

AGENDA

23 January 2015

10.00am

- | | Time |
|--|-------|
| 1. To receive apologies for absence and welcome | 10.00 |
| 2. Chairman's Announcements | |
| 3. Introduction of Members and Declarations of Interest | |
| 4. To note whether any items have been proposed as matters of urgent business | |
| 5. Public Question Time
To note whether any questions have been raised by members of the public

Question submitted by Tim Harris (herewith) | |
| 6. To receive and confirm the minutes of the Broads Authority meeting held on 21 November 2014 (herewith) | |
| 7. Summary of Progress/Actions Taken following Decisions of Previous Meetings
To note schedule (herewith) | |

STRATEGY AND POLICY

- | | |
|---|-------|
| 8. Stakeholder Surveys Analysis
Report by Chief Executive and Senior Waterways and Recreation Officer (herewith) | 10.15 |
| 9. Branding the Broads
Report by Chief Executive (herewith)

Addendum to the Branding the Broads report (herewith) | |
| 10. Strategic Direction
Report by Chief Executive (herewith)
<i>To include:</i>
<i>Progress on Strategic Priorities 2014/15</i> | |

- | | Time |
|---|-------|
| <p>11. Financial Performance and Direction
 Report by Head of Finance (herewith)
 <i>To include:</i>
 (1) <i>Consolidated Income and Expenditure from 1 April – 31 October 2014</i>
 (2) <i>Addition to Standing Tender List</i></p> | 11.45 |
| <p>12. Budget 2015/16 and Financial Strategy to 2017/18
 Report by Head of Finance (herewith)</p> | |
| <p>13. National Parks UK Commercial Sponsorship Proposal
 Report by Chief Executive (herewith)</p> | |
| <p>14. Sediment Management Strategy Draft Dredging Programme 2015/16
 Report by Senior Waterways and Recreation Officer (herewith)</p> | |
| <p>15. Climate Change Adaption Plan
 Report by Head of Strategy and Projects (herewith)</p> | 12.45 |
| <p>16. Making the Acle Neighbourhood Plan part of the Development Plan for the Broads Authority
 Report by Planning Policy Officer (herewith)</p> | |
| <p>17. Committee Timetable for 2015/16
 Report by Head of Governance and Executive Assistant (herewith)</p> | |

REPORTS FOR INFORMATION

- | | |
|--|-------|
| <p>18. Chief Executive Report
 Report by Chief Executive (herewith)</p> | 13.30 |
| <p>19. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code</p> | |
| <p>20. Feedback from Lead Members and those appointed to represent the Authority</p> | |

MINUTES TO BE RECEIVED

21. **To receive minutes of the following meetings:** 13.45
(Available on the Authority website)
- Broads Forum – 6 November 2014 (herewith)
 Planning Committee – 7 November (herewith)
 Planning Committee - 5 December 2014 (herewith)
 Financial Scrutiny and Audit Committee – 21 November 2014 (herewith)
 Broads Local Access Forum – 3 December 2014 (herewith)
 Navigation Committee – 11 December 2014 (herewith)
22. **To note the date of the next meeting – Friday 20 March 2015 at 10.00 am at Yare House, 62-64 Thorpe Road, Norwich**
23. **To consider any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4)(b) of the Local Government Act 1972**
24. **To answer any formal questions of which due notice has been given**
25. **Exclusion of the Public**
 The Committee is asked to consider excluding the public 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 1, 3 and 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.
26. **To receive the exempt minutes of the Special Financial Scrutiny and Audit Committee meeting held on 21 November 2014 (herewith)** 14.00
27. **To receive the exempt minutes of the Navigation Committee meeting held on 11 December 2014 (herewith)**

Contact Officers are shown at the end of each report. Members are welcome to raise questions and make observations in advance of the meeting with the appropriate officer.

Public Question Time

Question submitted by Tim Harris

The Catfield Fen water abstraction licence case which has now been running for well over six years, has highlighted significant deficiencies in the way the statutory bodies monitor wetland sites. In particular there is now evidence that Natural England's Condition Assessment Reporting and the Environment Agency's AMEC owned and operated Hydrological Model are simply not fit for purpose in the exceptional environment of the Broads.

To give but one example of many, Prof Rushton, the eminent hydrologist employed by the Broads Authority to review the Environment Agency's processes, has recently commented (22.9.14):

"Most of the issues which I have raised have not been examined critically or constructively."

He goes on to say that key statements quoted by the Environment Agency are "Unsubstantiated judgements by AMEC. They are not appropriate for a scientific investigation."

I have only quoted Prof Rushton because he is the Broads Authority's consultant. He is not alone, there is a great deal more of a similar nature from many other eminent experts in hydrology, hydrogeology and the related ecology.

Does the Broads Authority recognise these deficiencies and accept that it is now time for a full and, most importantly, open review of how the statutory bodies are fulfilling their statutory obligation to monitor and protect the UK's top wetland sites a great number of which are in the Broads?

The Broads Authority response will be read out at the meeting.

Broads Authority

Minutes of the meeting held on 21 November 2014

Present:

Dr J S Johnson - in the Chair

Mr K Allen	Mr N Dixon	Mrs L Hemsall
Mr M Barnard	Sir Peter Dixon	Mr P Ollier
Miss S Blane	Mr C Gould	Mr J Timewell
Mr D A Broad	Mr G McGregor	Mr R Stevens
Mrs J Brociek-Coulton	Dr J M Gray	Mr P Warner
Prof J A Burgess		

In Attendance:

Dr J Packman – Chief Executive
Mr T Adam – Head of Finance
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management
Dr Dan Hoare – Environment and Design Supervisor
Mr S Hooton – Head of Strategy and Projects
Mr T Hunter – Rivers Engineer
Ms A Kelly – Senior Ecologist
Ms A Leeper – Asset Officer
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr J Organ – Head of Governance and Executive Assistant
Mr D Johnson – For Solicitor and Monitoring Officer

Also in attendance

Dr K Bacon	Chairman, Broads Forum and Chairman of Broads Local Access Forum
Mr Mike Edwards	Team Leader, Norfolk and Suffolk, Natural England
Mr P Murphy	On behalf of Norfolk County Council Historic Environment
Mr D Gurney Ms A Yardy	Norfolk County Council Historic Environment

Public in attendance who spoke:

Mr Geoff Doggett – River Waveney Trust (Chairman)
Mr Jolyon Oxley – Geldeston Parish Council (Vice-Chairman)

3/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting including members of the public and those who wished to provide Statements.

Apologies were received from Mr L Baugh , Mr P Durrant, Mr G W Jermany and Mr J Sharpe.

3/2 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

Following a request from the Chairman, no members of the public indicated that they would be recording or filming the proceedings.

(2) Various Events and Future Dates to Note

The Chairman confirmed the following dates:

Planning Committee Site Visit – 28 November 2014 to view BA/2014/0336/HOUSEH Landfall, Coltishall, prior to the next Planning Committee meeting.

Planning Policy Workshop – 5 December 2014

There would be a workshop for all members of the Authority on the afternoon following the Planning Committee on 5 December 2014. This would help to shape the Broads Local Plan and was timetabled to fit in with the Local Development Scheme agreed by the Planning Committee at its meeting on 12 September 2014. Members were encouraged to attend.

Review of Consultation on Branding and the Responses to Stakeholder Surveys

The Member Workshop was now confirmed for Tuesday **6 January 2015**. This was also referred to at Minute 3/7 under the Summary of Progress.

(3) Electronic Agendas and Reports

The Chairman reminded members that as part of the measures to make savings as a result of the Government Spending Review, they had agreed to sign up to receiving Committee agendas and reports electronically. It was therefore intended that as from the January meeting 2015 all papers would be distributed electronically. Therefore this would be the last full Authority meeting when paper bound copies

would be distributed. Those who required the necessary electronic device were requested to contact the Governance team.

(4) Green Apple Award

The Chairman reported that he and the Chief Executive had attended a ceremony relating to the Green Earth Appeal on 10 November 2014 at the Houses of Parliament attended by a wide variety of organisations and businesses for their contributions to reducing carbon emissions and green production processes. The Authority was awarded a Bronze Green Apple Award for the Salhouse Broad Project.

(5) Farewell to Titus Adam as Head of Finance

The Chairman announced that this would be Titus Adam's last full Authority meeting as he would be leaving the Authority in early January 2015 to join Norfolk County Council. On behalf of members he wished Titus all the very best, expressing appreciation for the way in which Titus had provided greater clarity and improved understanding of the Authority's finances which had been exceedingly beneficial.

(6) Proposal to Vary Order of Agenda

The Chairman announced that in view of the public interest in Agenda Item 14 Geldeston Landholdings, he proposed to take this following Agenda Item 7. It was also intended to take items 15, 16 and 17 following item 10 before items 11, 12 and 13. Members were in agreement.

3/3 Introduction of Members and Declarations of Interest

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

3/4 Items of Urgent Business

No items of urgent business had been received.

3/5 Public Question Time

Statements had been received from Geoff Doggett on behalf of the River Waveney Trust and Alison Norman on behalf of the Geldeston Parish Council relating to the Geldeston Landholdings. Mr Doggett spoke to his Statement and Julian Oxley read out the statement on behalf of Geldeston Parish Council both of which welcomed the recommendations in the Officer's report and are attached at Appendix 2 to these minutes. The Chairman thanked both parties for their statements emphasising that the subject would be discussed later in this meeting when their comments would be taken into account.

3/6 Minutes of Broads Authority Meeting held on 26 September 2014

The minutes of the meeting held on 26 September 2014 were approved as a correct record and signed by the Chairman.

3/7 Summary of Progress/Actions Taken Following Decisions of Previous Meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings.

Members noted that some of these also linked in with the Strategic Priorities report at Minute 3/8. In particular, members noted the updates concerning:

External Funding Opportunities Minute 3/7(Objective 4.4 in Summary of Progress.) The Chief Executive confirmed that he, Kelvin Allen and Phil Durrant intended to meet in mid to late January, following the Members Workshop reviewing the responses to the Branding Consultation and Stakeholder Surveys, to consider potential income generation from external funding sources such as Europe and the Lottery. The aim was to review the areas of need and potential sources and prioritise these with a view to reporting back to the March meeting. With reference to discussions about potential works relating to Hickling Broad, he reported that officers were in the very early stages of discussions with a company in the Netherlands which had a site with similar issues with a view to seeking European Interreg funding.

Catfield Fen Water Abstraction – “the minded to” decision by the Environment Agency had now been issued. There would be a consultation period of 4 weeks from 17 November 2014 when the parties involved would be able to provide comments. Details of this were available from the Defra website and members were encouraged to study this.

<https://www.gov.uk/government/publications/catfield-norfolk-abstraction-licences/catfield-fen-norfolk-abstraction-licences>

The Chief Executive reminded members that in the Authority’s role as independent consultee, it had already submitted comprehensive evidence based advice after commissioning hydrology experts and in accordance with its objectives would continue to balance the conservation and enhancement of natural resources with the needs of important economic interests. In supporting the correct decision making process, the date for and details of the Broadland Fen Seminar to be hosted by the Authority would be confirmed once the final decision had been received.

David Matless Lecture at UEA as part of the 25th Anniversary Celebrations.

The lecture had been well attended and very well received. Thanks were expressed to the Vice-Chair together with the Head of Communications for organising the successful event.

***Stakeholder Surveys and Branding the Broads: Member Workshop
(Minute 1/3 and 2/8)***

Some members expressed concern that with the deadline for receipt of consultations on the Branding of the Broads being 31 December 2014, they would not have sufficient time to receive or view any results from any of the consultations prior to discussions at the Member Workshop on 6 January 2015. Some members considered that it might be useful to have sight of some of the comments already received as soon as possible.

The Chairman commented that the intention to hold the workshop on that date was so that members would be the first to receive the information as a whole from both the Stakeholder Surveys as well as the Branding consultation, together with analysis from the professional organization commissioned to carry out the work. The workshop was not for decision making. Members would then be able to give detailed consideration to the reports on the outcome of the consultations and deliberate on potential ways forward at the Authority's meeting on 23 January 2015.

A member queried appropriate statistical representation from the residents' survey given the tight boundary of the Broads Authority executive area, noting that some of those who may live in a village associated with the Broads or whose work was Broads related might not be covered. The difficulties the Authority's boundary posed were recognized. However, it was noted that the largest component of the surveys were tollpayers and other views could be gained from the Visitor Surveys. The funding available would not have been able to extend to a much wider sample. The Chief Executive would be discussing the issues with Insight Track within the next week and would also seek clarification on progress.

Agenda Item 3/14 was dealt with at this juncture

STRATEGY AND POLICY

3/8 Strategic Direction: Strategic Priorities 2014/15

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority had been identified as the lead partner, following the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011. Members noted the progress made towards the objectives, and the projects and key outcomes to meet the Strategic Priorities for 2014/15 which had been agreed at the meeting on 21 March 2014.

Members noted that four objectives had reached completion and the remaining projects were on track apart from Objective 1.1 concerning the preparation of a Revised Climate Adaptation Plan for Consultation with Stakeholders.

The Chief Executive reported that the Authority had consulted the Broads Forum and would be consulting with the Navigation Committee on the initial Draft Strategic Priorities for 2015/16 prior to consultation with the Parish and Town Councils for the Authority to review and consider in March 2015. He explained that five key areas had been identified for consideration all of which were major pieces of work and would take up considerable resources in addition to the ongoing work programme:

- The Landscape Partnership Bid to HLF.
- The Lake Review including potential Hickling project(s)
- The outcomes from the Stakeholder Surveys and a Strategy for Navigation
- The Outcome of the Branding Consultation and the need to review the Tourism Strategy
- The consideration of The Broads Plan from 2016/17.

Members were requested to give thought as to whether there were any other items which should be considered for inclusion.

