

Broads Authority
Navigation Committee

Minutes of the meeting held on 9 December 2010

Present

Mr M C Broom (in the Chair)

Mr D A Broad	Mr P Greasley	Mr P E Ollier
Sir Peter Dixon	Dr P A Gurbutt.	Mr A Trafford
Mr P Frost	Mr A S Mallett	

In Attendance

Mr S Birtles – Head of Waterways Strategy and Safety
Mr A Clarke – Broads Projects Officer
Ms H Franzen – Press Officer
Mr R G Holman – Director of Corporate Services
Mr T Hunter – Rivers Engineer
Ms A Leeper – Waterways Strategy Officer
Mrs A Long – Director of Planning and Strategy
Mr J Organ – Head of Administration and Executive Assistant
Dr J Packman – Chief Executive
Mr M Rimmer – Waterways Strategy Officer
Mr R Rogers – Head of Construction and Facilities
Mrs L Shute – Administrative Officer
Ms C Smith – Head of Development and Regeneration
Mr A Vernon – Head Ranger (Navigation)
Mrs T Wakelin – Director of Waterways

Also Present

Mr B Barnett – on behalf of South Walsham residents
Mr K Turner – on behalf of South Walsham Parish Council

2/1 Apologies

Apologies for absence were received from Mr P Durrant, Ms M Farrar and Mrs A Haswell.

The Chairman proposed and it was agreed that agenda item 9: South Walsham Slipway be taken after agenda item 6: Summary of Progress/Actions/Response Taken following Discussions at Previous Meetings.

2/2 Items of Urgent Business

There were no items of urgent business.

2/3 Declarations of Interest

Members expressed declarations of interest as set out in Appendix 1 to these minutes.

2/4 Public Question Time

A petition had been submitted by Mr B Barnett, signed by a number of South Walsham residents, relating to agenda item 9, South Walsham Slipway.

Mr Barnett expanded on the petition by making a statement as set out at Appendix 2 to the minutes.

In addition Mr K Turner, Chairman of South Walsham Parish Council, made a statement on behalf of the Parish Council also relating to agenda item 9. This is set out at Appendix 3 to the minutes.

The Chairman thanked Mr Barnett and Mr Turner informing them that the Committee would take the statements into account when considering this item.

2/5 Minutes of the Navigation Committee Meeting held on 21 October 2010

The minutes of the meeting held on 21 October 2010 were approved as a correct record subject to the removal of the sentence beginning "However" at the end of minute 1/10: Responding to the Spending Review, and signed by the Chairman.

2/6 Summary of Progress/Actions/Response Taken following Discussions at Previous Meetings

A report detailing progress with various items on which the Committee wished to be kept up to date was received.

(1) Swing Bridges

The Waterways Strategy Officer gave an update on the operational status of the swing bridges. Members noted that the Authority and Network Rail (NR) had met on 1 December to discuss the Legal Undertaking and the future maintenance schedule for all swing bridges.

Members noted the testing schedule for Trowse Bridge and that Network Rail would report results so that notices can be posted to indicate when the bridge would be fully operational. Discussions were taking place with Norwich City Council to confirm the operational status and protocols for the Carrow, Novi-Sad and Lady Julian Bridges.

Following recommendations made to NR to plan for works during the winter so as not to disrupt holiday periods, the Authority was awaiting receipt of a draft maintenance schedule.

Members discussed the change proposed by the NR lawyers to the wording of the draft Legal Undertaking and pressed that the wording of the requirement for remedial work needed to be as strong as possible. Members noted that the Undertaking was close to being agreed subject to amendment and would be submitted to the Authority at its meeting in January 2011. Members were assured that the existence of the Undertaking did not override the existing legal rights of the Authority.

Item 9 was taken at this stage of the meeting

2/7 Governance Review

Members received a report giving details of a consultation document on the governance arrangements for national parks in England and the Broads which had recently been published by the Government and was part of a Coalition commitment to increase accountability. Each national park authority was to consult locally on potential changes and what would work best for their area reflecting the status of the Parks as national assets.

Members noted the questions posed in the Review, the timetable, that details had been posted on the Authority's website and that copies of the document had been sent to local organisations. A workshop had been arranged for 14 January 2011 to consider the Review, to which members had been invited. Although members expressed various opinions on governance referring to representation and democratic processes, it was decided that the issues should be addressed at the workshop.

The Minister would be announcing the decision on the outcome of the consultation and the way forward in late March.

