

## Navigation Committee

Minutes of the meeting held on 11 December 2014

Please note these draft minutes will be reviewed by the Navigation Committee at its next meeting on 26 February 2015 and may be subject to amendments prior to being confirmed

### Present:

Mr D A Broad (Chairman)

Mr K Allen	Mr P Durrant	Mr M Heron
Mr L Betts	Mr A Goodchild	Mr J Knights
Miss S Blane	Mr P Greasley	Mr P Ollier
Mr P Dixon	Mrs L Hempsall	Mr M Whitaker

### In Attendance:

Mr T Adam – Head of Finance  
Mr A Clarke – Senior Waterways and Recreation Officer  
Ms E Guds – Administrative Officer (Governance)  
Mr B Housden – Head of ICT/Collector of Tolls  
Ms A Long – Director of Planning and Resources  
Mr J Organ – Head of Governance and Executive Assistant  
Dr J Packman – Chief Executive  
Mr R Rogers – Head of Construction, Maintenance and Environment  
Mr A Vernon – Head of Ranger Services

### Also in attendance:

Prof J Burgess – Vice-Chair of the Authority

### 3/1 To receive apologies for absence and welcome

The Chairman introduced Emma Krelle, who was appointed as the new Head of Finance from January, and welcomed Prof Burgess and members of the public to the meeting.

All members were present.

### 3/2 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda

No items had been proposed as matters of urgent business.

### **3/3 To receive Declarations of Interest**

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

### **3/4 Public Question Time**

No public questions had been received.

### **3/5 To Receive and Confirm the Minutes of the Meetings Held on 4 September 2014**

The minutes of the meeting held on 23 October 2014 were confirmed as a correct record and signed by the Chairman.

### **3/6 Summary of Actions and Outstanding Issues Following Discussions at Previous Meetings**

Members received a report summarising the progress of issues that had recently been presented to the Committee.

In regards to the Text Service Trial members were updated on the recent meeting of the Association of Inland Navigation Authorities where technology being used by the Avon River Trust and the Canal and River Trust were discussed. Members agreed that it was not appropriate to proceed with the text service but for officers to investigate alternative technologies.

Members were informed that the landowner had advised that he no longer wished to sell land for a dredging disposal site and moorings at Boundary Farm and Thurne Mouth. The Committee considered that there could be problems with the suggestion of floating pontoons. Further discussions were being held with the landowner to determine how the moorings at the site could be retained.

Regarding the proposed mooring pontoons along the River Waveney frontage by St Olaves Marina members were informed that the applicant had made some amendments to the application in order to address some of the comments made by the Navigation Committee. However in doing so these had raised other issues relating to ecology and landscape and it was now proposed that the southern end of the run of pontoons would be replaced by timber piling and that this would be used for proposed demasting moorings. The applicant was proposing that the Broads Authority would pay to install the piling to create the demasting moorings.

Members were assured that although there were some changes to the application, it was still to be treated as the same planning application and no new application was required. Members raised concerns about the proposal from the applicant for the Broads Authority to pay for the new piling and

commented that the demasting moorings were not in the right location and would be preferred to be closer to the bridge.

Members reaffirmed that their original objections were still valid.

Members welcomed and noted the report.

### **3/7 National Park Branding of the Broads**

Members received a report which provided details of the Broads Authority's consultation on the proposal to use the term Broads National Park for marketing related purposes when referring to the Broads. It was made clear that the proposal related only to the branding of the Broads and would not involve any changes to the formal name or legal status of the executive area or the functions, name and responsibilities of the Broads Authority. The Broads Authority's three purposes of conservation, recreation and navigation would remain of equal priority.

The Chief Executive highlighted some issues where there were different views for example the Sandford Principle and the long term ambition for the area to become a National Park by 2030 in the current Broads Plan.

The Broads Plan review was programmed to start in 2015 and it was suggested that would provide the opportunity to review the long-term aim.