The Authority was mindful that there was due to be a General Election in 2015 which would be critical for all the national parks. A decision on the Authority's National Park Grant for next year was due to be made by Defra in December. Although Lord de Mauley (Parliamentary Under-Secretary of State Defra) had recently commented that he had made strenuous efforts to shelter the protected landscapes, this could not be guaranteed going forward and there were tremendous uncertainties which would have a bearing on the Authority's strategic direction. Therefore it was important to be prudent with the Authority's finances and its resources as well as being mindful that there were limited resources available to the local authorities and other organisations. Following attendance at the National Association for Areas of Outstanding Natural Beauty 'Landscape for Life' Chairmen's conference, the Chairman had extended an invitation to Lord de Mauley to visit the Broads in February 2015.

RESOLVED

- (i) that the performance of the different projects to meet the Strategic Priorities for 2014/15 in the accompanying schedule Appendix 1 to the report be noted;
- (ii) that the potential key milestones for inclusion in the Draft Strategic Priorities for 2015/16 as set out above be noted.

3/9 Financial Performance and Direction

The Authority received a report providing a strategic overview of current financial issues. They took each matter in turn.

Section 2: Consolidated Income and Expenditure from 1 April – 30 September 2014

The Authority received the details of the consolidated actual income and expenditure for the six month period to 30 September 2014 together with a forecast of the projected expenditure at the end of the financial year 31 March 2015 for the whole Authority (National Park and Navigation). It was noted that core income was slightly behind the profiled budget at the end of the six month period but expected to be broadly in line at the year end. The operations expenditure was very much in profile, however, there was a significant underspend on Planning and Resources budgets due to delayed projects, cancellation of the Whitlingham Development Project and significant receipt of additional income from planning fees, strategy and project grants, partnerships and from the Visitor Centres and Yacht Stations resulting in an overall favourable variance of £194,465 at the end of September 2014.

Members noted that the forecast outturn indicated income was expected to be broadly in line with budget with total forecast income of £6,233,961, Total expenditure forecast was £6,369,774 resulting in a forecast deficit for the year to be £135,813 (£15,166 navigation and £120,647 National Park.) which was more favourable than expected.

Members reiterated their appreciation to the Head of Finance for the clarity of the report.

RESOLVED

- (i) that the consolidated income and expenditure figures from 1 April 2014 to 30 September 2014 be noted.

Section 3: Advertising and Sponsorship Policy

The Authority received a report outlining the proposed Advertising and Sponsorship Policy designed to provide a framework for the Authority's activities in this area and the various responsibilities and associated levels of decision making which would be required to help ensure best practice and that legislative requirements were followed. This was based on the Guidance to Departments on Sponsorship of Government Activities (Cabinet Office, 2007) and the draft NPUK Sponsorship Policy Guidelines which had recently been developed.

Members welcomed the report and were in agreement with the proposed Policy and suggested that Food and Agriculture should be included within the criteria for identifying suitable advertisers and sponsors. With reference to Section 10 Dealing with Complaints, it was noted that these would be dealt with in the same way as the Authority's main Complaints Procedure and similarly members considered that they should be made aware of these. It was considered that the Authority should proceed with caution and have measures in place to deal with sponsors who may inadvertently cause embarrassment and/or be a reputational risk. A member commented that he

would hope the Authority could also tap into the European Fisheries fund within 2015.

The Chief Executive reported that at the UK level the National Parks were in the process of setting up a company limited by guarantee that would act on behalf of all national parks in order to tap into sources of funding. The Authority's Chairman would be representing the Authority at the meetings of the National Parks UK Board when reviewing the Articles of Association for the new company. In addition he reported that as part of the AirWick sponsorship the Authority had received a further payment of £3,000. Staff had been asked to consider ideas for where this could be allocated in order to demonstrate to AirWick how a specific project had benefitted. Such a decision would be delegated to the Management Team in line with the Advertising and Sponsorship Policy and members were content with this approach.

RESOLVED

- (ii) that the Advertising and Sponsorship Policy be approved subject to amendments to some of the wording, the inclusion of Food and Agriculture within the list of suitable advertisers and sponsors and a refinement of the Complaints procedure; and
- (iii) that the responsibilities for Sponsorship be noted:
 - Decisions regarding large scale (sponsorship arrangements worth more than £100,000 annually) be referred to the Full Authority eg in case of potentially controversial partners, or where a significant or sensitive asset is identified for sponsorship
 - Decisions relating to significant sponsorship (Sponsorship arrangements worth more than £5,000 annually) about acceptance of advertising and uncontroversial sponsorship opportunities to be taken by the Management Team, taking account of the criteria within the policy. Cumulative value and impact of individual sponsorship arrangements to be taken into account.
 - Day to Day decisions about advertising to be taken by Officers (generally within the Communications Team) with ultimate control by the Authority.
 - That the Policy be reviewed every three years, the responsibility for regular reviews being that of the Head of Finance.

Potential Sponsorship Opportunity

The Authority considered the approach from a local Insurance broker as a prospective sponsor for Norwich Yacht Station and potentially also Great Yarmouth Yacht Station and Reedham Quay. Members noted the associated issues and the negotiations required. Although cautious, members considered that the potential proposal was worthy of pursuing, specifically for Norwich Yacht station in the first instance as a test asset given its high profile sensitive significance.

RESOLVED

- (iv) that the Authority agrees to the principle of progressing the potential sponsorship in respect of Norwich Yacht Station and delegate to the Chief Executive and the Management Team to explore this possibility and negotiate with the potential sponsor and Norwich City Council in line with the Advertising and Sponsorship Policy.

3/10 Navigation Charges 2015/16 and Draft Financial Strategy to 2017/18

The Authority received a report and presentation providing members with information for consideration of a Financial Strategy for Income and Expenditure for three years 2015/16 to 2017/18. The Baseline Financial Strategy demonstrated that an increase of 1.7% in navigation income annually for that period, would enable the Authority to continue to deliver current levels of service and make provision for the necessary ongoing maintenance costs including replacement of vehicles, vessels and equipment taking account of the Authority's Mooring Strategy and servicing of the revised Asset Management Plan over ten years. This was subject to boat numbers continuing to remain stable and took into account reductions in central costs and the revised allocation of practical work in association with the ongoing pressure on National Park Grant.

The Navigation Committee had considered the matter at its meeting on 23 October, looking at various options, and supported the approach recommending that tolls be increased by a flat rate of 1.7%. Members considered that any potential changes to the hire boat multiplier and the relative costs for different sized boats would follow from the outcomes of the stakeholder surveys and could be built into decisions for charges in 2016/17.

Members noted that the baseline figures did not include costs relating to dredging works at Hickling Broad, the funding of significant development in waste collection provision or developing new moorings. Members noted the deliberations of the Navigation Committee in relation to these factors where there was general support amongst the Committee for the aspiration to progress dredging of Hickling in the future, but that plans were not advanced enough to justify allocating larger sums at this stage. However, members proposed that in the event there was capacity within operations budgets and/or work plans, consideration should be given to whether they could be allocated for this purpose. Members noted that this was a longer term project and would welcome external sponsorship.

Members welcomed the Financial Strategy proposed recognising that this could alter depending on other factors as previously identified.

RESOLVED

- (i) that the proposed increase in Navigation charges of 1.7% for 2015/16, and recommended by the Navigation Committee, be approved;

- (ii) That the Financial Strategy for 2015/16 to 2017/18 be adopted.

The presentations from Natural England, Historic Environmental Services and the Authority's Project Manager were taken before the items 3/11 to 3/13.

3/11 Mooring Strategy

The Authority received a report which provided an update on the progress on the review of the Mooring Strategy that was being undertaken. The report identified a ten year action plan for repiling the Broads Authority's existing piled moorings as informed by the Authority's Asset Management Strategy and took account of the comments made at the stakeholder mooring workshop held on the 22 of July 2014 and the Navigation Committee on 23 October 2014. With regard to the boardwalk at Paddy's Lane, this had not been a priority for retention in the Asset Management Strategy and the Broads Local Access Forum had concurred with this. However, the Navigation Committee had been of the view that it was of benefit to boaters and they would be prepared to consider some navigation funding for its upkeep, if it was not possible to reach agreement with the Norfolk Wildlife Trust regarding its transfer. Given that it was unlikely that there would be any national park grant available to fund this, members considered that the matter should be referred back to the Navigation Committee for consideration.

RESOLVED

- (i) that the ten year repiling Action Plan set out at Appendix 3 to the report be adopted; and
- (ii) that an annual budget of £150,000 (index linked) be allocated from the navigation expenditure for the necessary repiling works;
- (iii) that the approach outlined in paragraphs 6.1 to 6.3 of the report be adopted involving the reduction in the moorings at Hoveton Viaduct by 50%, and not renewing the lease for the mooring at Thorpe River Green when it expires in 2017; and
- (iv) that the boardwalk at Paddy's Lane be referred back to the Navigation Committee for consideration as to whether the costs for maintaining it should be transferred to the navigation account.

3/12 Strategic Review of Waste Facilities

The Authority received a report which set out the current position in relation to waste facilities throughout the Broads Area together with proposed action following the changes in the Controlled Waste Regulations introduced on 1 April 2012 and reclassification of what constituted household and commercial waste and the resultant discussions between the local authorities.

The Navigation Committee was consulted on this issue at its meeting on 23 October 2014 where members supported replacement waste facilities at Ranworth, on the basis that the Broads Authority as landowner was liable. The Committee had advised against taking on liability for facilities on third party land, such as at Ludham Bridge, a view with which members concurred emphasising that efforts should be made to remind the Environment Agency of its responsibilities. Members expressed concerns about fly tipping and although it had been proposed that the position be monitored over the next year, to see whether further issues arose at other sites, the Chairman together with others emphasised that the matter required more than monitoring. It was considered that the Authority should continue to be involved in a strategic approach along with the other local authorities to consider a more comprehensive waste facility provision in future years should the need be determined. Members expressed appreciation to all those Local Authorities who had been cooperating and were engaged with the Norfolk Waste Partnership.

RESOLVED

- (i) that the report be noted and officers monitor the situation and take part in considering further strategic provision of facilities over the next year.
- (ii) that the Authority fund replacement waste facilities for Ranworth Staithe

3/13 Adoption of the Statement of Community Involvement

The Authority received a report on the Statement of Community Involvement which set out how the Authority consulted and involved local communities and stakeholders in preparing the Broads Local Plan as well as involvement in the consideration of planning applications and also informing the Management Plan for the Broads. Members noted that the updated SCI reflected new planning regulations, the new Local Development Scheme and new ways of engaging the community given the Localism Act and development in social media. Following agreement by the Planning Committee at its meeting on 10 October 2014, a four week consultation period had been carried out between 13 October to 7 November 2014, and members noted the responses set out in Appendix B to the report, which were considered relatively minor.

Since the report had been written, two further responses had been received from Somerton Parish Council and the Nancy Oldfield Trust, who wished to be included in Broads Specific consultee lists. It was noted that following the implementation of the recent reorganizational decisions, due to come into effect in April 2015, some amendments would be required, specifically concerning the Lead Officer for the Authority's Complaints procedure.

RESOLVED

that the Statement of Community Involvement be adopted subject to appropriate amendments following March 2015.

This item was considered following Item 7

3/14 Geldeston Landholdings

The Authority received a report that summarised its current landholdings in the Geldeston area and identified the reasons for the retention or disposal of each parcel of land. The Navigation Committee had been consulted at its meeting on 23 October 2014, and agreed with the officer conclusions and proposed way forward. Members noted that the Asset Management Strategy set out the criteria to be considered when seeking to dispose of Broads Authority assets and therefore were mindful that their consideration of the land holding should be according to these with additional consideration given to public access, transfer of liability and the Management Plan for the land to include intended short/long term use and overall best value for the Broads Authority.

Although in agreement with the overall approach, particularly the retention of the 24 hour mooring and marsh, members had some concerns that the disposal of the Authority's assets deemed to be for the public could generate expectations which might be difficult to deliver. In different economic times when resources were more plentiful, the Authority might have a different approach. Although some members were more favourably disposed to conclude satisfactory arrangements and partnership with the River Waveney Trust, the Authority had to be mindful of its public finances as well as the interests of the community. Therefore it was considered that there needed to be a clawback clause within any agreement for disposal of the woodland to ensure the area was protected.

Given the public interest and the issues involved, it was considered that it would be unfair to place the responsibility on the Chief Executive and the Chairman or just the Financial Scrutiny and Audit Committee and therefore the final decision relating to the woodland should be brought back to the Authority following the expiry of the moratorium period for the submission of bids on 4 March 2015.

RESOLVED

- (i) that the 24 hour mooring and marsh at Geldeston be retained;
- (ii) that the Authority dispose of the woodland, following the regulatory Community Asset process and appropriate evaluation of all bids received, and that the Authority places a restriction on the sale that allows the continuation of public access to this area as well as a clawback clause; and
- (iii) that once bids had been received following the expiry of the moratorium period on 4 March 2015, the matter be brought back to the Authority for consideration and conclusion.

PRESENTATIONS

3/15 Agri-Environment Schemes, Rural Payments and Assessment of current Intentions of Grazing Marsh Farmers in Reponse to some of these Changes

The Authority received a report and presentation from Mike Edwards from Natural England that summarized the current changes in the European Union's Common Agricultural Policy and the 2015 changes in the UK's Rural Development Programme, including agri-environment payments to include development of the Countryside Stewardship Schemes. It was noted that the main focus for the new scheme was environmental land management in line with the Rural Development Programme in England. Over the next seven year investment cycle, Defra would be investing over £3.5billion to support environment productivity and growth as well as restoring, preserving and enhancing the natural environment. Of this £3.1bn, 71% was accounted for through existing scheme commitments and therefore there would be £900m for new agreements although it was not quite clear how this would be allocated. Members noted that Countryside Stewardship could deliver multiple environmental outcomes with biodiversity being the main priority followed by water quality and flood risk. Members noted that the new programme would commence in March 2015 and catchment sensitive farming would work more closely with other Water Framework Directive measures. It was clarified that reed and sedge harvest was not specifically classified as an agricultural product although fens and reed beds were a priority habitat and their management could qualify for higher level stewardship funding.

