

Broads Authority Boat Test Area Review
Report by Head of Safety Management

Summary: This report sets out the background to the introduction of the Boat Test Areas and the findings and proposals from the recent review.

Members' views are sought on the proposals as set out in Section 3.

1 Background

- 1.1 Boat testing at speeds in excess of the speed limit has existed formally on the Broads for over 36 years and informally for much longer. By virtue of the Great Yarmouth Port and Haven Commissioners "Norfolk Broads Speed Limit" Byelaws 1978, areas within the Broads river network were formally set aside for the testing, demonstrating and trial of vessels by bona fide boatyard businesses at speeds exceeding the defined speed limit.
- 1.2 The Great Yarmouth Port and Haven Commissioners "Great Yarmouth Port and Haven (River Speed Limits)(Vessels) Byelaws 1989" further added conditions to the 1978 byelaws including times when the areas could be used for the activity, additionally requirements for log books and display of registration marks were included.
- 1.3 The Broads Authority Speed Limit Byelaws 1992 repealed the above byelaws and generally replicated the requirements of the 1989 byelaws. The 1992 Byelaws sets out an exemption to the speed limits under byelaw 5 (2) b which enables boatyard vessels to use certain areas at certain times for the purposes of trial, demonstration or testing after repair.
- 1.4 These designated areas and times are set out in Schedule 3 of the Byelaws which in summary details four areas on the river Yare, three areas on the river Waveney, three areas on the river Bure and one area on the river Thurne where this activity is permitted. See Appendix A
- 1.5 In accordance with the requirements of the Speed Limit Byelaws, boatyard operators are issued with registration marks and toll plaques on application known as "Trade Plates". A further requirement of this issue is that the boatyard must complete a log book supplied by the Authority on each occasion the trade plates are used.

- 1.6 The Port Marine Safety Code Hazard Review Action Plan 2011 identified that a review was to be completed following the assessment of hazard no. 002 "Powered Craft speeding". This activity remains the only high speed activity on the Broads which has not to date been reviewed.

A complaint and petition was received on 12 July 2013, with 1,075 signatures to the statement:

"We, the undersigned, are concerned citizens who urge our leaders to act now to stop the bye-law that allows boats to test their engines on the River Yare on the stretch of the RSPB nature reserve."

The Broads Authority agreed that the review would be conducted and its findings reported to the consultative committees prior to determining its position.

2 Current Position

- 2.1 Late in 2012 new log books were developed which allow for the recording of data which would assist the review. This new log book required the boatyard to additionally indicate which boat test area they had used, for what purpose and whether the speed limits were exceeded. The base data of who was at the helm, the owner, boat name date and time etc. were preserved.
- 2.2 These new log books were distributed in March 2013 to boatyards ready for the new season. The boatyards were also required to log in with Broads Control when they were intending to use the test areas for high speed testing or demonstrating.
- 2.3 During November and December 2013 Broads Authority rangers visited boatyards to collect logbooks and / or the data therein to assist this review.
- 2.4 There were 77 trade plates and logbooks issued to boatyards by the Authority in 2013/14. Not all of the boatyards would have intended to use the facility of testing/ demonstrating etc. at high speed as the trade plates have historically been used for moving boats around the system and to deliver boats to other areas.

3 Usage data

- 3.1 14 of the 77 boatyards who were issued with trade plates and log books used the areas for demonstration, test and trial over the period of April 2013 to January 2014 but only 12 of these 14 boatyards exceeded the speed limit during the activity. Analysis of the log book data presented the following usage of the test areas:
- 3.2 Table 1 shows the total usage including the zones and of that usage those that were conducted in excess of the speed limits