In response to a question as to what has changed since the last time the Broads Authority looked to change the name of the area, the Chief Executive advised that the Authority had previously investigated changing the legal name of the area. No legal change was being proposed in the present consultation. The Authority's recent legal advice was that as the Broads had a status essentially the same as a National Park and given the great similarities with the UK's national parks, it was legally possible to refer to the area as the Broads National Park for marketing purposes.

Several members expressed their disappointment in having to find out about the consultation through the media. Making greater use of the National Park brand was one of the Authority's strategic priorities for this year.

Members discussed whether additional tourism would harm the delicate habitat of the Broads.

There were some reservations in regards to the legality and reputational risks of the proposal and members requested sight of Defra's advice on this matter.

The Chief Executive responded that in line with the Authority's strategic priorities bilateral discussions had been held with all key stakeholders which had prompted had been consulted a great deal of positive feedback to the proposal.

It was explained that in the view of Visit England's Chief Executive the tourism industry in the Broads was fragile and that many people did not recognise how important the Broads were and that the branding sought to help address this.

The Chairman of the Authority had written to the Minister asking for his views on the proposal to adopt the national parks brand on the authority's promotional material. The Minister had responded that the consultation on branding was a matter for the authority and its stakeholders. In terms of government policy, the Minister indicated that Broads is treated as a member of the national park family although its statutory basis is quite separate and it is not legally a national park. There was no proposal to change this position and it was Defra's intention that the three purposes of the Broads would remain of equal standing.

The committee considered various forms of wording to reflect their views for feeding back into the current consultation and continued to have reservations about the legality and reputational impact of adopting the National Park brand. After some discussion, the Chairman proposed the following consultation response which was based upon the submission of the BHBF and incorporated concerns raised by members of the Committee:

"The Navigation Committee continues to have reservations about the legality and reputational implications of adopting the Broads National Park name and style and the following support is conditional upon the further reassurance from DEFRA and other statutory bodies being received should the Broads Authority approve this process. On this basis the Committee:

1. supports the use of the term "The Broads National Park' for the reasons and benefits described in detail in the Consultation Document October 2014.
2. supports the term "The Broads National Park" but not to the exclusion of the branding "Britain's Magical Waterland" it being of more direct relevance to the Broads and its leisure boating and tourism activities.
3. urges the Authority members in their forthcoming review of the Broads Plan to recognise the legitimate concerns of the boating community and remove the 'long term ambition of achieving full National Park status' from its policy documents.
4. asks them to confirm whilst doing so that there is no intention now or in the future to introduce legislation invoking the Sandford principle in its management of the Broads otherwise than in a manner that is acceptable and supported by this Committee and its constituent boating interests."

Committee members supported the proposed consultation response by 8 votes to 1 with 4 abstentions.

### **3/8 Initial Consultation on Strategic Priority Objectives for 2015/16**

Members received a report which set out the Authorities strategic priorities for 2015/16, highlighting five key areas of work, including Landscape Partnership and Hickling Broad and the Lake Review, already envisaged which would take up much of the Authority's available capacity.

The Chief Executive informed the members that the Authority was looking to submit an application for £3M to the Heritage Lottery fund for the Landscape Partnership Scheme. Members were made aware that windmills are an important part of the landscape and more work was needed to protect them, engaging the public in the work and exploring ways for mills to be self-sustaining.

Further it was highlighted that the Broads could be seen as the single largest archaeology site in the country however largely unexplored because of its damp conditions.

With regards to the programme of work for Hickling Broad it was pointed out that as this was a complex site, and the Authority was not only looking at long term objectives, but also at immediate short term projects. It was also exploring a potential partnership with a shallow lake in the North East of the Netherlands with similar issues.

Furthermore, the Chief Executive indicated that the Broads Plan needed reviewing and it was planned to start the work in 2015.

One suggestion was that the results from the Stakeholder Surveys could be used as one of the inputs into devising a 10 year long term strategic plan for navigation.

Members responded that all the issues concerning the use of the navigation area would need to be considered, not just the multiplier and the hire boat industry. The general opinion was that more funding was needed, especially as it was expected that one outcome from the Stakeholders' Surveys was that more moorings were required. Members believed that particularly when looking at a 10 year strategic plan a plan was needed as to how to fund the proposed Strategy.