The Senior Ecologist provided members with an outline of the main messages as a result of the Authority's commissioned questionnaire and analysis to investigate marsh farmers' views and intentions in response to some of these changes and their impacts within the grazing marsh environment. Members noted that although the survey indicated that given the current economic climate and prices, the incentive to turn marshes to arable was significantly reduced at the moment, in a volatile market this was unlikely to always remain the case. Although unlikely to go under the plough the results suggested that there may be significant intensification in terms of management and inputs applied. The appreciation of the Broads environment by those who had responded was noted.

The Authority recognised the significant contribution which agriculture and land management made to the Broads Landscape and therefore were mindful of the potential impacts which the changes to the CAP and agri-environment payments would have to this. They also recognised the limited resources available.

RESOLVED

- (i) that the implementation of the new Rural Development Programme for 2015 and findings of the Management of the Marshes report be noted;

- (ii) that the Authority support ongoing collaborative working through existing partnerships and where possible communicate and facilitate access to the new Rural Development Programme;
- (iii) that the Authority support further farmer collaboration and landscape scale delivery through such schemes as the proposed HLF Landscape Partnership and involvement in the RSPB Futurescape; and
- (iv) that the Authority use the Broads Authority mapping and the findings of the Management of the Marshes report to feed into the targeting and prioritisation work for Countryside Stewardship.

3/16 Archaeology: Statement of Significance to the Broads

The Authority received a presentation from Peter Murphy the Historic Consultant formerly of English Heritage providing an outline of the significance of archaeology in the Broads which would help to contribute to the Broads Landscape Partnership Bid to the Heritage Lottery Fund (HLF) as it highlighted the importance of archaeology as well as geology to the general shaping of the landscape. Although referred to in the Broads Plan it had not been fully integrated into the Authority's work and the Landscape Partnership would help to raise awareness.

The Chairman thanked Pete Murphy for his fascinating appraisal and the exciting possibilities within the Landscape Partnership Scheme.

RESOLVED

that the presentation and the report and importance of archaeology be noted and welcomed as a valuable contribution to the Landscape Partnership Scheme.

3/17 The Broads Landscape Partnership Scheme Application: Water Mills and Marshes

The Authority received a report together with presentation from the Project Manager on the proposed progress on the Broads Landscape Partnership Scheme for the application to the Heritage Lottery Fund (HLF) with the view to submitting a first round application by 1 June 2015. Members noted the make-up of the Project Board and that a number of the 15 members also had interests/ or could reflect the interests of other organisations, such as Wild Anglia and the Norfolk Archaeological Trust, even although those bodies might not be specifically included on the Board. It was understood that the HLF would wish to see a workable decision-making Board and therefore it was recognised that other organisations/ stakeholders would need to be kept informed. It was considered that it was important to have a professional educationalist involved in the project and in addition to links with the Broads Educational Network, members supported the aim of recruiting a Head Teacher on to the Board.

It was noted that the bid was being drawn up on the basis of the 9 criteria set out by the HLF and the proposed scheme contributed to a number of the current Broads Plan Strategic Priorities and also BA strategies including Integrated Access, Biodiversity, Water and Education and would be focusing on the community. The first Project Board had been held on 13 November 2014 where it was agreed to extend the project area, beyond linking the urban centres of Norwich, Great Yarmouth and Lowestoft along the rivers Yare, Bure and Waveney to include Beccles and up to Thurne Mouth. It was important that the total area of 200 square kilometres was explained in terms of Landscape Character with appropriate evidence. The Heritage Asset Review Group had been in favour of the extension and members concurred.

Members noted the risk elements, the most significant being failure to achieve funding from project partners as well as failure to achieve landowner permissions, as well as the risks around success and expectations.

Members complimented the team on putting the project together in an exemplary way and providing a clear understanding of the process.

RESOLVED

- (i) that the Terms of Reference for the Project Board and the Draft Partnership Agreement steering the project be approved;
- (ii) that the Strategic risks associated with the project set out in Section 4 of the report be noted;
- (iii) that the Authority agree in principle to the submission of a first round application to the HLF of the Landscape Partnership Scheme, and delegate to the Project Board the signing off of the application.

GOVERNANCE

3/18 Public Question Time Review

The Authority received a report on the proposal to amend the Public Question time procedures following recent experiences at the Authority and Navigation Committee meetings in order to enable members of the public to ask a question, make a statement or present a petition without being present at the meeting. Members noted that the Planning Committee had a specific Public Speaking scheme to enable applicants and objectors to development proposals to speak at that Committee and therefore a revised wording to Appendix 1 of the report had been circulated in order to clarify this.

RESOLVED

that the amended Public Question Time Scheme of Operation for full Authority and Committee meetings as detailed in the amended Appendix 1 of the report be adopted and that this be reviewed in a year's time.

3/19 Delegation to Financial Scrutiny and Audit Committee

The Authority received a report setting out a proposal to provide a standing delegation to the Financial Scrutiny and Audit Committee to determine payments or honoraria to staff which were not within the powers delegated to the Chief Executive. It was noted that this would provide consistency with other decisions relating to HR matters which had been delegated to the FSAC. Special meetings of the FSAC could also be convened more easily to deal with such matters when expediency was important and would help minimise costs to the Authority.

Members agreed with the proposal, subject to an amendment to the proposed paragraph 32 of the Terms of Reference for the Financial Scrutiny and Audit Committee stating a limit of £50,000 and therefore retaining paragraph 29 with an amendment of G under Matters Reserved to the Broads Authority: “to determine any ex-gratia payments or honoraria to staff which are not within the scope of the powers delegated to the Financial Scrutiny and Audit Committee”

RESOLVED

that the Authority approve amendments to the Broads Authority’s Terms of Reference of Committees as indicated in Appendix 1 to the report, providing a standing delegation to the FSAC to determine any payments or honoraria to staff which are not within the scope of the powers delegated to the Chief Executive up to the value of £50,000 and subsequent amendment to para 29 in G of ‘matters reserved to the Broads Authority’.

3/20 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Head of Safety Management reported that there were no items which needed to be raised under this item.

3/21 Minutes Received

(1) Broad Local Access Forum – 10 September 2014

RESOLVED

that the minutes of the Broads Local Access Forum meeting held on 10 September 2014 be received.

(2) Planning Committee: 12 September and 10 October 2014

RESOLVED

that the minutes of the Planning Committee meetings held on 12 September and 10 October 2014 be received.

(3) Financial Scrutiny and Audit Committee – 23 September 2014

RESOLVED

that the minutes of the Financial Scrutiny and Audit Committee meeting held on 23 September 2014 be received.

(4) Navigation Committee: 23 October 2014

Members noted that the Navigation Committee's discussions particularly relating to the items on the agenda had been fed into the discussions at this meeting and would be fed into reports for future meetings.

RESOLVED

that the minutes of the Navigation Committee meeting held on 23 October 2014 be received.

3/22 Feedback from Lead Members and Those Appointed to Represent the Authority

Campaign for National Parks (CNP)

The Chairman reported that Peter Warner as representative on the Campaign for National Parks had attended the CNP AGM on 13 November 2014 at which the Chair, Ann Robinson in introducing the proceedings specifically highlighted the National Parks 'manifesto' for the 2015 General Election "National Parks for the 21st Century". Among its six aims were:

- To protect and enhance landscapes
- Protect against major developments (successes and concerns eg: power lines in Dartmoor versus Potash mining proposals in North Yorkshire).
- Ensure a fair share of resources for Parks
- Investment in public transport
- Funding to ensure educational and school visits to Parks. Also to look after the National Parks and promote greater access – highlighted the success of the Mosaic projects.
- Plan for future Parks through a Commission (extending existing Parks and AONBs).

The parks in England and Wales have 13 unique landscapes but the economy must be the top priority in the parks – local economies should not be neglected.

The highlights within the speech from the Guest Speak, Brandon Lewis, Minister of State for Housing and Planning, had been that in respect of National Parks, he believed in the principle of "living landscapes", he was an advocate of good design: it must integrate with the local vernacular and good

design leads to a greater acceptance of new development within communities, and that Right to build proposals would not carry a presumption of an “Ok to build” in National Parks.

Water Ski Review Panel

David Broad reported that the Water Ski Review Panel had held its last meeting on 22 October 2014 when it had agreed to formalise the existing Water Ski Zones relating to Breydon Water in accordance with the various Acts following the necessary consultations and consideration. Members welcomed the outcome.

How Hill Trust

Robert Stevens reported that he had been elected to the Finance Committee of the How Hill Trust. He reported that the Trust’s deficit had been reduced from £80,000 to £20,000 over the last year and it was aimed to break even and possibly obtain a surplus in the next year, the main income streams being through education and other matters such as the tea rooms, ice creams and various events. He reported that there would be carol concerts at 7pm on the 18 and 19 December 2014.

Sholeh Blane as a How Hill Trustee commented that efforts were being made to remodel the Trustee Board enabling members to become more involved and an Education Manager for the Trust was being appointed to support the Director. This was welcomed.

3/23 Items of Urgent Business

There were no items of urgent business.

3/24 Formal Questions

There were no formal questions of which due notice had been given.

3/25 Date of Next Meeting

The next meeting of the Authority would be held on Friday 23 January 2015 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

The meeting concluded at 14.50

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 21 November 2014

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Murray Gray	Item 3/14	Member of Waveney River Trust Member of South Norfolk Council
Colin Gould	Item 3/14	Member of South Norfolk Council
Philip Ollier	Item 3/10 General	Toll Payer
David Broad	Items 3/6 - 3/22 19	Toll Payer, Member of Great Yarmouth Port Consultative Committee Member of FSAC
Guy McGregor	Item 19	Member FSAC Member of Suffolk County Council – Chairman of Suffolk Flood Risk Scrutiny Committee
Kelvin Allen	All 14	Broads Angling Strategy Group Member of Waveney River Trust

Public Question Time

Statements submitted by Geoff Doggett and Jolyon Oxley

Statement Submitted by Geoff Doggett on behalf of River Waveney Trust concerning purchase of Woodland at Geldeston Locks

Note: This Statement refers to the Asset Officer's report presented to the Broads Authority meeting on 21 November 2014 and particular Appendix 3 (due for consideration at Agenda Item no 14)

The River Waveney Trust has been holding discussions with the BA concerning the disposal of woodland behind the 24 hour moorings at Geldeston Locks. The Trust successfully applied and subsequently had registered, the asset by South Norfolk DC under the "Community Right to Bid" legislation. The Trust has expressed an interest in acquiring the freehold of the woodland and has until 4 March to complete a transfer, subject to satisfactory negotiations with the BA.

This report confirms the Trust's willingness to negotiate a transfer of ownership and proposes the following notes to guide the transfer:

1. The River Waveney Trust is pleased to note that the BA is recommended to continue to own and manage the marsh and associated access (Appendix 4). We believe this secures an important habitat and car park provision and the Trust would like to offer support in the BA's management of these assets.
2. The Trust accepts the requirements relating to full public access (the current situation) for the woodland and this is embedded in the Mems and Arts of the Trust as a charity, ensuring ongoing governance.
3. The Trust will survey the site, especially the tree conditions, and produce a Phase One habitat survey during 2015 to guide future habitat management .
4. The Trust notes that maintenance of the woodland has been poor in recent years. It will improve this via regular inspections by local members and scheduled working parties and use of contractors to enhance public safety and enjoyment. The Trust is mindful of the importance of the 24 hour moorings which we note will not require any investment for the next 10 years(Mooring Strategy site no.5)
5. The Trust will provide suitable insurances including public liability in line with current practice and would expect sight of the BA's current insurance conditions so as to comply with current requirements.
6. The Trust will need to know of any dependencies on the site eg; with the Locks Inn and the management of the 24 hour moorings and dyke to the

North of the site. The Trust will seek to work with the BA on suitable signage and management of the area, especially regarding visitors arriving by boat.

7. The Trust will pay its own legal fees and Land Registry fee and expects the BA to bear its own legal costs.
8. Bearing in mind the mandate and policies of the River Waveney Trust to enhance public access and enjoyment of the River Waveney, enhance habitats and biodiversity and participate as a partner in the Broadland Catchment Plan, the Trust considers a transfer for a consideration of £1 to be correct. The Trust will relive the BA of liabilities and costs relating to insurances and maintenance, signage, officer time and surveys. As amenity woodland and with restrictive development potential due to public access needs, the land has low value on the open market. The Trust would hope that the BA as a responsible public body would be prepared to accept this transfer for no consideration in the spirit of the community asset registration by a charity with proven asset management capabilities note – the Trust holds a long term lease on 25 acres of buildings, woodland and marsh at Earsham and is negotiating currently with Mid Suffolk DC on taking on a 55 year lease at Scole Pocket Park for similar community use).

G.M.Doggett, River Waveney Trust.

Statement Submitted by Alison Norman on behalf of Geldeston Parish Council regarding landholdings in Geldeston. Read by Jolyon Oxley, Vice-chair of Geldeston Parish Council

The Parish Council is in support of all three recommendations in the report, believing that the retention of the moorings, marsh and car park by the Authority and the intention to retain public access over the copse are in the best interest of both Geldeston residents and visitors.

Working with the Broads Authority regarding the issues around these pieces of land has often been challenging for the Parish Council, and I am sure that it has been similarly time consuming and frustrating for you.

We would like to be able to build stronger, more timely communication between our organisations in future. I know from talking to both Officers and Members that the Broads Authority, like the Parish Council, wish to do the best for Geldeston.