2/8 Apportionment of Costs between 'National Park' and Navigation Expenditure

Members received a report providing a set of draft principles for the apportionment of costs between navigation and National Park Grant (NPG) expenditure which had been based on work recently carried out by the Resource Allocation Working Group (RAWG).

The RAWG was seeking to consult on the principles so that once the level of NPG was announced there would be limited delay in working up the Authority's budget. A system to ensure that interested parties could see that costs were justifiably and properly shared with a transparent and well understood process for their apportionment was important. Members were reminded of the different categories of expenditure and how they were funded as set out in the Agreement concluded in advance of the passage of the Broads Bill through Parliament. The methodology for the apportionment of costs, as suggested by RAWG, was noted together with an estimation of the increase in shared costs over the period 2011/12 to 2014/15, should the

principles be adopted. The figures were indicative only at this stage and would be further refined over the next three months.

Members expressed concern at being asked to consider the apportionment without more detailed figures and were unwilling to consider the detail in the report without a clear understanding of the financial implications. They noted that this followed their previous meeting at which they had been asked to agree an increase in the tolls without any draft expenditure information.

It was proposed and seconded “that the Committee was unable to agree the apportionment in the absence of financial information which justified the proposals and their implications”. The proposal was carried with five votes for and three against.

Members noted the intention to take a draft budget to the next meeting in February and the March Authority meeting.

2/9 South Walsham Slipway

Members received a report providing details of the background to the current management of the South Walsham slipway and staithe which had been identified as a priority site for the provision of better/easier small boat access on the Bure during a consultation on the Authority’s Slipway Strategy and the Slipway Strategy Action Plan in 2008.

The slipway was owned by the Broads Authority and managed by the Parish Council under an agreement dating from November 1989 and, together with the staithe, was in need of maintenance and repair. The Authority had budgeted the sum of £8,000 to undertake the work and discussions had taken place with South Walsham Parish Council with a view to altering the current management agreement to enable the slipway to be available to wider public use and benefit.

The Chairman pointed out that the Navigation Committee was being asked for its views on the management of the slipway and would not be making a decision.

Members acknowledged the concerns and strength of feeling expressed by local residents and the Parish Council and noted the Parish Council’s comments, especially on the inadequacy of the access road, the lack of public toilets, limited parking and that the slipway was already well used by light craft. A further suggestion from the Parish Council that it would be prepared to take on the ownership and responsibility for the slipway provided the slipway was refurbished was noted. However it was pointed out that if public funds were used on the refurbishment, it was not unreasonable to expect an increase in the formal use of the slipway. It was acknowledged that further discussion would be needed on the practicalities of opening the slipway and the administration of the issuing of the keys.

Members expressed sympathy with the Parish Council proposals and encouraged joint discussions to attain a workable arrangement to cover the access arrangements and management of the slipway. The suggestion of a one year trial of increased slipway usage was welcomed. The possibility of the Parish Council taking over the ownership and responsibility could be discussed at a later date.

2/10 Future Planning Application with Navigation Implications: Construction of a Bridge Upstream of Trowse Eye to link the Deal Ground to the Utilities Site and Facilitate Redevelopment

Members received a report outlining proposals for the redevelopment of the Deal Ground and Utilities Site on the eastern side of Norwich including the provision of a new bridge with a soffit height of 10'. Members noted the reasons why it had been decided to consult them on the proposal at this early stage. The principle of a new bridge had previously been considered by the Committee in December 2009 when it had been agreed that an air draft sufficient to allow most vessels to pass of at least 14' would be necessary for any bridge crossing the River Wensum in an application linking the Deal Ground to the Utilities Site.

A planning application was being prepared by the developer for the Deal Ground and was due to be submitted for determination by Norwich City Council by the end of 2010. The Authority would be consulted on the application. Members noted that it was anticipated that a planning application for the Utilities Site would be submitted in the second half of 2011.

Proposals for a bridge to link the two sites were being developed, with a view to a detailed planning application for the bridge being submitted in early 2011. This would be determined by the Authority and members noted the bridge's location and that the proposal was for an opening bridge with a soffit height of 10'. Members noted the developers' reasons why a minimum soffit height of 14', which would allow most vessels to pass and not to impede navigation as required for the three recent new bridges on the River Wensum, could not be achieved.