One member considered that a review of governance should be one of the strategic priorities, especially as toll payers contributed approximately half of the Authority's funding. The Chief Executive advised that the Government had indicated in the Queen's Speech that it would be publishing plans for direct elections to national park authorities and the Broads Authority. It was perhaps premature to review governance arrangements for the Broads Authority until the results of the General Election in May and the views of the future Government on this matter were known.

Members noted the report.

### **3/9 Sediment Management Plan/Draft Dredging Programme 2015/16**

Members received a report which provided them with details of the Authority's most recent assessment of priority dredging sites and the proposed dredging programme for 2015/16.

The report demonstrated that the proposed dredging programme for 2015/16 would achieve the Authority's target of removing 50,000m<sup>3</sup> and had started to deal with some of the priority sites like Hickling Broad, Catfield Dyke and Limekiln Dyke.

A presentation demonstrated that siltation rates varied throughout the Broads which demonstrated the need for the Authority to carry out ongoing hydrographic surveys.

The Senior Waterways and Recreation Officer informed the Committee that bank erosion and sediment from headwaters were the two main sources of sediment input to the system. Members were assured that the Authority was targeting the most critical areas for dredging and by achieving the annual dredging target of 50,000m<sup>3</sup> reducing the backlog of sediment in the system on an annual basis. The Sediment Management Strategy also prioritised the identification of sources of bank erosion and the development of erosion protection schemes for those areas. He further pointed out that when looking at built up areas it was not only the amount of sediment they were monitoring but more importantly how high the sediment had settled.

A member expressed concern about the detrimental effect of BESL's piling removal work on bank erosion. It was explained that the Authority had taken this into account and BESL monitored the areas where piling removal had taken place. Currently the Authority was satisfied with the data provided by BESL.

In general members believed that the strategic approach to dredging was good procedure and one suggested that when taking out the sediment the weed should be removed as well.

The Committee expressed thanks that the report now included details of specification compliance and noted that this would facilitate identification of general trends and the future prioritisation of dredging.

Members noted the report.

### **3/10 Navigation Income and Expenditure: 1 April to 30 September 2014 and 2014/15 Forecast Outturn**

Members received a report which provided them with details of the actual navigation income and expenditure for the six month period to 30 September 2014 and provided a forecast of the projected expenditure at the end of the financial year (31 March 2015). The report showed that there had been some significant movements in the forecast outturn position for the year, mainly as a result of movements in predicted toll income, which suggested a deficit within the navigation budget for the year.

Actual figures demonstrated that income of £2.886m had dropped slightly behind profiled budget mainly due to the delayed receipt of investment income. The total net expenditure was £1.416m, against the latest budget of £1.443m. Members were informed that this resulted in a larger surplus at this point than budgeted, and represented a 1.15% underspend when compared against the latest budget (down from 3.05% at the last report).

The Head of Finance highlighted that Operations had moved to a small overspend position but that at this point it continued to be expected that the overall variance would close down in the next few months. The main reason for the overall variance was due to underspends within Planning & Resources and many of these related to timing differences against profile, for example outstanding legal billing.

It was noted that the Latest Available Budget had not moved since the last report to the Committee but that the forecast outturn showed some movements. The adjustments of the latter related to reductions in income forecasts, i.e investment interest and rental income, and therefore the forecast outturn was now for a slightly increased deficit of £15k (£11k in October). This would leave reserves at year end at approximately £275k.

The Head of Finance went on to report on two items that had arisen since the preparation of the printed report. Firstly members were informed that it appeared unlikely for it to be viable to begin works to repile Turntide Jetty in 2014/15. This project, which was originally developed to run over two financial years for budgeting purposes, was likely to be delayed until 2015/16 mainly as a result of the costs of sourcing the required materials in the most cost effective manner. Members were informed that it was therefore anticipated that the forecast outturn for 2014/15 would be reduced by £138k in the next round of monitoring and that this expenditure would be transferred to 2015/16 budgets for approval by the Authority. Similarly, the timing of expenditure from earmarked reserves would be adjusted so all use of reserves in relation to this project appeared in 2015/16. The Head of Finance emphasised that the overall impact on Navigation expenditure would be nil as this represented simply a change in the timing of activity between the two financial years.