Alison Norman – Chair of Geldeston Parish Council

Summary of Progress/Actions Taken following Decisions of Previous Meetings

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
18 January 2013 Minute 4/8(4) (Broads Local Access Forum Minute 1/9) Ludham Bridge Footpath link to St Benets	<ul style="list-style-type: none"> Formal agreement with landowner to be signed. 	Senior Waterways and Recreation Officer	<p>Meeting has taken place with the landowner at the Ludham Bridge end of the path to agree the scope of the works he requires to establish the path, including vegetation and ditch clearance, surface raising and stock fencing.</p> <p>Programme of works is being discussed with Operations Directorate.</p>
18 January 2013 Minute 4/30 (Exempt) Purchase of Moorings	<ul style="list-style-type: none"> That the proposed purchase of the site for the protection and enhancement of 24 hour moorings be approved in accordance with the costs set out in the report, funded from the dredging disposal site reserve account. 	Director of Operations/ Asset Officer	The Landowner has informed us that he no longer wishes to sell the moorings and the current lease for the moorings has expired. In discussion with the landowner to achieve a potential solution.
20 September 2013 Minute 2/12 21 November 2015 Minute 3/15 Agri-Environment Scheme and the Value of Grass Marsh in Broadland	<ul style="list-style-type: none"> Re-appraisal of Halvergate Conservation Area. The implementation of the new Rural Development Programme for 2015 and findings of the Management of the Marshes 	<p>Historic Environment Manager</p> <p>Senior Ecologist/</p>	<p>Re-appraisal of Halvergate Conservation Area approved by Planning Committee for public consultation took place in September 2014. Revised Appraisal due to be considered by Planning Committee in February 2015.</p> <p>Ongoing.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>report noted.</p> <ul style="list-style-type: none"> • The Authority supports ongoing collaborative working through existing partnerships and where possible will communicate and facilitate access to the new Rural Development Programme. • The Authority supports further farmer collaboration and landscape scale delivery through such schemes as the proposed HLF Landscape Partnership and involvement in the RSPB Futurescape. • The Authority to use the Broads Authority mapping and the findings of the Management of the Marshes report to feed into the targeting and prioritisation work for Countryside Stewardship. • The Authority to be appraised of progress and evaluation. 		
<p>22 November 2013 Minute 3/14 26 September 2014</p>	<ul style="list-style-type: none"> • That the Authority continues to maximise EU and similar major funding sources, ensuring that 	<p>Head of Finance and Management Team</p>	<p>Current priority preparing Landscape Partnership bid for around £3million. Officers continuing to investigate options for potential</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
<p>Minute 2/10 External Funding Opportunities and Income Generation</p> <p>Members were requested to provide the Chairman with any further suggestions, comments and/or expressions of interest in being involved in taking matters forward following the meeting.</p>	<p>the Authority does not jeopardise these by pursuing other, potentially smaller sources of funding.</p> <ul style="list-style-type: none"> • That members provide guidance on the scope and limits for the Authority's "commercial" approach to its activities as outlined in paragraphs 8.13 and 8.18 of the report. 		<p>future projects which would be eligible for European and other funding. A Meeting will be arranged with Phil Durrant and Kelvin Allen to look at priorities in late January/February 2015.</p> <p>See below.</p>
<p>21 November 2014 Minute 3/9 Advertising and Sponsorship Policy</p> <p>Potential Sponsorship Opportunity</p>	<ul style="list-style-type: none"> • The Advertising and Sponsorship Policy approved subject to amendments and responsibilities for Sponsorship noted. • The Policy to be reviewed every three years with regular reviews by Head of Finance. • That the Authority agrees to the principle of progressing the potential sponsorship in respect of Norwich Yacht Station and delegate to the Chief Executive and the Management Team to explore this possibility and negotiate with the potential sponsor and Norwich City 	<p>Chief Executive /Head Of Finance and Management Team</p>	<p>Advertising and Sponsorship Policy has been published for use by officers following incorporation of amendments recommended by the Authority.</p> <p>Initial contact has been made with the potential sponsor for the Yacht Station and this opportunity is being pursued.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	Council in line with the Advertising and Sponsorship Policy.		
16 May 2014 Minute 6/11 Catfield Water Abstraction	<ul style="list-style-type: none"> That the convening of a research seminar in the autumn in order to facilitate greater understanding on fen hydrology and ecology and advise on the timing of the next Fen survey, be supported. 	Senior Ecologist	<p>The Environment Agency has consulted on its 'minded to' decision. The Broads Authority has provided further technical advice to the Environment Agency.</p> <p>Officers will be progressing with the arrangements for the proposed research seminar once the Environment Agency has issued its final decision on this particular application.</p>
26 September 2014 Minute 2/9 Broads Lake Review and Hoveton Great Broad Restoration Project	<p>(i) That the emerging findings of the Broads Lake review are noted, and that the Authority recognises the major contribution that the Hoveton Great Broad Restoration Project would provide in the delivery of objectives of the Authority's Biodiversity and Water Strategy (by 12 votes to 1).</p> <p>(ii) That the Authority supports Natural England's applications for external funding conditional on the</p>	Chief Executive/ Senior Ecologist	<p>Natural England informed of Authority's views.</p> <p>It is intended to hold a Briefing for members on the Broads Lake Review in April 2015.</p> <p>Planning Application for public access arrangements to be considered by the Planning Committee in February 2015 following site visit due to be held on 16 January 2015.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
Minute 3/12 Strategic Review of Waste Facilities	<p>officers monitor the situation and take part in considering further strategic provision of facilities over the next year.</p> <ul style="list-style-type: none"> • That the Authority fund replacement waste facilities for Ranworth Staithe. 		
21 November 2014 Minute 3/14 Geldeston Land Holdings	<ul style="list-style-type: none"> • The 24 hour mooring and marsh at Geldeston to be retained. • The Authority to dispose of the woodland, following the regulatory Community Asset process and appropriate evaluation of all bids received, and that the Authority places a restriction on the sale that allows the continuation of public access to this area as well as a clawback clause. • Once bids received following the expiry of the moratorium period on 4 March 2015, the matter to be brought back to the Authority for consideration and conclusion. 	Asset Officer	The sale of the woodland will be re-advertised incorporating the decisions made by the Broads Authority. After the closing date a report will be prepared for the Authority to make a decision about the sale after the moratorium period.
21 November 2014	<ul style="list-style-type: none"> • The Terms of Reference for the 	Project Manager	<ul style="list-style-type: none"> • Project initiation forms sent to partners to

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
<p>Minute 3/17 The Broad Landscape Partnership Scheme Application: Water Mills and Marshes</p>	<p>Project Board and the Draft Partnership Agreement steering the project approved.</p> <ul style="list-style-type: none"> • The Strategic risks associated with the project set out in Section 4 of the report noted. • The Authority agreed in principle to the submission of a first round application to the HLF of the Landscape Partnership Scheme, and delegated to the Project Board the signing off of the application. 		<p>allow them to submit their project ideas to the Project Board. Deadline for return 2 January.</p> <ul style="list-style-type: none"> • Further meeting with the Heritage Lottery Fund 27 January in Cambridge to update on progress. • Second Broads Landscape Partnership Scheme newsletter published. http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/514386/Broads-Landscape-Partnership_Newsletter-No2_01122014.pdf • Next project board meeting scheduled for 5 February 2015.

Stakeholder Surveys Analysis
Report by Senior Waterways and Recreation Officer

Summary:	This report provides members with a summary of the outcome of the surveys of private boat owners (PBOs), hire boat operators (HBOs), visitors and residents that have recently been carried out for the Authority by Insight Track, a local market research company.
Recommendation:	That members note the contents of the report and support the development of an action plan in response to the survey results.

1 Background

- 1.1 Members will recall that in July 2014 Insight Track, a local market research company, was appointed to carry out surveys of the Authority's main stakeholder audiences. The aim of the exercise was to provide the Authority with, for the first time, a fact base about the views and opinions of private boaters, hire boat operators, residents and visitors in order to inform future decision making in a number of areas including the setting of strategic priorities, and the Authority's future tolls strategy.

2 Survey Methodology

- 2.1 The brief given to Insight Track was to gather statistically robust survey data that would provide the Authority with an evidence base about the attitudes and opinions of its customers. In order to ensure objectivity the precise methodology and design of the survey questionnaires used was left to Insight Track.
- 2.2 The survey work was carried out in September and October 2014. Table 1 sets out the research methods used for each audience group and the sample sizes achieved.

Table 1

Audience	Research method(s)	Sample size
Private boat owners	<ul style="list-style-type: none">• Telephone interviews using BA data• Online self- completion survey	<ul style="list-style-type: none">• 600 tel interviews• 147 online responses Total 747
Hire boat operators	<ul style="list-style-type: none">• Telephone interviews	<ul style="list-style-type: none">• 25
Residents	<ul style="list-style-type: none">• Door to door interviews	<ul style="list-style-type: none">• 238

	<ul style="list-style-type: none"> Online self-completion survey 	<ul style="list-style-type: none"> 12 online responses
Visitors	<ul style="list-style-type: none"> Online self-completion survey via consumer panel 	Total 250
		Total 600

2.3 The survey gives the Authority valuable information on the views of its customers in a number of key areas:

- current and future boating behaviour (PBOs and HBOs)
- fleet trends (HBOs)
- living in the Broads (residents)
- visitor behaviour and priorities,
- perceptions and awareness of the Broads Authority (all audiences),
- future challenges and priorities for the Authority (all audiences)
- perceptions of National park status (all audiences)
- perceptions of the Broads Authority as a planning authority (residents)
- Representative elections (PBOs HBOs and residents)
- Tolls (PBOs and HBOs)

2.4 The research carried out by Insight Track accords with the standards and best practice guidance of the Market Research Society and provides statistically robust findings at a 95% confidence level which is the standard applied by most market research companies. The findings of the surveys therefore provide the Authority with a solid evidence base on the views, priorities and opinions of its customers.

3 Summary of Findings

3.1 The survey findings have provided some very positive messages in respect of customer perceptions about the Authority's performance and satisfaction with the quality and availability of the facilities and services we provide.

3.2 Generally there is a good level of satisfaction with the Authority's performance with 63% of PBOs, 65% of residents and 79% of visitors saying that they are quite or very satisfied with our overall performance. Approximately half of residents also feel that there is nothing the Authority could do to enhance their experience of living on the Broads. Very significantly 80% of visitors say that they are quite or very likely to re-visit the Broads which is positive for the local tourism industry.

3.3 Perceptions of the Broads Authority are broadly positive amongst PBOs, residents and visitors and 66% of residents understand that the Authority is the organisation mainly responsible for the management of the Broads.

3.4 Perceptions of the Authority are less positive with the HBOs and this indicates that there is a need to fully understand their views in order to be able to respond to this feedback in a positive manner.

- 3.5 There were varying levels of awareness across audience that the Broads has the status of a National Park, the lowest being among visitors at 59%. 80% of visitors also felt that more should be done to promote National Park status, a similar level to residents, while the figure was around 50% for PBOs and HBOs.
- 3.6 In respect of private boat ownership there is good evidence that boat numbers will be stable in the next five years with an extremely positive indication that younger boaters (18-34) are likely to increase their boat ownership. Around half of private boat owners also feel that current tolls give quite or very good value for money with the toll representing approximately 9% of the costs of annual boat ownership for private owners. The full survey results are available at Appendix 1.

4 Future Challenges and Priorities

- 4.1 The survey results also give strong indicators for the setting of future priorities. Dredging is considered to be a high priority across all audiences as is wildlife conservation and educating the next generation about the Broads. Boaters specifically prioritise dredging and the maintenance and provision of moorings with around 50% of PBOs and HBOs indicating that they would like to see more toll income spent in these areas.
- 4.2 Significantly, the survey results also show that walking is the key leisure activity undertaken on the Broads and bird watching is also a highly popular activity. Improving access facilities, footpaths and car parks are mentioned as other priorities for the Authority to focus on and there is a challenge to be faced in delivering improvements in these areas in the face of reductions in funding across the public sector.

5 Conclusions and Recommendations

- 5.1 The survey highlights a number of positive outcomes for the Authority although perceptions of the Authority in the hire boat industry are significantly less positive than in the other audience groups. HBOs particularly feel unsupported and that the toll represents poor value for money. The Chief Executive has met with the Chairman and Secretary of the Broads Hire Boat Federation to discuss the results and identify actions to be taken. These include: continuing the regular meetings between officers of the Association and the Chairman and Chief Executive of the Authority, meetings with individual operators to understand their current concerns and the development of a long term strategy for navigation. Residents and visitors are also not clear on the Authority's purposes and there is some indication that local residents feel that there should be better communication with them. Residents also feel that the prevention of flooding is an area that the Authority should concentrate on. Support for National Park branding is also less appealing to PBOs and HBOs than to visitors and residents.

- 5.2 The main challenge for the future is responding to the outcomes of the research in the context of the Authority's ability or capacity to deliver in some of the areas highlighted by respondents. Clearly there is a need to consider how communication with all audience groups can be improved in order to keep them informed and involved in the work that we do. The intention is to bring a draft action plan in response to the survey results to a future meeting.

Background papers:	Nil
Author:	Adrian Clarke
Date of report:	12 January 2015
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Insight Track Stakeholder Research, Research Report for the Broads Authority http://www.broads-authority.gov.uk/broads-authority/committees/broads-authority/broads-authority-26-september-2015

Branding the Broads
Report by Chief Executive and Solicitor

Summary: This report considers the responses to the Authority's consultation entitled "The Broads National Park – making the most of a brand which is internationally recognised".

