding bid.
- 1.2 Trowse bridge remains closed but they have confirmed their commitment to open manually any night between 02:00 and 04:00 provided seven days' notice has been given to allow for plant staff to be on site.

2 Tolls Review Group 2016 – 6 November, 1 December 2015 and 15 January 2016

Contact Officer/Broads Plan Objective: John Packman/Bill Housden/ None

- 2.1 At the Authority's meeting on 20 November 2015 the terms of reference of the Tolls Review Group were agreed. To date The Tolls Review Group has met on four occasions – 5 October, 6 November, 1 December 2015 and 15 January 2016. The Group has noted the outcomes from the previous reviews and lessons learnt. They have reviewed the Principles and Criteria for Navigation Charges, noting those developed in 2005 and the more detailed set developed in 2012. It was agreed that these were not appropriate for the current structure and have devised a simpler set of principles. The Group has considered a number of papers including:
 - (i) an outline analysis of the different charges on the components of the Fleet and the impacts these would have; and
 - (ii) an analysis with outline costs of three different qualities of service: budget, current and exemplar.
- 2.2 At the third meeting of the Group held on 1 December 2015 the Group considered illustrative papers exploring a number of options. At its meeting on 15 January 2016, the group has considered a further analysis of options and the impacts of the proposals on all the fleet. The next meeting of the Group will be on 25 February 2016 when they will consider more detailed analysis of some options and the impacts as well as a draft consultation paper on the purposes, reasoning and proposals arising from the Tolls Review and consideration of details on consultation.

3 Broadland Flood Alleviation Project: Planning Application for Piling Removal Works and the Installation of Erosion Protection in Compartment 37 Upton Dyke

Contact Officer/Broads Plan Objective: Adrian Clarke/ Cally Smith/CC3

- 3.1 Following consideration by the Navigation Committee of this application BA/2015/0364/FUL, the Planning Committee held a site visit on 29 January prior to their meeting on 5 February 2016. The site visit was very well attended by Members as well as a representative from the NSBA, the Broads Society, the Parish Council, and the Local District member. The views of the Navigation Committee were fully documented in the report to the Planning Committee together with all the other representations.
- 3.2 When considered at the Planning Committee, Members had sympathy with some of the views and concerns expressed and gave these detailed consideration. It was considered essential to consider the risks in the area and that the techniques to be used would be suitable and sustainable in the future. On the basis of the expert advice, the techniques proposed appeared to be fit for purpose. Members considered it vitally important that safeguards were in place and assurances could be given that any problems could be managed particularly after 2021. They were mindful that the principle of piling removal had been established as part of the planning permission granted in 2008 for the main flood defence proposals within the Compartment and that this was a material consideration. After careful consideration, the Committee resolved by 8 votes for to 3 against, that the application be approved subject to conditions as outlined within the Planning Officer's report including those covering the safeguards but with an additional pre-commencement condition covering future management of the navigation area and the bodies responsible, specifically in relation to navigation uses and the environment.

4 Boat Safety Scheme Hire Boat Requirements

Contact Officers/Broads Plan Objective: Steve Birtles/ NA4

- 4.1 At its meeting on 22 January 2016, the Broads Authority adopted the recommendations from the 10 December 2015 Navigation Committee meeting and appointed Mr Alan Goodchild to the Boat Safety Standards Appeals Panel.

5 Boat Safety Management Group

Contact Officer/Broads Plan Objective: Steve Birtles/NA4

- 5.1 The next meeting for the Boat Safety Management Group has been scheduled for 7 March 2016.

6 Water Skiing on Breydon Water

Contact Officer/Broads Plan Objective: Steve Birtles/NA4.5

- 6.1 The implementation of the recommendations of the Water Ski Review Panel will be deferred as negotiations regarding mitigation measures are ongoing with Natural England. Arrangements for water skiing on Breydon Water will not change for the season 2016/17.

7 Navigation Patrolling and Performance Targets

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4.3

- 7.1 The report of the significant use of powers by the rangers is displayed in Appendix 1. The average navigation/countryside splits for the months have started to even out and the averages for the winter months are 58%/42% and for the period from April they are 67%/33%. The mooring inspection target compliance figure for the period is 100%.
- 7.2 During the 2015 season the rangers undertook 7,373 verbal warnings, 294 written warnings issued 569 tolls reports and reported 12 people for navigation offences.
- 7.3 Five people have been prosecuted for navigation offences, five have been given navigation warnings (of which two complicated cases ran over the 6 month time limit for prosecution), one case is yet to be heard and one awaits the issue of a summons. The tolls section have or are in the process of prosecuting 31 cases of non-payment of tolls and had issued a further seven summonses to people who then paid their tolls and all our costs. The list of cases that have been heard at court is listed in Appendix 2

8 Sunken and Abandoned Vessel Update

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4

- 8.1 The sunken and abandoned vessel update is contained in Appendix 3. As can be seen there are some abandoned vessels which are being dealt with and some sunken vessels which await suitable BA equipment in the area. None of the vessels are causing an obstruction or are leaking any pollutants. A vessel that sank at Norwich Yacht Station had to be raised and removed by a contractor due to public safety concerns and pollution issues. Norwich City Council has agreed to pay half the removal costs of this vessel which was trespass moored to their land. A meeting is scheduled with the Council to discuss and resolve the winter trespass mooring issue.