Secondly, members were given an update on the progress of disposing of launches as part of the Authority's Asset Plan. Members had previously considered this issue in December 2009, which set out the strategy including a rolling programme of disposals of older launches to finance replacements. At that time, sale proceeds were estimated at £10k per vessel disposed of, however subsequently when the Authority approved disposal of *Thurne* and *Barton* in 2013, the estimate had been increased to £20-27k. These estimates had proven to be slightly on the high side and members were informed that *Barton* launch was now the subject of an offer for £14k. Although this offer was considerably below the previous estimated value and the value achieved for the launch *Thurne* (which was disposed of for £17.5k before commission and VAT), members were advised that this was now considered to be a good offer, and if the vessel remained unsold, the Authority would incur additional repair and maintenance costs over the winter as it would likely deteriorate during this time.

Members noted that there had been some significant fluctuations in the valuations for the launches and supported the officer view, recommending that the Authority proceed with the sale promptly.

### **3/11 Navigation Budget 2015/16 and Financial Strategy to 2017/18**

Members received a report which set out the draft budget for 2015/16 for their consideration. It was highlighted that the forecast outturn shown in the budget did not reflect the proposed changes in respect of Turntide Jetty discussed under the previous agenda item. It was explained that the impact of this would be that the deficit described in the papers would actually be a surplus of £122,835 and the closing balance of the Navigation Reserve for 2014/15 would be approximately £407,106. Expenditure of £138k would therefore be moved to 2015/16 resulting in expenditure for the year of £3.115m rather than £2.977m. The effect of this would be a deficit in 2015/16 of £89,447 rather than the surplus £48,553 in the printed paper however because this represented a change in timing from 2014/15 to 2015/16 only, the projected closing balance of navigation reserves at the end of 2015/16 would be unchanged, at £317,659.

In respect of the four key factors set out in the report as influencing the production of the 2015/16 budget, members were advised it should be emphasised that there remained continuing uncertainty around National Park Grant allocations and the Authority's 2015/16 allocation had not yet been confirmed. Therefore there might be further adjustments to the National Park budget before the budget is approved by the Authority in January. Members were advised that the final approved budget would be reported back to the Committee at the earliest opportunity.

Members were made aware that it was important to note that the strategy was highly sensitive to some of the critical assumptions set out in the report and that there would be financial implications from changing these assumptions.



The Head of Finance reported that it was proposed that navigation earmarked reserves would be used in 2015/16 to fund the fit-out of a second replacement launch, purchase of linkflotes and a third wherry. However members were also informed that there was significant uncertainty about some potential items to be funded from reserves, including the cost of further works at Mutford Lock.

One member queried why the report did not show the earmarked reserve for Mutford Lock separately given that it represented a considerable sum. The Head of Finance replied that members had previously agreed that earmarked reserves should be consolidated at a higher level and as such the Mutford Lock balance was included within the larger "Property" reserve.

It was reported that the earmarked reserves strategy anticipated expenditure for land purchases including those at Boundary Farm / Thurne Mouth, which had previously been approved by the Authority. However the Head of Finance reported that it has now emerged that these purchases might not proceed as originally planned although negotiations to secure the continuation of mooring provision in this area were currently ongoing. Members noted the strategic importance of moorings at this site.

It was stated that in spite of the timing changes in respect of Turntide Jetty, the proposed 2015/16 budget left the navigation reserve above the minimum recommended level at the end of the year and provided for adequate contributions to asset management to provide for future liabilities. The budget had also taken into account the Committee's previous comments about waste provision and allowed for the cost of collection at the Authority's own sites, but not for any expanded provision. The Head of Finance stressed that there was limited capacity for taking on additional or ad-hoc projects during the year.

Members noted the report, including the changes in respect of Turntide Jetty and the use of earmarked reserves, and supported the budget being presented to the Authority in January for approval.