Recommendation: That the Authority :

- A. (i) Reviews the comments made in response to the consultation set out in the Appendices.
- (ii) Notes and confirms that the proposal does not involve any change in the legal name or functions of the Broads Authority.
- (iii) Notes the generally positive response from the majority of stakeholder organisations who have responded.
- (iv) Resolves that the use of the brand "Broads National Park" will be conducive to the achievement of the three general duties in section 2 (1) of the Norfolk and Suffolk Broads Act 1988, particularly to the enjoyment and understanding of the Broads special qualities and that the use of the brand will have a positive effect on the factors set out in section 2(4) of the 1988 Act.
- (v) Adopts the brand "Broads National Park" with immediate effect using the powers in section 111 of the Local Government Act 1972.
- (vi) Produces branding guidelines for both staff and other organisations to use and allocates an additional £5,000 to the Communications budget for 2015/16 for the implementation of appropriate signage in collaboration with other organisations where possible.
- B. That if the Authority accepts recommendations (i) to (vi) it also:
- (vii) Resolves, in line with the suggestions from the Broads Hire Boat Federation & the Norfolk and Suffolk Boating Association, not to pursue the ambition in the Broads Plan for the Broads to become a national park in law.
- (viii) For the avoidance of doubt, the Authority indicates that it has no intention of seeking the application of the Sandford Principle to the Broads Authority's functions because it is of the view that the Habitats Regulations provide sufficient protection for the very special qualities of the area.
- (ix) Delegates to the Chief Executive, in consultation with the Chairman as appropriate, the power to take such steps & obtain any advice required to protect the Authority's position & to implement the project in accordance with the resolution.

1 Background

1.1 At its meeting on 26 September 2014, the Broads Authority resolved unanimously that:

(i) In order to capitalise on the status of the area as a national park the Authority welcomes and supports further exploration of the term 'Broads National Park' to promote the area's special qualities and encourage more visitors to Norfolk and Suffolk.

(ii) That the use of the new branding to be confirmed after the Authority has consulted widely to establish:

- *the level of support for a more consistent use of the term the Broads National Park as a branding exercise;*
- *how other organisations would propose using the term the Broads National Park;*
- *what actions the Broads Authority might need to take to support and help other organisations use the Brand; and*
- *to delegate to the Chairman and Vice-Chairman the authorisation of the final form of the consultation document after seeking additional independent advice.*

1.2 Following the meeting, advice was sought from Insight Track, a local market research company, on the consultation document and suggested changes to the document were subsequently authorised by the Chairman and Vice-Chairman. Three questions were asked:

1. How do you feel about a more consistent use of the term the Broads National Park as a brand?
2. In what ways would you envisage your organisation using the term the Broads National Park?
3. Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand?

2 Framework for the Consultation

2.1 The Authority used its standard list of organisations for the consultation (See Appendix B). The Chairman of the Authority wrote directly to Lord de Mauley, the Minister in Defra responsible for National Parks and therefore the Environment Agency and Natural England, which sit under Defra, were not necessary to include in the consultation. The standard period of three months was allowed for responses to the consultation ending on 31 December 2014.

3 Stakeholder Surveys

- 3.1 At its meeting on 11 July 2014 the Broads Authority resolved:
“that ... the four proposed stakeholder surveys proceed using the commercial market research company identified in the report, taking into account the comments made”.

Three of the questions in the survey which, while not included directly for the purposes of the consultation on branding, are relevant to the matter.

- (a) Are you aware that the Broads has the status of a National Park?
- (b) Should more be done to promote the National Park status of the Broads?
- (c) Does National Park status make the Broads more appealing?

The results are shown below in Appendix A. (Note PBOs refers to Private Boat Owners and HBOs to Hire Boat Operating companies).

4 Analysis of Results

- 4.1 The responses received to the Consultation Document are set out in Appendix C. Four responses were received in early January and, although after the closing date, have been replicated in Appendix D for completeness, though not counted in the following tables.

Summary of Responses from the 158 Organisations Consulted

Organisations	Consulted	Responded	Support	Do not object	Against
National Organisations	27	17 (63%)	15 (88%)	2 (12%)	0 (0%)
Regional Organisations	28	15 (54%)	15 (100%)	0 (0%)	0 (0%)
Local Organisations (incl. 93 Parish Councils)	103	21 (20%)	12 (57%)	2 (10%)	7 (33%)
TOTAL	158	53 (34%)	42 (79%)	4 (8%)	7 (13%)

Other Responses Received

	Support	Against
Organisations	4	4
Individuals	6	7

4.2 Some of the differences of view raised in the responses

In relation to the Broads

Tourism – Many of those in support of the proposal feel it could be beneficial to the local tourism industry and questions about the industry's robustness are also raised. Others are concerned about the impact of more tourists on the environment and a low wage visitor economy.

In relation to the Broads Authority

Relationship between the three functions and the Sandford Principle – Different views are expressed on the Sandford Principle, with some respondents advocating it as a longer term ambition, and others concerned that it might be applied to the Broads Authority. Some respondents are concerned that the proposal might lead to a weakening of the Authority's commitment to navigation.

Legal Principle – Concerns are expressed about whether the Authority can call itself by another name – even though this is not part of the proposal. (Detailed answers to the legal points are given in Appendix C.) Others see the use of the term Broads National Park as long overdue and a logical step.
Long-term ambition – There are differences of view as to whether the Authority should maintain the long-term ambition in the 2011 Broads Plan:

"In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-term vision."

Some respondents are concerned that the proposal is the 'thin end of the wedge' and oppose the long-term aim, largely because the Sandford Principle is, in their view, an unwelcome corollary.

On this particular point, the Broads Authority has never suggested that the Sandford Principle as it applies to the National Park Authorities should apply to the Broads Authority with or without National Park status in law.

The feedback to the branding consultation shows that even though: (a) the Broads Authority has never indicated that it would intend to adopt the Sandford Principle; and that (b) observers struggle to identify occasions when the Sandford provision in the Environment Act has been applied; there clearly is real concern and worry about it, particularly among some members of sailing clubs.

If the Authority decides to implement the new branding, it could take up the suggestions from the Broads Hire Boat Federation and the Norfolk and Suffolk

Boating Association by indicating that it no longer intends to pursue the long-term ambition for the area to be a national park in law and, for the avoidance of doubt, also stating that it does not intend to seek the application of the Sandford Principle to its functions.

It is hoped that such a change would assuage many of the concerns raised in the consultation responses and have the potential to set the relationship with navigation on a new footing. It could, in the words of the NSBA response, *“mean that the relationship between private boaters and the Authority could move on without being constantly distracted by that ambition.”*

5 Matters for Decision

- 5.1 The Norfolk and Suffolk Broads Act 1988, as amended, gives the Authority the following general functions

(1) It shall be the general duty of the Authority to manage the Broads for the purposes of—

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;*
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and*
- (c) protecting the interests of navigation.*

(4) In discharging its functions, the Authority shall have regard to—

- (a) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;*
- (b) the desirability of protecting the natural resources of the Broads from damage; and*
- (c) the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.*

- 5.2 S 111 of The Local Government Act 1972, which applies to the Broads Authority, states that:

“Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.”

- 5.3 In coming to a decision on whether to implement the new branding the Authority needs first to consider whether the branding will be conducive to the discharge of the functions identified below and its impact on those factors the Authority is required to have regard to, also set out below. Officer advice on these matters is set out in the following table.

Function	Potential Benefit/Impact
<i>(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;</i>	Use of the term Broads National Park when referencing the area will help deliver the Authority's first function by raising awareness of and therefore support for the special qualities of the Broads natural and built environment.
<i>(b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and</i>	The term National Park is well recognised by the general public and its use will help in both promoting opportunities for understanding and enjoyment of the Broads' special qualities. A particular example is in the Authority's educational work with schools and engagement with communities that might not normally take an interest in the countryside.
<i>(c) protecting the interests of navigation.</i>	The hire boat industry is an important user of the navigation area. Use of the National Park brand will assist the companies in encouraging more visitors to come to the area, particularly from overseas where the brand is well known, and thereby supporting the interests of the hire boat companies as users of the navigation area. Navigation is also a unique characteristic of what makes the area special and worthy of being called a national park so will be promoted in the round of raising the area's profile.
Having regard to	
<i>(a) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;</i>	The proposed branding will help raise awareness of the Broads nationally and encourage more sustainable recreation. Work to foster corporate sponsorship and raise awareness of the Broads, under the umbrella of National Parks UK, will only be made effective by use of the branding.
<i>(b) the desirability of protecting the natural resources of the Broads from damage; and</i>	Raising the profile of the special qualities of the Broads with the general public will assist in engendering respect for the protection of its natural assets. Continuing care will need to be taken that increased tourism is managed so that it does not undermine the fundamental qualities of the Broads.
<i>(c) the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.</i>	There could be some small local benefit to agriculture through use of the brand to promote local produce. The use of the brand will help with the maintenance of a healthy and vibrant tourism industry which will benefit those who live or work in the Broads.

- 5.4 The legal points raised in the responses are addressed in Appendices C and D. A copy of the Authority's legal advice is contained in Appendix E. This indicates that while Mr Fookes is "*unable to advise that there is no possibility of legal challenge to the proposal to adopt the title "The Broads National Park"* such challenge "*would be unlikely to carry any or any significant liability to damages or compensation*". This is in the context of very significant support for the proposal from approximately 80% of the organisations who responded to the consultation and unanimous support of the 15 National Park Authorities in the UK who arguably have the greatest stake in the brand. Mr Fookes recommends a cautious introduction of the term and the Authority is planning a phased implementation.
- 5.5 The relationship with our Minister and Defra is crucial to the Authority and it is apparent from Lord de Mauley's letter (See Appendix F) to the Chairman of the Authority that Ministers are clear that, regardless of brand, the Broads is not legally a National Park and, given that, are content for the Broads Authority to make a decision on this matter.

6 Financial Implications

- 6.1 The Authority has delayed some expenditure, for example the purchase of replacement protective clothing and the signage for new machinery, until a decision on the branding has been made. In addition it has been proposed that a few carefully chosen sites around the area should be used for signs to welcome the public to the Broads National Park. If the Authority decides to approve the new branding the locations and costs of such signs and the potential for sponsorship by local companies and/or partnership with local authorities, parish and town councils will be investigated. It is proposed that a small sum of £5,000 be allocated to facilitate the implementation.

7 Consultation

- 7.1 The Broads Society has raised some points on the consultation process. The Authority has been careful to ensure that the principles of good consultation have been observed and in particular:-
- ***The consultation should take place when the proposals are at a formative stage.*** We are satisfied that this has taken place. Many of the Authority's key stakeholder organisations were consulted on early drafts of the consultation document and the text was amended to take account of their suggestions and comments. The Consultation Document itself was sent to 158 organisations and their views sought in advance of the Authority taking being asked to take a decision on the matter.
 - ***The information surrounding the consultation and reasons behind it are sufficient for there to be informed and intelligent responses.*** The response material appended to this report clearly shows this to be the case.
 - ***Adequate time for the responses to be made.*** The letters to organisations inviting them to give their views on the proposal were sent out at the end of September and the deadline of the 31st December gave them plenty of time to consult their Committees and Members as they saw fit.
 - ***That the Authority is fully taking into account the detail of the responses in its deliberations.*** The analysis of the consultation and responses by officers is contained in appended to this report and any further assistance needed by members to analyse and take on board the material will be provided at the meeting.
- 7.2 Defra has been consulted on this report and paragraph 5.5 represents the Department's views.

Background papers:	Consultation Document – “The Broads National Park – making the most of a brand which is internationally recognized”
Consultation on the report	Defra
Author:	John Packman, Chris Brown and David Johnson
Date of report:	14 th January 2015
Broads Plan Objectives:	PE1
Appendices:	APPENDIX A. Stakeholder survey responses APPENDIX B. List of organisations consulted APPENDIX C. Responses to the consultation APPENDIX D. Late submissions APPENDIX E. Legal Advice APPENDIX F. Letter from Lord de Mauley

Broads Authority

The Broads National Park:

Making the most of a brand which is internationally recognised

Schedule of Responses to Consultation

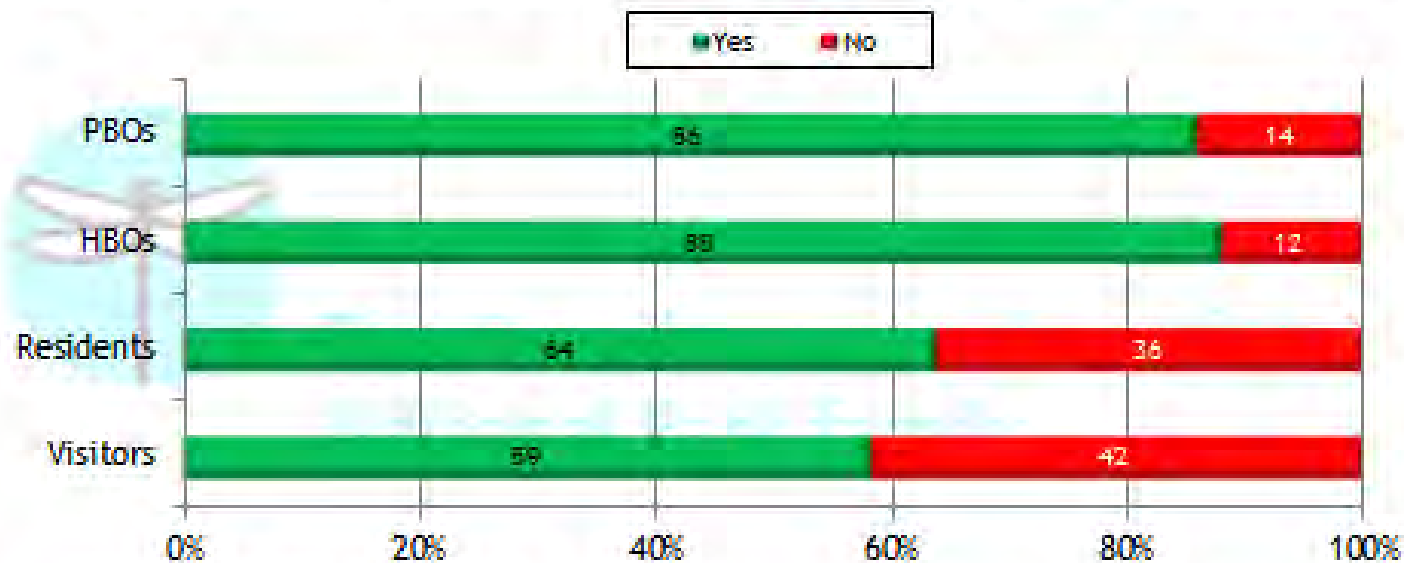
January 2015

Aware that the Broads has status of a National Park?