Members agreed that the redevelopment of the Deal Ground and Utilities sites offered the potential for significant levels of growth and, although in principle they would prefer that the soffit height of any bridge was maintained at 14' and were concerned at the adverse impact on the navigation, they might be prepared to consider a lower height of 10' subject to an adequate level of mitigation being provided in the form of additional facilities for river users. In addition there would also be a need for adequate management arrangements which would provide the facility for the bridge to be opened promptly for river users on demand.

It was noted that further details of the proposed bridge and any mitigation measures would be provided to the Committee for its consideration and comment following the submission of a formal planning application.

2/11 Broadland Flood Alleviation Project

(1) General Update

Members received a report providing an update on the Broadland Flood Alleviation Project, including the works scheduled and works at the design, pre-application stage and construction phase.

(i) Compartments 33 and 34 River Waveney

Members received an update on the position regarding the issue of mooring provision at Burgh Castle where there was a Broads Authority 24-hour mooring which was strategically important for navigation safety. Originally in the planning application for the compartment BESL had indicated that it would retain the piling until the end of the contract in 2021, and maintain it in a fit condition for mooring purposes after which the piling would be removed and a commitment would be given to implement a suitable solution for ongoing mooring provision at the site.

Members noted that the Environment Agency (EA) had offered to maintain a length of up to 20m of the mooring after 2021 and agreed that a 20m length of mooring would be inadequate for boat safety in that location. Members were also concerned that insufficient information had been provided by the EA regarding the likely life of the piling beyond the end of the flood defence contract.

(2) Planning Application for Compartment 9 (Thurne Mouth to Stokesby)

Members received a report providing a summary of BESL's planning application for flood defence works in Compartment 9 (Thurne Mouth to Stokesby) on the true left bank of the River Bure.

Members welcomed the flood defence benefits, improvements to the condition of the Weaver's Way footpath and the opportunity for dredging disposal the scheme would bring, and supported officers' comments that appropriate conditions regarding the specification of piling, erosion protection, erosion monitoring, timing of piling removal and channel marking be placed on any planning permission.

2/12 Dockyard Work Programme: Update 2010/11

The Head of Construction and Facilities introduced a report giving an update on the delivery of the Dockyard work programme for the current financial year and its progress so far.

A decision regarding the Interreg funding application for the PRISMA project had been delayed following a request for further information. The application

would be resubmitted to PRISMA in January and a decision was expected in May 2011.

In response to a member's question it was stated that the reduction in target dredging quantity from 50,000 m³ to 46,000 m³ was the result of reduced output achieved due to the construction of the trial island in Duck Broad.

In response to another question from a member in respect of item 4.1 of the report relating to the Dockyard programme for 2011/12, it was agreed that there was some uncertainty about the resources that would be available to the Dockyard team following the currently proposed reorganisation of the Authority's staff. It was therefore impossible to provide a formal programme for the next year's dredging works at this time.

2/13 Navigation Works Licensing and Guidance: Draft Revision

A report outlining proposed revisions to the Navigation Works licence fees structure and to the navigation works guidance document: 'Guidance Notes for Conducting Works within the Navigational Area' which had recently been reviewed and redrafted, was received.

Members noted that a works licence was required for any work undertaken within or adjacent to the navigation area which may affect navigation to ensure that the work was undertaken appropriately and safely. Some applications were complex and could entail a considerable amount of officer time. The proposed scale of fees reflected this and included a retrospective fee.

Members supported the proposals.

The full revised guidance document and the Works Licence Process Guide were available to view on the Broads Authority website.

2/14 Boating Safety Management Group

(1) Update

The Chairman of the Boating Safety Management Group (BSMG) reported on the work carried out by the Group since the last meeting including safety issues relating to Great Yarmouth Marina, boat testing, marking, canoeing, the results of the census and Breydon Water. Consideration was being given to the holding of specialised meetings.

The notes of the BSMG meeting held on 10 November 2010 were received.

(2) **The Port Marine Safety Code, Safety Management System: Hazard Review**

A report providing members with details of the Safety Management System Annual Hazard Review and a Stakeholder Hazard Review Meeting was received.

Members supported the recommendations and conclusions from the process as contained in the report and noted that the current action plan would be used as an interim document until March 2011. Future identified actions would be built into the Directorate's Annual work plan.

The Chairman expressed his appreciation of the amount of work that was involved in the annual review.

2/15 Broads Authority Paddling Scheme

A report setting out the background to the introduction of the Broads Authority Paddling Scheme (BAPS) and the proposals for updating and separating the requirements for commercial operators from the voluntary sector was received.