### **3/12 Planning Application with Navigation Implications: Development to Facilitate Canoe Access on Pound End Broad and Hoveton Marshes**

Members received a report which provided details of a planning application for a new vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End. The application also included a landing stage, boardwalk and viewing platform at Hoveton Great Broad and a temporary de-watering lagoon at Hoveton Estate and Hoveton Marshes, Horning Road, Hoveton. Members were informed that the application site does not include any part of the River Bure or other publically navigable waters and that the canoes using the area did not need to pay a toll.

The general view of the Committee was that if a considerable amount of public money was being spent on this development then the site should be accessible to the general public and suggested opening up other areas to create a circular route.

Members were informed that Natural England had appointed private consultants to seek the view of local people as to what can be done to make the broad more accessible to the public.

One member pointed out there was a difference between public and navigational access as for public access permission from the landowner was needed whereas with navigational access permission was negotiable.

Members declared that as a committee they did not have an overall recommendation on the planning application itself other than that the normal safety criteria should be mandated for the proposed structures.

### **3/13 Broads Authority Act 2009 Provisions: Temporary Closure of Waterways**

The members received a report which discussed two provisions of the Broads Authority Act 2009 which were still to be developed. These were the temporary closure of the waterway and directions as to loading and unloading of vessels.

Members noted that the proposals concerning the circumstances of Temporary Closure of Waterways had been discussed and supported by the Boating Safety Management Group and the Broads Forum and were based upon existing practice under the Authority's implementation of the 1988 Norfolk and Suffolk Broads Act with only minor and necessary changes of wording.

The Head of Safety Management further reported that a review of staites was likely to be undertaken with a view to compiling a Staites Register and therefore the implementation of section 10 of the 2009 Act regarding the loading and unloading of goods would follow the completion of that work.

Members supported both aspects of the report.

### **3/14 Construction, Maintenance and Environment Work Programme Progress Update**

Members received a report which set out the progress made in the delivery of the 2014/15 Construction, Maintenance and Environment Section work programme, which included that 53% of the programmed target of sediment of at least 50,000m<sup>3</sup> has been removed from the rivers and broads.

Members were shown a brief presentation which demonstrated that the age and heavy use of some of the old wherries had brought them to the end of

their service and needed to be scrapped. In order to maintain the level of work it was proposed to hire a wherry from the Environment Agency until a brand new one arrived from Ireland. Members were advised that the new wherry had already been budgeted for and that the costs were brought forward to next year.

Concerning Turntide Jetty the members were informed that this was still within budget and that GT Rochester had won the bid and was able to deliver within budget as long as the Authority was prepared to wait for 16 weeks as the timber was coming from Africa.

Members were assured that the contract award was in accordance with procedures and that the timber has been ethically and sustainably resourced.

Members welcomed and noted the report.

### **3/15 Sediment Heavy Metals Record and Historical Boating in the Broads**

Members received a report which summarised the recent research commissioned and supported by the Broads Authority over the past 15 years. Working with Severn Trent Laboratory and Universities (University of East Anglia (UEA), Cambridge University, Imperial College London (ICL) and University College London, (UCL)) the Broads Authority had investigated the impact of heavy metals such as tributyltin (TBT), Copper (Cu) and Zinc (Zn) used as biocides in antifouling paint on the Broads aquatic ecosystem.

From this research it was concluded that the spatial distribution of contaminants across the Broads rivers and lakes showed that the heavy metals Copper, Zinc and tributyltin were at greater concentration closer to boatyards; the heavy metals records showed excess Copper and Zinc at boated compared with lightly/non-boated sites; Copper and Zinc raise with tributyltin close to 1960; in the 1990s tributyltin fell, but excess Copper and Zinc remained high and studies suggested that current levels of sediment contamination by Cu might have had negative ecological effects for Broads aquatic ecosystems.

The senior ecologist informed the Committee that the Broads Authority in addition to supporting research on antifouling paints had been raising awareness with boating organisations, boat yards, boat owners as well as trialling biocide-free paints for many years. There was more that could be done and the Authority was seeking the ideas of the Navigation Committee as to what new ideas for raising awareness and best practice.