(prompted) PBOs, HBOs, RESIDENTS & VISITORS

76

- The majority of PBOs and HBOs are aware that the Broads has the status of a National Park (although not all)
- Two thirds of residents are aware of the status; only slightly more than the visitor sample



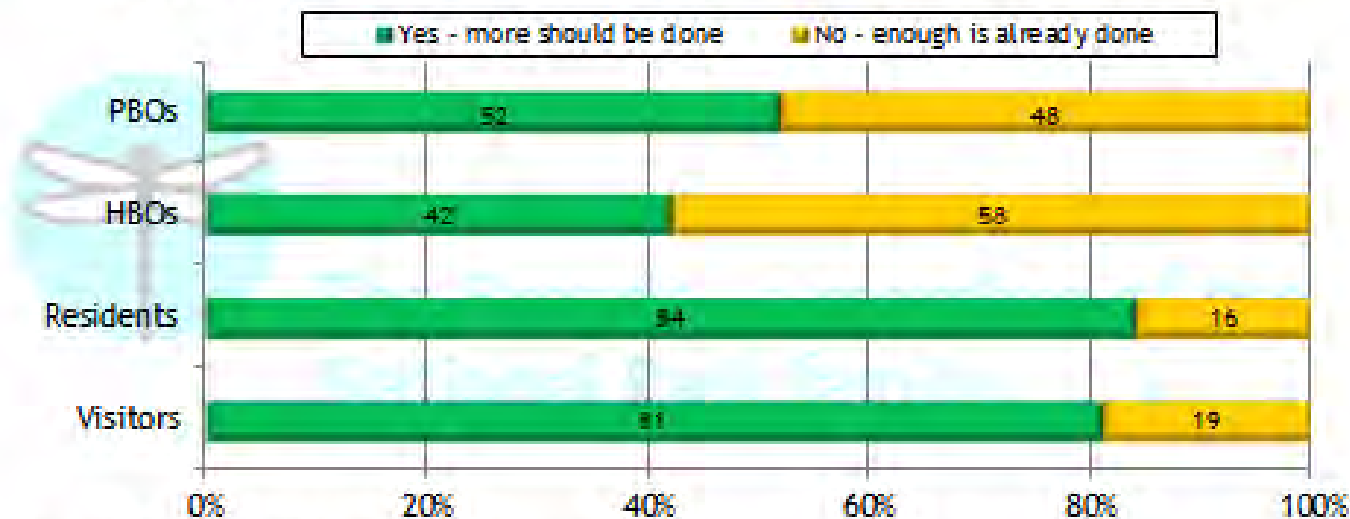
Base: 747 PBOs, 25 HBOs, 290 Residents & 600 Visitors, prompted, single response
Q: Are you aware that the Broads has the status of a National Park?

Should more be done to promote National Park status?

(prompted) PBOs, HBOs, RESIDENTS & VISITORS

77

- Around half of PBOs think more should be done to promote the National Park status of the Broads; and just under half of HBOs
- The proportion of those who think more should be done increases markedly amongst residents and visitors



Base: 747 PBOs, 25 HBOs, 250 Residents & 600 Visitors, prompted, single response

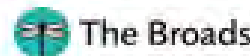
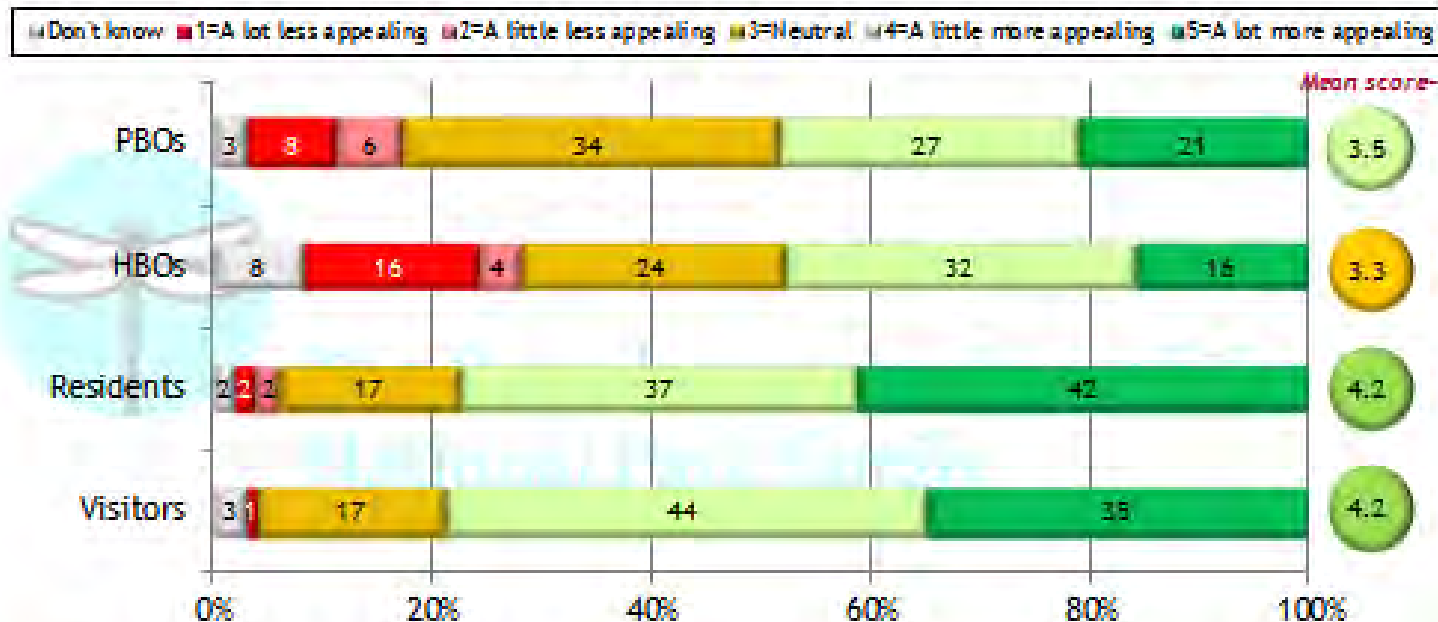
Q: Do you think the Broads Authority should do more to promote the fact that the Broads have the status of a National Park?

National Park status makes the Broads more appealing?

(prompted) PBOs, HBOs, RESIDENTS & VISITORS

78

- ➔ The Broads having National Park status is markedly more appealing to residents and visitors than PBOs and HBOs



Base: 747 PBOs, 25 HBOs, 230 Residents & 600 Visitors, prompted, single response

Q: To what extent do you think that the status of the Broads as a National Park makes the area more appealing to visit, on a 5-point scale, where 1 = a lot less appealing and 5 = a lot more appealing? - Mean scores significant at a 95% confidence level - 0.1 - 0.5

insightTRACK

Appendix B Branding the Broads – List of organisations consulted

A. National Organisations and those outside the East of England

1. British Marine Federation
2. Campaign for National Parks
3. Canoe England
4. Country Land and Business Association
5. National Farmers Union
6. National Parks UK
7. Brecon Beacons NPA
8. Cairngorms NPA
9. Dartmoor NPA
10. Exmoor NPA
11. Lake District NPA
12. Loch Lomond and the Trossachs NPA
13. New Forest NPA
14. Northumberland NPA
15. North York Moors NPA
16. Peak District NPA
17. Pembrokeshire Coast NPA
18. Snowdonia NPA
19. South Downs NPA
20. Yorkshire Dales NPA
21. National Trust
22. Residential Boat Owners Association
23. Royal Yachting Association
24. RSPB
25. Visit England
26. The Conservation Volunteers

B. Regional Organisations – scope beyond the Broads

27. Anglian Water
28. CPRE Norfolk
29. CPRE Suffolk
30. Essex and Suffolk Water

Local Authorities

31. Broadland DC
32. Great Yarmouth BC
33. Norfolk CC
34. North Norfolk
35. Norwich CC

36. South Norfolk Council
37. Suffolk County Council
38. Waveney District Council
39. New Anglia
40. Norfolk Association of Local Councils
41. Norfolk Biodiversity Partnership
42. Norfolk Chamber of Commerce
43. Norfolk Constabulary
44. Norfolk Local Access Forum
45. Norfolk Rural Community Council
46. Norfolk Wildlife Trust
47. Suffolk ACRE
48. Suffolk Association of Local Councils
49. Suffolk Biodiversity Partnership
50. Suffolk Constabulary
51. Suffolk Local Access Forum
52. Suffolk Strategic Partnership
53. Suffolk Wildlife Trust
54. Wild Anglia

C. Local Organisations

55. Broads Angling Strategy Group
56. Broads Hire Boat Federation
57. Broads IDB
58. Broads Society
59. Broads Tourism
60. Easton College
61. How Hill Trust
62. Norfolk and Suffolk Boating Association
63. Geldeston PC
64. Postwick with Witton PC
65. Brumstead PC
66. Bramerton PC
67. Claxton PC
68. Rockland St Mary with Hellington PC
69. Neatishead PC
70. Broome PC
71. Ludham PC
72. Filby PC
73. Potter Heigham PC
74. Worlingham PC
75. Belaugh Parish Meeting
76. Kirby Bedon PC

77. Barton Turf and Irstead PC
78. Beccles Town Council
79. Bradwell PC
80. Carleton St Peter PC
81. Halvergate PC
82. Sea Palling and Waxham PC
83. Oulton PC
84. Hickling PC
85. Fritton and St Olaves PC
86. Rollesby PC
87. Fleggburgh PC
88. Thurlton PC
89. Surlingham PC
90. West Caister PC
91. Haddiscoe PC
92. Martham PC
93. Ormesby St Margaret with Scratby PC
94. Cantley PC
95. Thurne PC
96. Caister-on-Sea PC
97. Aldeby PC
98. Coltishall PC
99. Dilham PC
100. Repps with Bastwick PC
101. Smallburgh PC
102. Thorpe St Andrew PC
103. Horning PC
104. Ashby St Mary PC
105. Somerton West/East PC
106. Hales and Heckingham PC
107. Ormesby St Michael PC
108. Stalham Town Council
109. North Cove PC
110. Acle PC
111. Beighton PC
112. Ranworth PC
113. South Walsham PC
114. Upton with Fishley PC
115. Woodbastwick PC
116. Mettingham PC
117. Burgh Castle PC
118. Ellingham and Kirby Cane PC
119. Trowse with Newton PC
120. Ashby with Oby PC
121. Freethorpe PC
122. Bungay Town Council
123. Ingham PC
124. East Ruston PC
125. Hoveton PC
126. Crostwick Parish Council
127. Earsham PC
128. Ashby, Herringfleet and Somerleyton PC
129. Gillingham PC
130. Horsey PC
131. Honing and Crostwight PC
132. Barnby PC
133. Carlton Colville PC
134. Langley with Hardley PC
135. Blundeston and Flixton PC
136. Brundall PC
137. Barsham and Shipmeadow PC
138. Ditchingham PC
139. Loddon PC
140. Norton Subcourse PC
141. Burgh St Peter and Wheatacre PC
142. Catfield PC
143. Sutton PC
144. Horstead with Stanninghall PC
145. Hemsby PC
146. Mautby and Runham PC
147. Stokesby with Herringby PC
148. Brampton PC
149. Strumpshaw PC
150. Belton with Browston PC
151. Reedham PC
152. Winterton-on-Sea PC
153. Salhouse PC
154. Wroxham PC
155. Chedgrave PC
156. The Broads Trust
157. Whitlingham Charitable Trust

Appendix C – Responses received to branding consultation

This schedule of responses relates to the Broads Authority's consultation "Broads National Park: Making the most of a brand which is internationally recognised". The consultation was carried out for a 3-month period closing on 31 December 2014.

National Organisations and those outside the East of England

1. British Marine Federation

Thank you for your letter of the 8 October 2014 inviting the British Marine Federation (BMF) to respond to the above consultation.

The BMF has discussed this matter with the Broads Hire Boat Federation (BHBF) and also took the opportunity to revisit the comments we made during our response to the revised Broads Bill in 2006.

The BMF is in principle comfortable with the rebranding of the Broads Authority to the "Broads National Park" – any opportunity to raise the national and international profile of the Broads is a good thing and to create a destination brand is a positive tourism strategy. We acknowledge the fact that this is a change in branding only and will not alter the statutory responsibilities the Authority has for navigation issues. The BMF would not support any rebranding of the Authority to the "Broads National Park" if it subsequently initiated legislative change resulting in the Sandford Principle, undermining the Authority's statutory responsibilities for navigation.

The BMF looks forward to working with and supporting The Broads Authority as the rebranding exercise progresses. **Brian Clark (Head of External Relations)**

BA Response: We welcome the BMF's offer to work with and support the branding proposal. The proposal is about the branding of the area only. There is no intention to make legislative changes to the Broads Authority and it has never indicated any intention to adopt the Sandford Principle. It is of the view that the Habitats Regulations provide the required level of protection for the biodiversity of the Broads against damaging activities.

2. Campaign for National Parks

1. We believe that a more consistent use of the term the Broads National Park as a brand could bring significant benefits to the area as set out in the consultation paper. In particular the use of the internationally recognised National Park title should help attract visitors from both the UK and overseas and will also ensure that the Broads is able to benefit fully from the work that National Parks UK is doing to promote all the National Parks.
2. The Campaign for National Parks would use the term Broads National Park whenever referring to the area in our publications, consultation responses and other documents. Although we do not currently use that term explicitly, we often refer to the ten National Parks in England in consultation responses and briefings and do not refer to the Broads separately unless there is good reason to do so. We are keen to ensure that the designation of the area is properly recognised when it comes to planning protection and the statutory duties which apply to public bodies when making decisions which affect National Parks. The change of name should assist with this by ensuring that there is greater recognition of the area's status.

