

General Direction for Escorts and Large Vessel Movement
Report by Head of Ranger Services

Purpose: This report sets out the requirement and process for putting in place a General Direction to control the movement and mooring of floating plant and equipment in the Navigation Area.

Members advice is sought on who else should be consulted as part of this General Direction. (as listed in Appendix 3)

1. The Navigation Works Guidance

- 1.1. The document sets out a number of conditions relating to the movement and mooring of tugs, pontoons, barges or other floating plant within the navigation area. These conditions are set out in Appendix 1 and are in place to ensure, as far as possible, the safe passage of large equipment as well as protecting moored vessels and other vessels navigating. These conditions have been a requirement on the Broads for at least 20 years.
- 1.2. The movement of large equipment around the system is a significant risk which the conditions help to control. While the conditions have been frequently reviewed they remain largely unchanged as they represent the best working practice developed over years of this type of vessel movement around the system.
- 1.3. The conditions were originally issued pursuant to Section 11 (3) of Norfolk and Suffolk's Broads Act 1988 which relates to the works licence and also to Paragraph 18 (1) of Schedule 5 which allows the Navigation Officer the ability to give directions for certain purposes including regulating mooring and the manner in which vessels can be navigated.
- 1.4. While Section 11 (3) is still relevant, Para 18 was rescinded in the 2009 Broads Act. The Navigation Officer still has the powers to regulate vessels in certain circumstances however this now needs to be done through either a Special or General Direction as set out in the 2009 Act (see Appendix 2).
- 1.5. While the Authority can currently enforce the conditions through a works licence, a General Direction would need to be put in place to continue to be able to enforce the conditions relating to the movement of tugs, barges and other floating plant which fall outside of the works licence requirement. This would include vessels undertaking works outside of the works licence and movement of vessels between sites.

1.6. Schedule 1 of the Broads Act 2009 sets out the procedure required to put in place a General Direction (see Appendix 3). It sets out a number of statutory consultees to be involved in the process and requires an independent person to be appointed to oversee the process. The independent person is to be determined.

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Appendices:

- Appendix 1 Extract from the Broads Authority Navigation Works Guidance 7.3 Towing, Escorts and Pilotage
- Appendix 2 Extract from the Broads Act 2009 Part 2, 4 - General directions to vessels
- Appendix 3 Extract from the Broads Act 2009 SCHEDULE 1- Procedures as to general directions

Extract from the Broads Authority Navigation Works Guidance

7.3 Towing, Escorts and Pilotage

The conditions set out below are issued pursuant to appendix 3 S.11 (3) of Norfolk and Suffolk's Broads Act 1988 and the Broads Authority Act 2009.

These conditions apply to all persons responsible for the management or navigation of floating plant being used in connection with the Works and shall apply in every case where tugs, pontoons, barges (propelled or non-propelled) or other floating plant are moved, moored or used within the Navigation Area of the Broads Authority.

These conditions do not apply to the movement by a self-propelled vessel, which is less than 20 meters overall length and less than 6 meters beam, or to a movement by any vessel which is limited to shifting berth within an immediate worksite.

Owners of vessels over 20 meters must contact the Broads Authority at least 35 days in advance of the planned vessel movement to enquire if a pilotage service is required.

The conditions are without prejudice to any Direction, which may be given in respect of any particular vessel movement.

- (a) The Broads Authority must be given seven days' notice by telephone to Broads Control, Norwich (Tel 01603 756056) of every movement of a tug, barge, dredger or pontoon or other floating plant, stating the expected time and place of departure, intended route and destination, particulars and dimensions of the vessel(s) concerned and intended towing arrangements, etc.
- (b) Movements must be undertaken under escort of a Broads Authority patrol launch (or more than one launch if the Authority deems it necessary). Vessel movements should not commence until Broads Authority launches are ready and in attendance and have indicated that the movement may commence. The function of the Broads Authority patrol launch is to warn other craft of the vessel movement, to control movements of other vessels (including crossing particular areas/ reaches as appropriate) and to ensure observance of navigation byelaws and regulations. Safe navigation of the vessel under movement will remain the responsibility of the person in charge of it.
- (a) No movements will be allowed during darkness, fog or high winds. Again, circumstances will dictate decisions and even if a movement has been agreed the Ranger undertaking the escort can cancel the planned movement for weather, traffic or other factors. Escort of large vessels or rigs in high summer can necessitate up to three Broads Authority vessels, one ranging far ahead, one in front of the escorted vessel and one behind to prevent vessels overtaking.

- (d) All escorts will be charged at the Broads Authority standard rate per vessel/staff member. If the vessel to be escorted is of sufficient size the services of the Broads Authority mud pilot may be required. The current charge for the mud pilot is £200 per single passage.
- (e) Where any barge, pontoon, dredger or other floating plant of a length greater than 20 meters or beam greater than 6 meters is being towed astern by another vessel, there shall be connected also astern, a stern tug capable of effectively assisting and steering the forward vessel and keeping the towed vessel under proper control.
- (f) No vessel or tug and tow, whether towing astern, or alongside or pushing ahead, in which any of the vessels involved exceeds 20 meters length or 6 meters beam shall navigate through Reedham Railway Swing Bridge or Somerleyton Railway Swing Bridge with a following tide without the express authorisation of an officer of the Authority given in respect of that particular passage.
- (g) No barge, pontoon or other floating plant shall be moved by towing alongside if the overall width of towed and towing vessel so connected exceeds 8.00 meters (See Navigation Byelaw 27).
- (h) Vessels must comply as appropriate with Broads Authority Navigation, Speed Limits, Registration and Vessel Dimension Byelaws.
- (i) All vessels under movement which require to be escorted by a Broads Authority patrol launch pursuant to these conditions must be provided with VHF Marine Band Radio (multi-channel) in order to communicate with Broads Authority launches. It is strongly advised that mobile telephones are also carried.