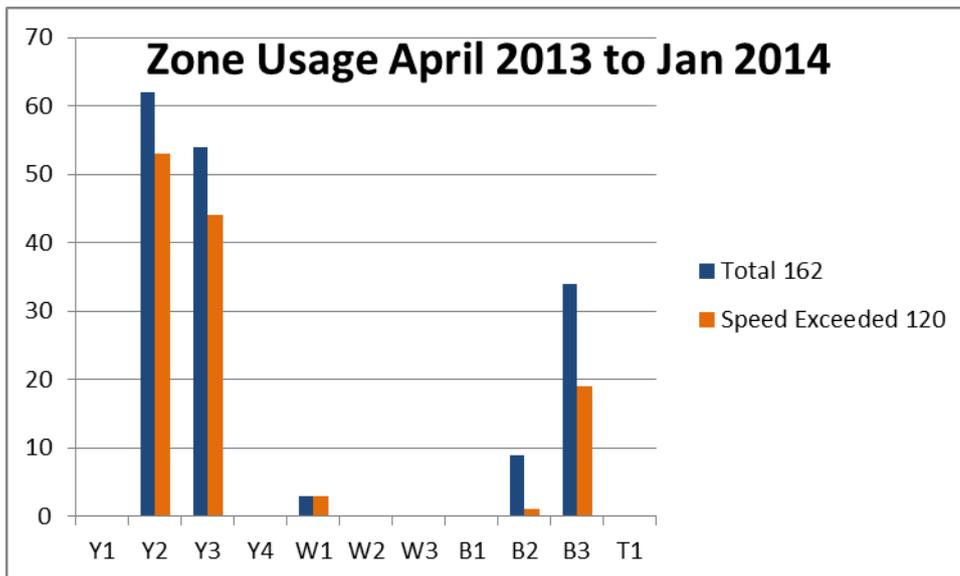


Table 1

3.3 Of the 120 journeys which included high speed activity 91% were undertaken by two boatyards.

3.4 Distribution of usage throughout the year can be seen at Table 2.

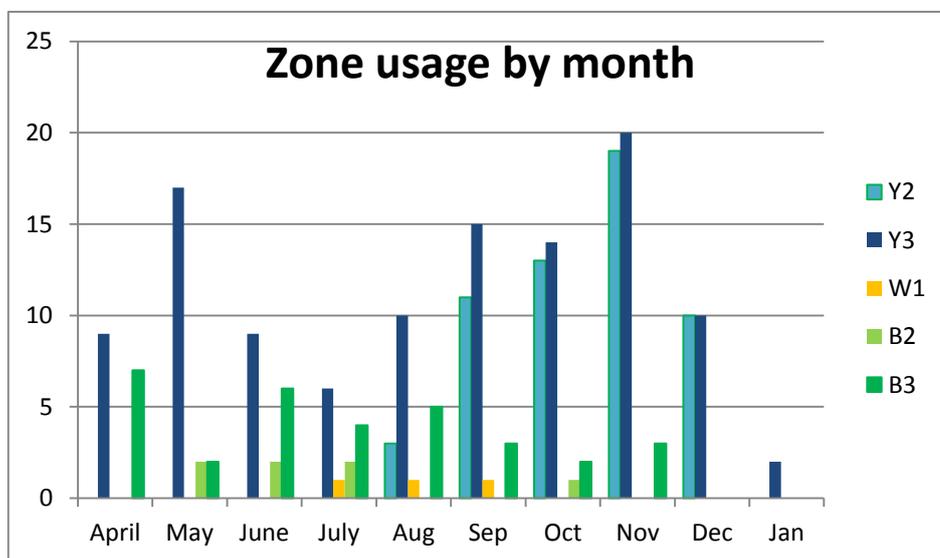


Table 2

3.5 Where the test areas were used for high speed activity, these uses have been broken down by their purpose as shown in Table 3.