3. We recognise that the main motivation for the proposed change is to take advantage of the marketing and promotional benefits arising from greater consistency of the Broads National Park title and we support anything that encourages more people to visit all our National Parks. However in line with our desire to help keep these beautiful places safe for everyone to enjoy in the future, we would like the Broads Authority to use the promotion of the new branding as an opportunity to maximise the additional benefits we have highlighted in response to Question 2. This would mean writing to all the relevant public bodies and statutory undertakers such as the Highways Agency and major utility providers operating in the area to highlight the statutory duties that apply in the Broads.

Other Comments

The consultation paper suggests that there may be opportunities to erect new signs welcoming people to the Broads. While there can be some advantages to making sure people know they are entering a National Park we believe that very careful consideration should be given to the design and location of any new signage. It is important to avoid too much signage to be very carefully located to avoid detracting from the beautiful landscapes. **Ruth Bradshaw (Policy and Research Manager)**

BA Response: We note the comments made by the CNP and understand the point about signage. Any signs will be carefully sited and erected in conjunction with local bodies such as parish and town councils.

3. Canoe England – no response received.
4. Country Land and Business Association – no response received.
5. National Farmers Union – no response received.

6. National Parks UK

The National Park Authorities of the UK fully support and welcome the proposal by the Broads Authority to use the term Broads National Park. This is eminently sensible and will remove the confusion that has existed about how the area is referred to. It will only strengthen the profile of UK National Parks with the general public. **(Executive Committee 15th December 2014)**

BA response: The support of the English, Welsh and Scottish National Park Authorities is noted.

7. Brecon Beacons NPA – no individual response received.

8. Cairngorms NPA

Thank you for your email and attachment. I would welcome the proposed discussion at the December ANPA meeting.

In the Cairngorms National Park we established a Cairngorms National Park brand separate from the Park Authority. This has allowed our partners in the community, public and private sector to adopt the park brand alongside their own identities and to take collective 'ownership' of the park. We would be happy to share our experiences and the feedback from our visitors. Strengthening the National Park brand across Britain can only benefit all of the individual parks.

I will ask CNPA staff to prepare a more formal response to your document in due course - hopefully in advance of the discussion in December.

Duncan Bryden (Convener, Cairngorms NPA)

BA response: We are keen to learn from the experience in the Cairngorms.

9. Dartmoor NPA

Further to the discussion and resolution agreed at the Association of National Park Authorities video conference on 12 December 2014, we write to confirm that the Dartmoor National Park Authority is supportive of your proposal to rename the Broads as the Broads National Park.

We hope that you will be able to smoothly implement the proposal. **Peter Harper (Chairman, Dartmoor NPA)**

BA response: Comments noted.

10. Exmoor NPA

On behalf of Exmoor NPA I am happy to support this proposal. The Broads area is undoubtedly one of England's most treasured landscapes with rich wildlife and cultural heritage as well as considerable opportunities for public enjoyment and understanding. The BA too is a much valued member of NPE and the proposed use of the National Park identity will help us all in communicating about our work. **Andrea Davis (Chair, Exmoor NPA)**

BA response: Comments noted.

11. Lake District NPA

We discussed your proposed use of the National Park name for the Broads and I am pleased to say that there was a unanimous feeling that you should go ahead with that proposed use. Just to make it absolutely clear, the subject was first discussed at what we call our Exec Board and Chairs meeting [full support] and then at our full Authority meeting on Wednesday last [again full support] where Richard gave a full explanation of your proposal. So, all that remains now for me to do is to wish you well with the proposal. **Mike McKinley (Chair, Lake District NPA)**

BA response: Comments noted.

12. Loch Lomond and the Trossachs NPA – no individual response received.

13. New Forest NPA

I fully understand and strongly support your reasons for taking this initiative and I am happy for you to formally record the New Forest NP Authority's support in advance of the UK ANPA videoconference on 15 Dec 2014. **Oliver Crosthwaite-Eyre (Chair, New Forest NPA)**

BA response: Comments noted.

14. Northumberland NPA

Personally I welcome your proposal and I would be surprised if any of my members objected to it, I think it actually adds strength to the National Park brand. **John Riddle (Chairman, Northumberland NPA)**

BA response: Comments noted.

15. North York Moors NPA

I am writing to express my support and that of the North York Moors NPA for your proposal. The Broads has long been seen as a member of the National Park family. It has added strength to that family and the organisation has brought its unique strength and talents which have helped us greatly in our work. At no point can I remember anyone disputing the fact that the Broads should be part of that family or that it should be described as a National Park. I am conscious too that across the globe National Parks have slightly different legislation and sometimes quite different means of operation to suit their local circumstances. In terms of achieving our two purposes, the National Park name is vital and in terms of the economy- which in your case is so bound up with your navigation interest - it is equally important. So I wish you well with your proposal and look forward to seeing your brand in operation.

Jim Bailey (Chair, North York Moors NPA)

BA response: Comments noted.

16. Peak District NPA

First of all, the key issue here is the balance that you are striking between the flexible use of the designation 'national park' and the rigorous protection of that brand as one signalling the conservation of a place that merits the conservation quality and the commitment to managing a place with the conservation of those qualities uppermost. There can be no doubt that the Broads is of sufficient quality as an extensive wetland based landscape on a large scale and coherent in character meets the quality threshold. Added to this is the distinctive cultural heritage and the ease by which people can experience the landscape without harming the character and these values are considerable and the case for designation exceeded.

The second part of the case for the Broads achieving national park status depends on the degree to which there is an unequivocal commitment to the conservation of the landscape and the qualities for which it is designated. Three factors come in to play. Firstly, does the Broads Authority have a strong and credible plan for the Broads with evidenced and appropriate conservation objectives that are widely supported. You do. Secondly, will the additional benefits of national park designation help secure the long term financial viability of the Broads Authority and therefore your continued ability to achieve your objectives. At a time of intense pressure on public sector resources this is an increasingly important factor and advances the case strongly. Thirdly, do your objectives allow the Sandford Principle to apply, i.e. in the event of an irreconcilable conflict between conservation and your other objectives will the conservation objective have primacy. I understand that this may still be difficult for The Broads given your statutorily defined duties on navigation. If I am correct in this, then we would have some concerns about this. However, given the serious risk to your viability of not being branded a national park, the quality of your conservation objectives and the high intrinsic quality of the Broads landscape, the benefits outweigh the risks to the brand of national parks. I would urge you to develop hand in hand with the new branding a renewed commitment to your conservation objectives and especially seek to involve navigation interests in achieving them.

Finally, the benefits of the collectively-owned brand of national parks will only be fully realised when all the national park family members work closely together, probably much more so than currently. Your organisation's and your own personal commitment to that continue to be welcome.

Jim Dixon (Chief Executive, Peak District NPA)

BA response: Comments noted. The proposal does not involve any changes in the legal name or functions of the Broads Authority. The Broads Authority has never indicated any intention to adopt the Sandford Principle because it is of the view that the Habitats Regulations provide the required

level of protection for the biodiversity of the Broads against damaging activities.

17. Pembrokeshire Coast NPA – no individual response received.

18. Snowdonia NPA – no individual response received.

19. South Downs NPA

I was interested to read about the thinking behind the proposed change and your assessment of the impact it will have.
--

Having been through the recent development of an identity for the South Downs NP, I understand the challenges involved and the many possible benefits. If we can provide any advice or learning from our own experience please do not hesitate to contact our Communication & Engagement Manager Ruth James, who will be more than happy to help. Margaret Paren (Chair, South Downs NPA)
--

BA response: The offer of advice is much appreciated and will be taken up if Members decide to proceed with the branding initiative.

20. Yorkshire Dales NPA

You have the full support of the Yorkshire Dales! I have spoken to David and he agrees that to all intents and purposes you are a National Park and I am sure you will benefit from being so described. Peter Charlesworth (Chair, Yorkshire Dales NPA)
--

BA response: Comments noted.

21. National Trust – no response received.

22. Residential Boat Owners Association – no response received.

23. Royal Yachting Association

The RYA is conscious that the Broads are a vital national asset not only as a place of natural beauty but also for open air recreation and specifically for recreational boating, which has a long and proud history in the area.

As the consultation paper acknowledges, the existing management and regulation of the Broads, as set out in statute, expressly recognises this by conferring on the Broads Authority particular navigation responsibilities and a specific duty to protect the interests of navigation, with that duty being given parity with the Broads Authority's other principal duties to conserve and enhance natural beauty and promote the enjoyment of the Broads by the public.
--

Protecting the interests of navigation is therefore written into the Broads Authority's constitution and is an intrinsic part of the constitutional arrangements for the Broads. In effect, it is one of the Broads Authority's reasons for being and this distinguishes the Broads from national parks in the UK more generally.

It is vital that this special status is not altered or watered down in any way. Any name change therefore needs to respect this fundamental and distinctive characteristic of the Broads Authority.

We note that your consultation paper clearly states that the name change proposed would respect this unique characteristic. As long as that is truly the case and, for example, it does not become and
--

it is not used by the Broads Authority or others as a platform for legislative change or for disregarding the interests and concerns of recreational boating, the RYA would not have any difficulty with it. As you would expect, we certainly wish to be supportive of any measure to enhance recreational boating opportunities on the Broads.

Over the years, as you know, the special status given to navigation in the Broads Authority's constitution has been a key element in helping to ensure that the tensions between conservation and recreation, which naturally arise in the management of such a complex and sensitive space, have been appropriately managed. Even so, there have been occasions when those tensions have given rise to serious disagreements and misunderstandings and a breakdown of trust. If this initiative is carried forward, it will be important to ensure that trust is maintained and that navigation interests do not feel that they are being disregarded. **Gus Lewis (Head of Legal & Government Affairs, Royal Yachting Association)**

BA response: The Authority has no intention of disregarding the interests and concerns of recreational boating and sees this activity as one of the unique characteristics of the Broads that needs to be treasured and enhanced. There is no intention by the Authority to adopt the Sandford Principle and we are of the view that the Habitats Regulations provide the required level of protection for the biodiversity of the Broads against damaging activities.

24. RSPB

The document sets out some clear benefits for promoting wider use of the Broads National Park name and encouraging greater consistency in its application. I fully support much of the thinking outlined in this document as raising public awareness and understanding of the Broads is something that we are also working hard to achieve here at RSPB.

We have recently restructured our Broads Team to provide more focus on an area wide approach, not only for land management, but also for our work with visitors and local communities. Jo Hand is now our Broads People Engagement Manager, and is developing a team of staff and volunteers whose focus is to provide a wider range of opportunities to bring people and wildlife together in the Broads, and to promote these experiences more effectively to visitors and local communities.

Through her work on the Broads Tourism Executive Committee and the Broads Outdoors Festival Steering Group, Jo has been able to promote the value of quality wildlife watching experiences as a crucial part of the Broads tourism offer, and has ensured that the value of tourism linked to landscape and wildlife has become a key driver for RSPB's work in the Broads. Therefore, we whole heartedly support changes that encourage more consistent marketing of the area, that allow the Broads to benefit from national promotional campaigns and that develop a greater sense of place and value amongst local residents, businesses, stakeholders and decision makers.

However, the RSPB is concerned that the Broads will become a National Park without adopting the same principles as the other National Parks in England, Wales and now Scotland, in particular the Sandford Principle.

I know you appreciate that the Broads area is of immense importance for wetland biodiversity. While 25% of the area is notified as SSSI and designated as Special Protection Area and Special Area for Conservation under the Birds and Habitats Directives respectively, the remaining 75% has no statutory or non-statutory protection for wildlife. This in spite of much of the area meeting the criteria for notification as SSSI, and in all likelihood being granted SSSI status, were it found in any other part of the UK.

We believe that the absence of the Sandford Principle, in tandem with the Authority's third purpose of protecting the interests of navigation, results in stalemate situations when there is a potential conflict between conservation and navigation interests, and hinders the search for win-win solutions. The inclusion of the Sandford Principle would give a much clearer direction to all parties, and would greatly facilitate truly integrated management of the Broads area.

The importance of the Sandford Principle for National Parks is to ensure that development is sustainable and that the features that make the area attractive to residents and visitors are maintained. I am sure this is consistent with your vision for the Broads.

As the Broads Plan also highlights:

"The ecosystems of the Broads provide a range of goods and services. These include the provision of water flow, clean water and air, recreation and amenity, palaeoenvironmental and organic archaeological remains, education, jobs, food production, visual beauty and inspiration, flood management and climate regulation, including carbon storage. The costs of investing in the sustainable conservation and enhancement of the Broads need to be counterbalanced with the significant and valuable benefits that the area brings to society as a whole. These benefits will be increasingly important as we meet the long-term challenges ahead. As a custodian of a high value resource and member of the family of National Parks, the Broads has a key role to play as a model of healthy, sustainable living and a low carbon economy." (Paragraph 3, p.13)

The cost of not applying the Sandford Principle to the Broads could have not just environmental implications, but economic and social impacts as well.

Where conflict is truly irreconcilable then it can surely not be intended that the predetermined importance of the Broads natural environment should be harmed. This would be entirely inconsistent with the principles of sustainable development which seek to ensure that we pass on the same level of environmental asset to future generations as those which we currently enjoy.

I would urge the Broads Authority to take the opportunity for the Broads to become a National Park in the truest sense by fully embracing this principle in the way that other members of the family have done. **Paul Forecast (Director, Eastern England)**

BA response: The Authority will be pleased to continue to work closely with Jo Hand, the RSPB's Broads People Engagement Manager, to further its partnership initiatives. The Authority has never indicated any intention to adopt the Sandford Principle and is of the view that the Habitats Regulations provide the required level of protection for the biodiversity of the Broads against damaging activities.

25. Visit England

We fully support the general principles and would be willing to adopt any new messaging within our organisation. The 1950s generation of National Parks (all were in the north and west of the UK) shared a common characteristic with the North American model in that they represented a kind of wilderness landscape, even though they were predominantly agricultural in nature. The locational spread was much criticised at the time and the three subsequent National Parks in England have all been in the South-east and east. The latter generation have all had different iconic characteristics: forest; downs and waterways but lacking the mountain or moorland landscapes of the older generation. As such, the public concept of what constitutes a National Park has had to change. Utilising the established brand of the English National Parks appears to make sense and to provide mutual benefits.