Persons responsible for vessels movements are reminded that those in charge of other vessels may not be experienced navigators and may be surprised to meet substantial items of floating plant under movement. Allowance must be made for this and additional care taken in carrying out manoeuvres, communicating with other vessels, etc.

Extract from Broads Act 2009

Part 2, 4 - General directions to vessels

- (1) The Authority may give directions under this section (“general directions”) in respect of vessels in, or proposing to enter, or leaving, the navigation area for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property in the navigation area.
- (2) Without prejudice to the generality of subsection (1) the Authority may give general directions for any of the following purposes—
 - (a) for designating areas, routes, fairways or channels in the navigation area which vessels are to use, or refrain from using, for movement, mooring or anchorage;
 - (b) for securing that vessels move only at certain times, or during certain periods;
 - (c) for limiting the speed of motor vessels;
 - (d) for requiring the use of any equipment (including engines) forming part of or carried on the vessel;
 - (e) for prohibiting or regulating
 - (i) entry into the navigation area by a vessel which for any reason would be or would be likely to become a danger to other vessels or to persons or property, in or near the navigation area; or
 - (ii) entry into, or navigation within, any designated fairway or channel during any temporary obstruction thereof;
 - (f) for prohibiting or regulating entry into or movement in the navigation area by vessels at times of poor visibility due to the weather or to the presence of dust or smoke, or at times of high winds;
 - (g) for requiring the master of a vessel to give to the navigation officer information relating to the vessel or the qualifications of the master reasonably required by the navigation officer for effecting any of the purposes of this subsection;
 - (h) for prescribing the action to be taken in relation to vessels which have become adrift, or sunk, or run aground;
 - (i) so far as is necessary for the safety of navigation, for requiring or regulating the use of tugs in relation to a vessel.
- (3) Subject to subsections (4) and (5), a general direction may apply
 - (a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction; or
 - (b) to the whole of the navigation area or to a part designated, or the designation of which is provided for, in the direction; or
 - (c) at all times, or at times designated, or the designation of which is provided for, in the direction,

and every direction under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c).

- (4) A general direction relating to any matter referred to in subsection (2)(e) or (f) shall not apply to any pleasure craft.
- (5) A general direction relating to any matter referred to in subsection (2)(g) shall not require the master of a pleasure craft to give information as to his qualifications except where the craft is one in relation to which qualifications for masters are required by or under general legislation.
- (6) The Authority may revoke or amend any general direction.

Extract from the Broads Act 2009

SCHEDULE 1- Procedures as to general directions

1. In this Schedule “the statutory consultees” means—
 - (a) Associated British Ports;
 - (b) the Great Yarmouth Port Authority;
 - (c) the navigation committee;
 - (d) the British Marine Federation, the Inland Waterways Association and the Royal Yachting Association; and
 - (e) such other bodies (if any) appearing to the Authority to represent boating interests as the Authority considers appropriate.
2. The Authority from time to time following consultation with the statutory consultees shall appoint a suitable person to act as the independent person for the purposes of this Schedule, and references in this Schedule to the independent person are references to the person so appointed.
3. The Authority shall consult the statutory consultees upon any proposal to give, amend or revoke a general direction and except in a case of emergency shall do so before giving notice of the proposal under paragraph 4.
4. Not less than 42 days before giving, amending or revoking a general direction or in a case of emergency as soon as is reasonably practicable the Authority shall—
 - (a) publish notice of its intention to do so once in a newspaper circulating in the area of the Broads and on the Authority’s website; and
 - (b) give notice of its intention to do so to the statutory consultees.
5. Any notice published under paragraph 4—
 - (a) shall state a place where copies of the direction and any proposed amendment to it may be obtained and a place at which such copies may be inspected;
 - (b) shall state that representations may be made to the Authority in writing during the said period of 42 days or such longer period as may be specified in the notice;

and except in a case of emergency the Authority shall not give, amend or revoke the direction until it has considered all such representations as are made during the period stated in the notice.
6. In addition to the requirements of paragraph 4, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the Authority to be appropriate.

7. If any of the statutory consultees within the period allowed for in accordance with paragraph 5(b) objects to the giving, revoking or amending of a general direction the Authority shall refer the matter to the independent person.
8. As soon as reasonably practicable after an objection is referred to the independent person under paragraph 7 the independent person shall invite the Authority and statutory consultee by which the objection was made to put their case by way of written representations.
9. Following receipt of any representations made under paragraph 8 the independent person shall as soon as reasonably practicable provide the Authority and the statutory consultee by which the objection has been made with a report containing his conclusions on the direction and on the objection.
10. Except in an emergency the Authority shall consider the report of the independent person provided under paragraph 9 before giving, revoking or amending any general direction.