A member mentioned that silicone paint is an alternative to antifouling paint, however extremely expensive and therefore private boat owners especially were reluctant to use this. Also it was believed that there wasn't much difference in pollution between Ormesby Great Broad and Barton Broad and that TBT had a half-life which meant it faded away and degraded. It was

confirmed that the concentration of persistent heavy metals differ between sites, yet concentrations were consistently high and posed ecological risk around boat yards in particular. TBT levels remain high in the Broads and have not yet been degraded in the Broads.

One member said he would like to see what work had be done on invasive species like the zebra mussel to assure there wouldn't be a counter effect and the risk that vessels carried species all across the world.

The senior ecologist requested members to write down or let her know their ideas for how to effectively tackle the issue of building levels of copper and zinc in the sediment of the Broads as a result of antifouling paint so they could be collected after the meeting.

Members noted the report.

### **3/16 Chief Executive's Report**

The Committee received a report which summarised the current position in respect of a number of projects and events, including decisions taken during the recent cycle of committee meetings.

As key issues the Chief Executive highlighted a meeting with Network Rail regarding Trowse Bridge.

### **3/17 Exclusion of the Public**

The Committee agreed that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 3 & 4 of Part 1 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 were informed that Network Rail would like to replace the swing bridge for a fixed bridge with double tracks instead of the current single track. The implications are however that this proposal, if accepted by the Broads Authority, as the Navigation and Harbour Authority, would mean the end of the historical Port of Norwich and the prospect for Norwich to receive larger vessels.

The Chief Executive reported that as compensation for having a fixed bridge a contribution towards a marina at Trowse Bridge and/or other aspects of community gain had been suggested. He continued that as the need for a fixed bridge was a high priority for the Norfolk economy, the Government and Network Rail, and therefore the Authority was seeking the members' view on what the Authority's response should be

The committee emphasised the value and historical importance of the Port of Norwich and confirmed the view that any moves which could lead to the loss of this navigation could only be considered in the light of substantial alternative benefits and compensation.

Officers would take this view back within any subsequent discussions

### **Re-admission of the Public**

#### **3/18 Current Issues**

There were no current issues to be discussed.

#### **3/19 Items for Future Discussion**

The Chairman reminded members that the next meeting would be the last for several members of the Committee including himself; due to the expiry of the fixed term that members were able to serve. This would be a major reorganisation of the Committee, which would require a new Chairman and Vice-Chairman as well as two new co-opted members to be nominated to serve on the Full Authority.

This would also coincide with the introduction of a new scheme of digital committee papers with paper copies being discontinued.

The shorter format of meeting papers had been trialled during the meeting for which feedback would be helpful.

The Chairman hoped that ongoing members would assist the process of continuity and feedback any problems or issues that this might raise to be discussed at the next meeting in February 2015.

#### **3/20 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 26 February 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

The meeting concluded at 5.40 pm

Chairman

## Code of Conduct for Members

**Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 11 December 2014

<b>Name Please Print</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Mr K Allen		Member of the Broads Angling Strategy Group
Mr L Betts	3/6 – 3/16	Toll Payer/Landowner/Riverside Piling
Ms S Blane		Member of the Planning Committee
Mr D A Broad	3/6 – 3/16	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Mr P Dixon	General	As before & NSBA
Mr A Goodchild	3/6 – 3/16	Toll Payer/MD GMS, Chairman BMF CM
Mr P Greasley	3/6 – 3/16	Toll Payer/Boat Operator/BHBF Exec Committee Member
Ms L Hemsall		(No relevant interest)
Mr M Heron	3/6 – 3/16	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NBYC, Rec, Chair Whitlingham Boathouses
Mr J Knight	3/6 – 3/16	Toll Payer/Boat Operator/Yacht Club Member
Mr P Ollier	3/6 – 3/16	Toll Payer, NSBA Committee member, RYA and various Broads sailing clubs
Mr M Whitaker	3/6 – 3/16	Toll payer, Hire Boat Operator, BHBF Committee