9 Launch Build Contract and Extension of Launch Refit Contract.

Contact Officer/ Broads Plan Objectives: Adrian Vernon/ None

- 9.1 The fit out of the new launch is progressing well with the hull, deck and cabin completed and internal preparatory work nearly finished. The engine has been purchased and modified and the stern gear is being fabricated. The delivery date has slipped by a few weeks due to design drawing work that has been

undertaken to improve the design and enable a more standard brief for further launches in the future.

- 9.2 The launch refit contract for the northern launches was let to a contractor at Barton Turf in November 2014 for two years with the option of an extension of one year providing the contractor was notified before April 2016. The staff and managers are happy with the standard of the refit work and are therefore intending to offer the one year extension with the agreed allowance for inflation as agreed in the contract.

10 Planning Enforcement Update

Contact Officer/Broads Plan Objective: Adrian Vernon and Cally Smith/None

- 10.1 Following queries raised by a member, it was agreed to provide regular updates on the position regarding relevant planning enforcement actions. These details are included at Appendix 4.

Background papers: None

Author: Sandra Becket / Esmeralda Guds

Date of report: February 2016

Broads Plan Objectives: Multiple

Appendices: APPENDIX 1 –Report on the Significant Exercise of Powers by the Rangers during February – March 2015
APPENDIX 2 – Prosecutions during 2015/16
APPENDIX 3 – Report of Sunken and Abandoned Vessels
APPENDIX 4– Planning Enforcement Update

Report on Exercise of Powers by Authorised Officers – Report to be completed for every Navigation Committee

Rangers Exercise of Powers Analysis <i>(Bracketed figures are running totals, April 2015 to January 2016)</i>						Date: NOV 2015 - JAN 2016		
	Wroxham Launch	Irstead Launch	Ludham Launch	Ludham 2 Launch	Norwich Launch	Hardley Launch	B.St.Peter Launch	Breydon Launch
Launch Patrol Areas	Wroxham and Upper Bure	Ant	Hickling, P.Heigham, Upper Thurne & Womack	Lower Thurne, Lower Bure & South Walsham	Norwich and Upper Yare	Reedham, Chet & Middle Yare	Oulton Broad and Upper/Middle Waveney	Breydon Water, Lower Waveney and Yare
Verbal Warnings								
Care & Caution	(84)	(19)	(1)	(172)		(1)	(18)	(24)
Speed	4 (2896)	40 (1142)	(691)	(892)	14 (344)	(96)	5 (209)	2 (152)
Tolls offences	(49)	2 (147)	1 (44)	(187)	8 (68)	(2)	1 (13)	(4)
Other	3 (37)	1 (67)	4 (21)	(145)	10 (50)	(53)	(21)	(4)
Blue Book Warnings								
Care & Caution	(15)	(4)	1 (4)	(1)	(1)		(1)	(12)
Speed	(88)	1 (24)	(13)	(34)	(6)	(1)	(8)	2 (11)
Other	2 (13)	(12)	(3)	1 (8)	2 (4)	(3)	3 (15)	(6)
Reports for Prosecutions		(2)			(4)			(7)
Special Directions	3 (7)	3 (98)					1 (278)	(29)
Toll Compliance Reports								
Non Payment	(75)	(111)	4 (13)	1 (64)	(105)	(5)	(57)	6 (52)
Non Display	(6)	(21)	3 (7)	(18)	(1)		(34)	(2)
28 Day request for information	1 (2)	1 (2)	(2)	(3)			(2)	
BSS Hazardous Boat Inspections			(1)	(2)				(1)
Enter Vessels Under BSS				(2)				
Launch Staffed (by Ranger)	33 (218)	15 (137)	21 (164)	6 (134)	37 (147)	14 (120)	10 (159)	10 (216)
Country Site Inspection Reports Percentage Compliance	89% (97%)	100% (100%)	(Combined figure)	100% (95%)	(Combined figure)	100% (100%)	93% (76%)	n/a
Best Value Patrol Targets Percentage Compliance	100% (100%)	100% (87%)	100% (94%)	100% (97%)	100% (93%)	100% (100%)	100% (97%)	100% (84%)
Volunteer Patrols	5 (10)	17 (43)	6 (14)	1 (4)	2 (2)	1 (9)	2 (9)	
IRIS Reports	4 (124)	3 (78)	2 (46)	1 (60)	4 (79)	1 (28)	1 (67)	2 (118)
Broads Control Total Calls	TOTAL 5,495 (31,984)			Telephone 4,970 (25,949)			VHF 525 (6,035)	