Members noted the factors officers had taken into account in coming to the conclusion that a separate scheme should be developed to promote canoeing opportunities through commercial operators.

Members supported the proposals for the BAPS voluntary/charity sector and considered the options for a commercial scheme. It was agreed that a scheme for commercial operators should be developed which achieved a consistent level of safety provision, promoted affordable access to the Broads for entry level users and encouraged operators to develop and expand their canoe fleets. The option for a charge of £126.70, being twice the amount charged for the voluntary sector, was supported, being a consistent multiplier with hire rowing boats/dinghies of 10 square metres and under.

2/16 Navigation Income and Expenditure; 1 April 2010 to 31 October 2010

Members received a report summarising actual income and expenditure for the period 1 April 2010 to 31 October 2010, compared to the revised budget.

In reply to a member's request for a balance sheet which showed the level of reserve accounts, it was agreed that this could be arranged.

2/17 Chief Executive's Report

A report summarising the current position in respect of a number of important projects and events was received.

(1) **Responding to the Spending Review**

Members received details of the decisions made at the Authority meeting on 19 November.

In reply to a member's question regarding the yacht stations and how they fitted into the new organisational structure, it was confirmed that their role in providing knowledge, guidance and safety information meant that they had been placed within the Communications Team with the visitors' centres. It was not yet known whether the City Council would be renewing the lease or providing grant funding towards Norwich Yacht Station. Further information regarding the future operation of the yacht stations would be provided at the next meeting.

2/18 Current Issues

A member informed the Committee that a new low sulphur marine diesel was to be introduced in the new year and further information was needed as to its constituents.

2/19 Date of Next Meeting and Future Events

The next meeting of the Committee would be held on Thursday 24 February 2011 at Dragonfly House, commencing at 2.00pm.

The Chairman thanked members and officers for their support and wished everyone a Happy Christmas.

2/20 Exclusion of the Public

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

**Members of the public left the meeting
during consideration of the following item**

2/21 Acle Bridge: Development of Moorings

A report setting out details of a freehold property at Acle which if purchased could provide increased mooring provision was received. Members noted that the Acle Bridge area was currently 10th in the priority list as a strategic location in the Authority's Mooring Strategy.

In addition details of an opportunity to purchase an area of marsh from an adjacent landowner were received. This land might initially be suitable for dredging disposal and potentially in the future could be developed for recreation/public open space in association with the moorings.

Members noted the size and facilities at the site, its valuation, details of the purchase price, financial implications of purchasing the freehold property and how the costs of purchase may be funded. The merits of the scheme were considered and members agreed that the proposal should be developed, especially methods of financing the purchase.

The meeting concluded at 5.35pm.

CHAIRMAN

Code of Conduct For Members

Declaration of Interests

Committee Navigation Committee

Date 9 December 2010

Name Please Print	Agenda/ Mins No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest ✓
P Dixon	2/8, 2/10, 2/14, 2/15, 2/16	Toll payer, British Canoe Union member	
D A Broad	2/8 – 2/16	Toll payer Member Great Yarmouth Port Consultative Committee	
P Greasley	2/6 – 2/21	Toll payer Boat Operator/BHBF	
P A Gurbutt	2/7 – 2/17	Toll payer, Member of Lowestoft Rowing Club & British Rowing	
P E Ollier	2/7 – 2/17	Toll payer NSBA Committee, various sailing clubs,	
A S Mallett	General 2/7 – 2/9 2/10, 2/11 (ii) 2/17 Appendix 4 Item 1	Toll payer Appointed Broadland District Council – lobbied on 9 Member BA Planning Committee will not take part Vice Commodore Norwich Frostbite Sailing Club New Cut will withdraw if necessary	✓
M C Broom	2/7 – 2/17	NSBA, toll payer Great Yarmouth Port Authority	
A Trafford	2/6 – 2/21	Toll payer and BHBF member	

Mr Chairman, Ladies and Gentlemen

Thank you for allowing me to introduce the petition against the opening up of South Walsham Parish Slipway.

Reading the officers' report and its recommendations, you could be forgiven for thinking that the slipway is currently restricted to just 12 keyholders.

In fact it is also used extensively by a wide public with canoes, punts, dinghies and other craft that can be carried on roof racks and lifted over the barrier. Outward Bound, for instance, launches four or six canoes at a time from the top of its minibus.