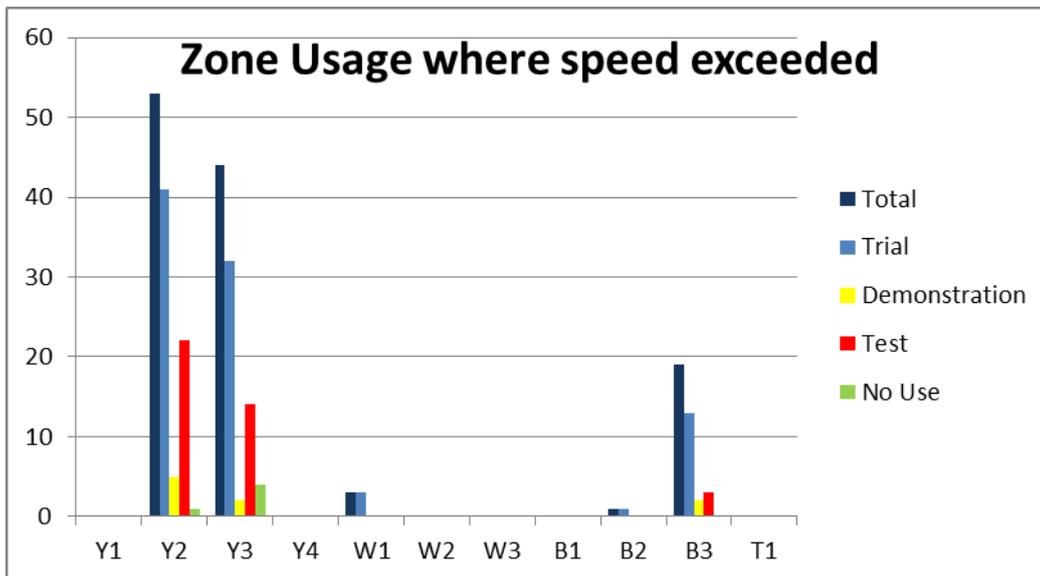


Table 3

4 Other Boat Movements

- 4.1 The usage of boats for high speed activity should be taken in context of overall boat movements in the relevant areas. The 2010 boat census which was conducted over a three day period in August 2010 delivered data for many areas of the Broads including Strumpshaw, the Yare 3 area, and at Horning in the vicinity of the Bure 3 test area.
- 4.2 Strumpshaw: The census indicated that in the area of Strumpshaw it could be estimated that approximately 3,647 boat movements could be expected during a normal August period; conversely during August 2013 only 10 high speed tests were conducted in the Y3 area. This suggests that boat testing is a very low level of activity compared to the overall boat movements in the area only 0.27% of the total boat movements for that month.
- 4.3 Horning: The census indicated that in the area of Horning it could be estimated that approximately 20,646 boat movements could be expected during a normal August period; conversely during August 2013 only five high speed tests were conducted in the B3 area. This suggests that boat testing is a very low level of activity compared to the overall boat movements in the area only 0.024% of the total boat movements for that month.
- 4.4 Whilst it could be argued that the test areas around Strumpshaw receives a disproportionate amount of boat test activity to other areas of the Broads the test areas around Brundall are situated in an area of large boatyards involved in boat building, maintenance and brokerage and the facility provided by the boat test areas is valuable to the industry within immediate area.

5 Complaints

- 5.1 There have been no complaints registered by Broads Control relating to the activity of boat testing, trial or demonstration during this period.

6 Safety

- 6.1 Whilst the impact from a collision with a vessel travelling at high speed is likely to be significant the likelihood of such an instance is believed to be extremely remote.
- 6.2 Historically there have been no instances of collision of boats under test, trial or demonstration with other vessels.
- 6.3 Therefore given the low level of the high speed activity compared to the overall boat movements combined with the proposed management options set out below it is considered that the activity of boat testing would fall in the category of risk as low as is reasonably practicable following the implementation of the proposed management changes.

7 Future Management Proposals

- 7.1 It is clear that this facility is essential for the boating industry and whilst there is potential for conflict with other users of the river and adjacent land this needs to be balanced with the potential impact on the local economy if these test areas were to disappear.
- 7.2 It is therefore proposed not to change any of the geographic limits of the boat test areas nor the times when the activity can take place. However to help to ensure minimal impact on other river users the following management options are proposed
- (a) To erect signage to warn other river users of the potential for high speed activity occurring in the areas.
 - (b) To develop a consistent industry-wide code of conduct with stakeholders to encompass:
 - (i) skipper qualifications and minimum experience;
 - (ii) procedures prior to the high speed run eg. timing, slow speed run through;
 - (iii) communications with other stakeholders eg. RSPB; and
 - (iv) maximum wash height similar to those which are required of coaching vessels and water ski boats to respond to risks of erosion and safety.
 - (c) Rangers to continue to monitor both the use of the areas and the completion of log books via spot checks.

8 Boat Safety Management Group comments

- 8.1 The Group considered that the level of activity from boat testing at high speed was very small compared to other boat movements and that control measures should be proportionate to the risk. That the activity was not an issue that required regulation but best practice should be promoted.
- 8.2 The Group also recognised that any proposed signage would need to be precise in its message as not to encourage other “non-authorized” vessels using the areas at high speed.
- 8.3 The Group welcomed the development of a code of conduct but thought that a robust code may negate the need for signage.
- 8.4 The group felt that the issue of wash from large boat under test was difficult to regulate although it was noted that whilst the activity was exempted from speed regulation the skipper was not exempt from other byelaws such as navigation with care and caution and safe speed.

9 Next steps

- 9.1 It is intended to discuss the proposal for a Code of Conduct with the industry, and an initial meeting with the two major users of the boat test areas has been arranged. The attitude of the industry will be reported back, to determine if this is likely to prove a robust way forward.
- 9.2 Further consultation will take place with the Broads Forum, in order to take other stakeholders' views into account, prior to a report to the Broads Authority.

Background papers:	None
Author:	Steve Birtles
Date of report:	17 March 2014
Broads Plan Objectives:	NA4.2 Implement Safety Management System and Hazard Review/Action Plan
Appendices:	APPENDIX A- Maps of the Boat Test areas