RANGER TEAM ACTIVITY

as at 16 February

January 2016	Navigation Activity								Countryside Activity							
	Nav Patrol Launch	Nav Patrol Foot/Road	Incident Working	Admin - Navigation	Training (Navigation)	Escort	Moorings Maintenance	Bank work	Country Patrol	Country Maintenance	Admin - Country	Training (Countryside)	Equipment Maintenance	Tree/Ground work	Group Activities	Education/School Visit
Percentage Total	9.60%	6.53%	0.79%	0.36%			0.03%	1.09%	2.18%	8.73%	0.55%		5.43%	4.26%	0.18%	
Wroxham team	30%	33%	5%					21%	50%	36%	46%		28%	33%		
Thurne team	27%	9%	18%	48%			100%	30%		19%			27%	7%		
Yare team	27%	13%	12%	52%				29%	30%	27%			30%	21%	100%	
Waveney team		6%						19%		4%	13%		5%	14%		
Breydon team	8%	35%							17%	5%			4%			
Control Officer																
	21%								19%							

Month Percentages	
Navigation	54%
Country	46%
Total	100%

Time Off not included

January 2016	General Support												Time Off			
	Broads Control	Travel Time	Activity Unknown	Training - Split	Meeting - Staff	Meeting - Public	Admin - Split	Admin - Volunteer	Training - (Volunteers)	Public Relations Event	Site Visit third party	Other Task	Time off in Lieu (not accurate)	Breaks (not including un-notified breaks)	Annual Leave	Sick
Percentage Total	7.61%	4.17%	12.94%		1.14%	0.79%	18.95%	0.34%			0.16%	0.04%	0.44%	5.03%	6.99%	1.65%
Wroxham team	14%	32%	23%		38%	11%	22%	55%			17%			23%		100%
Thurne team	4%	10%	28%			13%	8%	8%			48%		30%	12%	2%	
Yare team	8%	24%	17%		12%		26%				35%	100%		23%		
Waveney team		15%	8%		17%		15%						70%	7%		
Breydon team	11%	9%	10%				3%							8%	13%	
Control Officer	59%					42%								12%	18%	
	9%	5%	42%										6%			

Percentage with apportioned split	
<i>Year to date (Apr - Mar)</i>	
Navigation	67%
Country	33%
Total	100%

Time Off not included

Team percentages equal team contribution to activity

APPENDIX 2

Report of navigation prosecutions dealt with in court during June 2015 and February 2016				
Place	Defendant	Offence	Magistrates Court	Result
River Ant	K Philips	(1) No Tolls (2) No Tolls	Norwich	No find Costs awarded to BA £75 Compensation £441
River Waveney	B Gordon	(1) No Tolls	Lowestoft	£100 fine Costs award £50 Compensation £240.58
River Yare	K Kesper	(1) No Tolls (2) No Tolls	Norwich	No fine Costs awarded £75 Compensation £454.75
River Ant	J Emmerson	(1) No Insurance	Norwich	No fine Compensation £150
Breydon Water	M. Worship	(1) Vessel to be navigated with care and caution.	Great Yarmouth	(1) Fined £666 Costs awarded £150 Victim surcharge £66 Court costs £150
River Bure	H. Renshaw-Smith	(1) Safe Speed (2) Vessel to be navigated with care and caution.	Great Yarmouth	(1) No separate penalty (2) Fined £660 Costs awarded £150 Victim surcharge £60 Court costs £150
Breydon Water	M.Pigott	(1) Speed (2) Care & caution	Great Yarmouth	(1) Fined £500 (2) Fined £500 Costs £15 Criminal court costs £150 Victim surcharge £15
River Yare	J.Wells	(1) Speed	Norwich	(1) 6 months conditional

				discharge Criminal court costs £150 Costs £30 Victim surcharge £15
River Bure	S.Owen	(1) Navigating without navigation lights	Norwich	(1) 12 months conditional discharge Costs £150 Victim surcharge £15