We welcome all this activity. What we fear is a large increase in trailer-borne boats because there demonstrably isn't the infrastructure to support it.

The Broads Authority itself appears to concur with this view. In rejecting planning applications in recent years, planning officers have said that the approach, and I quote, "is unsuitable for any intensification of traffic movements" and the single-track lane, to quote another refusal, "has no adequate passing points, no pedestrian provision and limited forward visibility, resulting in conditions of hazard and inconvenience to other users of the road".

The car park, despite the officers calling it a "benefit", is known to be inadequate even with its current load. The District Council has been trying unsuccessfully for ~~two~~³ years to negotiate extra space, and has given up.

The nearest public loos are two miles away at Ranworth.

The officers' report quotes Upton Dyke as a slipway where there have been no problems with public use. But the slipway there is next to the car park (unlike South Walsham), with good visibility and manoeuvring capacity (unlike South Walsham).

For this petition, we canvassed only those residents in the Lowtown area, nearest the slipway, where the prevailing feeling is apprehension at the danger more trailer-borne traffic would bring. But in discussions with people in other areas of the village, we found a widespread sense of outrage that the Authority is seeking to override the agreed conditions on which the land was gifted just 21 years ago.

In the residents' view, the proposals by the Parish Council, with its local knowledge and consultation, go as far as practicable, within the spirit of that original agreement, in meeting the ambition of the Broads Authority to encourage greater use of the slipway, and we ask the Committee to endorse them.

APPENDIX 3

Chairman and Members. Good afternoon.

I am here this afternoon to plead with you on behalf of the people of South Walsham not to go ahead with the proposals that your officers are putting to you today to open up our slipway to all comers

It appears that your Officers may have inadvertently overlooked some facts in their report and I am taking this opportunity to inform you of them as they are fundamental and may influence your decision today.

The Facts are as follows

Fact

Your officers report that there is a car park. There is but it is already full most of the time with walkers and fishermen's cars. And that is why Broadland District Council has, for the last three years, been trying to increase the size of it. They have failed. This car park is leased and the landowner has refused to increase the size. It is not a permanent car park. There is no other car parking.

Fact

There is only one access road to the site. There is a 600 metre stretch of narrow, single carriageway with a bank on one side and a deep ditch on the other side with no passing places

Fact

This narrow single carriageway access road serves all the business and residential properties around the broad and is frequently congested with local traffic trying to pass. It is the only access for emergency vehicles.

Fact

There is no turning place for cars and boat trailers.

Fact

For the last 20 years every planning application that would have caused an increase in traffic has been turned down because of the poor access road.

Fact

Your officers state that planning permission will not be required; any material change of use, especially one causing an increase in traffic will require planning permission. Norfolk County Highways officers have confirmed this to us

Fact

Your officers have told us that there will be no noticeable increase in traffic, but they have also told us that there is a big demand for extra slipway facilities.

Fact

The cost of repairing the slipway is £4,000. Not the £8,000 quoted by your officers. The other £4,000 is for quay heading which has nothing to do with the slipway and is an expense already incurred by the Broads Authority.

Fact

Under the legal agreement with the Parish Council the Broads Authority is obliged to repair the slipway.

Fact

At an Extraordinary Parish Council Meeting called to discuss this proposal more than 70 residents of our small village turned out to oppose it and that night created a fund to fight this Broads Authority proposal and protect the Village.

Fact

The Parish Council believe that had proper consultation been carried out this proposal would never have been put forward to you.

One of your Senior Officers has agreed that if they could start this process all over again they would certainly do it differently, most probably not at all.

Fact

Already the slipway is popular with canoeists and small boats as they do not need to open the gate to use the slipway to launch. We estimate there were over a 1000 launchings this year.

Members.... none of these facts are mentioned in the Officer`s report to you.

We are very concerned that you will make a far reaching decision today which will have devastating consequences for a small but beautiful area of Broadland.

We are not N.I.M.B.Y`s.....Many of us work in the holiday industry and understand the need to develop facilities for Broads users. We would support this proposal if the infrastructure it needs to work was in place, but it is not in place, there are no plans to put it in place and the constraints of the location will not allow it to be put in place.

We have just had a summer of pictures of rotting rubbish in our village in the local newspapers.

We do not want a summer of press reports and pictures of blocked roads, held up emergency vehicles and face to face confrontation between blocked in locals and visitors trying to launch and park

Thank you for giving me the time to make this appeal on behalf of our Village and the Broads.