Report of prosecutions dealt with in court during November 2015 to January 2016

Defendant	Offence	Magistrates Court	Result
G.Bell	Non- payment of tolls	Norwich	Fined £400 Costs awarded £150 Victim surcharge £40 Compensation £114.
A.Curr	Non- payment of tolls	Norwich	Fined £400 Costs awarded £150 Victim surcharge £40 Compensation£416
W.Emmerson	Non- payment of tolls	Norwich	Fined £200 Costs awarded£150 Victim surcharge £20 Compensation £ 171
J.Hudd	Non- payment of tolls	Norwich	Fined £200 Costs awarded £150 Victim surcharge £20 Compensation £ 244

O.Read	Non-payment of Toll (3 offences)	Norwich	Total Fine £750 Costs awarded £150 Victim surcharge £25 Compensation £600
S.Nicholls	Non- payment of tolls	Great Yarmouth	Total Fine £100 Costs awarded £150 Victim surcharge £15 Compensation £133
J.McGrath	Non- payment of tolls	Great Yarmouth	Fined £150 Costs awarded £150 Victim surcharge £15 Compensation £152
J.Whiteside	Non- payment of tolls	Lowestoft	Fined £210 Costs awarded £150 Court charge £150 Victim surcharge £21 Compensation £125
R.Freeman	Non- payment of tolls	Lowestoft	Fined £210 Costs awarded £150 Court costs £150 Victim surcharge £21 Compensation £308

APPENDIX 3

Sunken and Abandoned Vessels

Description	Location found	Action	Abandoned /Sunken Notice Affixed	Result
Sunken and abandoned wooden sailing cruiser	River Yare, Trowse	No known owner	Yes	Vessel not raised by owner. Deadline expired and BA team will raise and remove when the programme allows
Sunken and abandoned aft cockpit cruiser hull	River Yare. New Cut Thorpe	No known owner found	Yes	Deadline expired and BA team will raise and remove when the programme allows
Sunken cruiser	River Yare Old River Thorpe.	Vessel sunk at owners moorings	No	Not affecting the navigation owner will raise in due course
Sunken wooden cruiser	River Yare Norwich.	Vessel sunk at moorings owner to raise	No	Not affecting the navigation owner will raise in due course
Abandoned Small fibreglass cruiser	River Bure Upton	Vessel found drifting by police.	Yes	Vessel taken to Ranger billet. Owner not traced vessel to be destroyed.

Abandoned Small fibreglass cruiser	River Wensum Norwich	Vessel found drifting after strong winds.	No	Vessel taken to Ranger billet. Enquiries to trace owner in hand.
Sunken Wooden Cabin Cruiser	River Wensum Norwich	Vessel sunk at moorings.	No	Owner has pumps in position ready to raise the vessel.
Sunken Wooden Cabin Cruiser	River Wensum Norwich	Vessel sunk at moorings	Yes	Vessel raised and removed to Dockyard.
Sunken Wooden Cabin Cruiser	River Wensum Norwich	Vessel sunk at moorings	no	Enquiries in hand to trace owner.

Enforcement Update

This table shows the updates on enforcement matters relating to Navigation matters currently under consideration since the last Navigation Committee on 10 December 2015

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008 5 March 2010 16 July 2010	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenner’s Basin)	Unauthorised development	<ul style="list-style-type: none"> • .Enforcement Notices served on 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged on 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received on 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings. • Challenge to decision filed in High Court 12 July 2012 • High Court date set for 26 June 2013 • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order” lodged with the Courts by Inspectorate • Appeal reconsidered –Planning Inspector Site Visit 28 January 2014 • Hearing took place on 8 July 2014 • Appeal allowed in part and dismissed in part on 20 October 2014. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (Similar to previous decision above except in terms of vessel numbers). • Planning Contravention Notices issued to investigate outstanding breaches on site. • Challenge to the Inspector’s Decision filed in the High Courts on

Committee Date	Location	Infringement	Action taken and current situation
<p>21 August 2015</p> <p>9 October 2015</p>			<p>28 November 2014</p> <ul style="list-style-type: none"> • Acknowledgement of Service filed 16 December 2014. • Section 73 application submitted to the Authority to amend 19 of 20 conditions on the permission granted by the Inspectorate. Application not validated. • Appeal against non-determination submitted to PINS in respect of Section 73 application. Not accepted. • Section 288 challenge submitted in February 2015. • High Court Hearing on 19 May 2015 • Decision received on 6th August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to legal advice • Challenge to High Court decision filed in Court of Appeal on 27 August 2015 • Planning Committee on 9 October 2015 gave authority to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container • Leave to appeal against High Court decision refused on 9 October 2015 • Request for oral hearing to challenge Court of Appeal decision filed 2015 • Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2015 • Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river in December 2015 • Site being monitored. • Oral Hearing challenging Court of Appeal decision took place on 3 February 2016. Mr Wood’s application to appeal the decision of the High Court was dismissed.