For the Broads it brings a degree of kudos that supports the wildlife, ecology and conservation

priorities of the Authority and for the other National Parks it helps diversify the offer, opens up new markets and spreads their reach. Launching the Broads as a National Park brand is a logical step to take. This consultation document is very much about marketing activity and ensuring consistency of message which is a sensible approach. The challenge as is identified will be ensuring that stakeholders adopt an unified and consistent approach. If this can be achieved it will enable the Broads to deliver a strong destination communication. We might question whether adding National Park to name is enough? A deeper understanding of the barriers and strengths would also be needed to ensure it isn't an idea that sounds great but delivers little additional benefit.

National Parks are like much of the countryside in regards to there being little awareness for many visitors of where they are, where they start and finish and what you can actually do when you are in one. Any communications would need to address this and sharing the motivations and barriers research conducted by VisitEngland would help. In most other respects VisitEngland would see the greater use of National Parks branding helpful on a number of fronts. For example, it enables greater flexibility in terms of linking to the other National Parks for joint campaigns or promotional offers where the qualities of these areas might be highlighted. It will help raise the profile internationally, especially in near European markets which are in Germany and the Netherlands.

It will no doubt assist in terms of obtaining sponsorship or even revenue from other streams such as from charitable donations and endowments. We would also anticipate that the Broads would also achieve greater community buy-in from utilising the National Park brand and it would help instil a greater degree of local pride and acknowledgement of the benefits of tourism. VisitEngland will be happy to provide research findings that might assist the process of rebranding and we look forward to working with you through this process - **James Berresford, CEO**

BA response: The offer of continued support and assistance from Visit England is much appreciated.

26. The Conservation Volunteers – no response received.

Regional Organisations (scope beyond the Broads)

27. Anglian Water

I am very happy to respond to your consultation "The Broads National Park – Making the most of a brand which is internationally recognised", which I have read with great interest.

Question 1: As someone who has worked closely with many people from the Broads Authority and with many of the special places in the Broads over the last 18 years I have always considered that they a hugely important part of our regional and national heritage. Therefore the future use of the name "Broads National Park" in selling this beautiful and unique place is something that I would wholehearted support. I would agree that developing and ensuring a consistent use of the brand will raise the profile of the area and ensure its status in the UK landscape is understood; this not only reflects the environmental importance of the Broads but their contribution to the vibrant local and regional economy.

Question 2: Although we don't have specific land-based partnerships at this point in time we obviously refer to the area in our literature, website and other publically available materials. We would obviously ensure that we would use and change in terminology in future.

Question 3: To make that transition easy it would be useful to know in advance of the change of

terminology and to receive electronic copies of the new branding and logos for future use.

Anglian Water very much supports the change for marketing purposes to the "Broads National Park" and the valuable work that you are doing and the vision that you have set out in the consultation document to promote the UK's National Parks as tourist destinations, raise people's understanding of how special all these parks are and to develop the sense of collective value and ownership. **Andy Brown (Head of Sustainability)**

BA response: Comments noted.

28. CPRE Norfolk

"CPRE Norfolk supports the use of the name "Broads National Park" rather than the more cumbersome "the Broads - a member of the National Park Family". This will primarily help the tourism industry and thus the local economy providing more employment. Hopefully the "National Park" brand will encourage a more discerning and sustainable form of tourism rather than just boost numbers. The "National Park" name will help to raise the status and profile of the Broads nationally and internationally, which in turn may help to attract both private investment and grant funding."

Specifically in answer to your three 'Key Questions': 1. This can only be good for the Broads. 2. This is not really applicable to CPRE Norfolk. 3. No.

Katy Jones (Branch Manager, CPRE Norfolk)

BA response: The reference to sustainable tourism is welcomed and in line with the Authority's ambitions.

29. CPRE Suffolk – no response received.

30. Essex and Suffolk Water – no response received.

Local Authorities

Norfolk and Suffolk Local Authorities

We fully support the use of the term Broads National Park. As well as the predictable economic benefits that will arise from attracting more visitors to Norfolk and Suffolk we consider that use of the National Park name will much more effectively and appropriately raise the profile of the special qualities of the Broads.

Chief Executives of Norfolk and Suffolk Local Authorities & Chief Constables of Norfolk and Suffolk

BA response: Comments noted.

31. Broadland District Council

- 1) The Council welcomes the consistent use of the term The Broads National Park. We believe it will raise the profile of the area and give a clear message as to the importance of the park on a national scale. It will be recognised alongside the National Park family and gain a profile at the other recognised parks.
- 2) The Council regularly promotes the area to visitors through publications and its website and a clearer National Park message will support our endeavours to raise the profile of the area. We are in a position of needing to deliver homes and jobs in the vicinity of the Park

and there is no doubt that use of the new branding will assist in efforts to attract investment to the area. We would request that all new material is Disability Discrimination Act compliant.

- 3) Clearly the Council would expect guidelines and assistance in ensuring that any new signage, promotional material and website presence reflected the new branding. We would also hope that there would be support for existing Broadland communities and businesses to embrace the new branding and foster an understanding of the need to change and “modernise” and the benefits this can bring to the wider area. We would support efforts to research and investigate the potential for Acle to develop its brand as Gateway to ‘The Broads National Park’ and seek investment for a new National Park Visitor Centre.

The Council further notes, with approval, that the proposal did not involve any change in the legal name of status of the area; nor would it affect any of the Broads Authority’s functions and responsibilities as set out in the Norfolk and Suffolk Broads Act 1988 as amended and that the Broads Authority would no formally become a National Park Authority. **Phil Kirby (Chief Executive)**

BA response: The Authority is happy to work with Broadland District Council to ensure that new signage, promotional material and websites make the most of any new branding. The suggestion of a new visitor centre at Acle is an interesting one and further dialogue with officers of the BDC on this would be welcome.

32. Great Yarmouth BC – no individual response received.

33. Norfolk County Council

Consistently branding the Norfolk and Suffolk Broads as the ‘Broads National Park’ is long overdue. It is a helpful, logical and positive step.

We are very proud of our National Park and we in Norfolk have been happy to share it with everyone for well over 150 years. We'd like even more people to know about it and benefit from all it has to offer.

1. *Do you support a more consistent use of the term The Broads National Park?* Incorporating the National Park is a great idea – National Parks mean something to the public. National Park branding on signs would be excellent.
2. *Would your organisation be willing to use the term The Broads National Park?* Not denigrating ‘Britain’s Magical Waterland’ as it was a tool to do a job, but National Park is stronger.
3. *Are there any specific actions the Broads Authority could take to support and help your organisation in using the brand?* We could do a campaign together via Visit Norfolk!

George Nobbs, Leader of Norfolk County Council

BA response: We welcome the County Council’s support. Working with the Council on raising awareness of the Broads among young people is a high priority for the Authority.

34. Norfolk Norfolk District Council

We fully support the use of the term Broads National Park. As well as the predictable economic benefits that will arise from attracting more visitors to Norfolk and Suffolk we consider that use of the National Park name will much more effectively and appropriately raise the profile of the special qualities of the Broads. **Sheila Oxtoby (Chief Executive)**

BA response: Comments noted.

35. Norwich City Council

We are very happy to support the approach being taken by the Broads Authority and very much hope that the city council representative is a valuable member of the authority. **Laura McGillivray (Chief Executive Officer)**

BA response: The City Council representation on the Broads Authority is valued. The Authority is keen to work in partnership with the Council on raising the profile of the Broads amongst the citizens of Norwich.

36. South Norfolk Council

1. The consistent use of the Broads National Park will be very beneficial and will result in a more widely recognised and effective brand. 'National Park' gives the sense of importance on a large scale and a wider use of this term should boost tourism; with having the Southern Broads on our patch we should stand to benefit from this in terms of increased profile and standing. Whilst the approach in the costs section make sense I wonder if greater impact might be achieved through a series of 'launch' events.
2. Yes, we think this would work well with our existing positioning line with key South Norfolk sites linked to the Broads (e.g. Loddon- 'Perfectly Placed' which would work well with being the 'Gateway to the Southern Broads' or the 'Southern Gateway to The Broads National Park'
3. We would welcome the promotion of the key southern locations of the Broads (e.g. Loddon, Chedgrave) in the new branding and more focussed campaigns. We would be more than happy to feed into any marketing and communications development either through our team here or via our work with Visit Norwich. **Sandra Dinneen (Chief Executive)**

BA response: The suggestion of a series of launch events is a good one, and something the Authority would be happy to discuss with the Council along with the marketing of locations such as Loddon and Chedgrave.

37. Suffolk County Council

1. *Do you support a more consistent use of the term The Broads National Park?* Yes
2. *How would you envisage your organisation using the term The Broads National Park?* SCC would use the term the Broads National Park in all its publications and correspondence.
3. *Are there any specific actions the Broads Authority could take to support and help your organisation in using the brand?* Greater 'Broads National Park' profile in & for Suffolk, and working collaboratively with the Waveney Valley tourism forum and any future DMO that arises there, so that offers are complementary rather than confusing. We would also like to be assured that the Broads National Park will work collaboratively with Visit East Anglia and the New Anglia LEP.
Deborah Cadman OBE (Chief Executive)

BA response: The Authority will continue to work with Visit East Anglia, New Anglia and tourism businesses on promoting the area, including the Waveney valley.

38. Waveney and Suffolk Coastal District Council

1. Use of the term "The Broads National Park"

We support the consistent use of this term and believe this to be the best brand for the area in question. Awareness of the Broads as a brand has been declining in recent years, as has the boat hire business itself, and this is in sharp contrast to the steep growth in awareness that has been experienced by the Suffolk Coast brand. Historically, the area was best known as the Norfolk Broads and the parts of the Broads that fall within Suffolk have struggled with this. The proposed term “The Broads National Park” overcomes this long-standing issue and we believe this brand will bring benefits to the Suffolk visitor economy. We would like to see the brand achieve a higher profile within future tourism marketing campaigns, and consistent use of the proposed term “The Broads National Park” would be of significant value in this respect.

2. SCDC/WDC’s willingness to use the term “The Broads National Park”

Both Councils would be very keen to use the term and would ensure that our tourism partner (The Suffolk Coast Destination Management Organisation) also uses the term.

3. Specific action the Broads Authority could take to support and help us in using the brand

The Broads National Park is an important brand to SCDC and WDC. Visitors to The Broads support the economy of a large rural area that is more fragile in economic terms than the south of our district. Moreover, the work of the Broads Authority is vital in safeguarding the unique character of this area. We are therefore very keen to promote the brand and to work more closely with the Broads Authority to achieve this.

We would recommend that the brand is promoted as widely as possible and in particular to new markets. Our recent experience is that the London and South East is a far more important market for us than in the past and visitors from this area tend to have deep pockets! They also tend to have lower awareness of traditional UK brands, perhaps because these visitors have a younger age demographic than traditional visitors to the area. We recommend that this increased promotion is achieved by using existing Broads Authority resources but also through increased activity with partners. Improved liaison between the appropriate Broads Authority officers and ourselves would be welcomed. The New Anglia Local Enterprise Partnership and the local authorities in Suffolk, along with The Suffolk Coast Destination Management Organisation are working together to promote tourism throughout Suffolk and the Broads National Park is an important part of the tourism offer. We would be very keen for the Broads Authority to increase its engagement with these agencies to promote the brand.

Stephen Baker (Chief Executive , Suffolk Coastal and Waveney District Councils)

BA response: We welcome the positive support from the Councils. The Authority will increase its engagement with the Local Enterprise Partnership and the Destination Management Organisation.

39. New Anglia

1. We would be a firm supporter of the adoption and consistent use of the National Park brand for the Broads. The LEP is keen to show leadership in taking forward aspirational brands for sectors and locations across Norfolk and Suffolk and the adoption of the National Park brand is befitting with this approach. We effectively already have a National Park in the area in the shape of the Broads and using this brand would represent a step change in how the natural environment and its economic worth are valued.

The LEP Strategic Economic Plan which was approved by the UK government in July 2014 refers to the Broads as a National Park. This represented the LEPs recognition of the areas important economic contribution and environmental value and the need to manage the area in a sensitive manner befitting to the management approach of a National Park. LEPs priority support for the Tourism sector and for the development of the Green Economy compliments the use of the

National Park brand which will act as an indicator of the quality of the Broads natural environment and its thriving visitor economy. The LEP is also of the view that the Broads are of such significance nationally and internationally that they could be referred to as the "UK's only Wetland National Park", which offers up a unique selling point within the UK's network of National Parks. The LEP's Green Economy Manifesto also recognises the need for improved branding of the Broads.

2. The LEP would be committed to co-develop initiatives with the Broads Authority to promote the Broads National Park brand. The LEP is a significant partner and leader in a number of campaigns such as the current Great Eastern Rail Campaign which although this is a campaign with different subject matter, is still effectively communicating a positive message as would use of the National Park brand.
3. The New Anglia LEP is firmly supportive of adopting the name Broads National Park and we look forward to working closely with the Broads Authority in supporting this positive development.

Mark Pendlington (Chairman)

BA response: The Authority welcomes New Anglia's support. We believe there is considerable potential to promote the area and welcomes the offer of support from the LEP.

40. Norfolk Association of Local Councils – no response received.

41. Norfolk Biodiversity Partnership – no response received.

42. Norfolk Chamber of Commerce – no response received (Nb. The Chamber promoted the consultation via its website).

43. Norfolk Constabulary

On behalf of Norfolk Constabulary I am supportive of your proposals and would want to develop branding opportunities for the Broads beat team. **Simon Bailey (Chief Constable)**

BA response: The Authority is keen to continue its close cooperation with Norfolk Police especially through the Broads. There are considerable benefits to both parties and the general public.

44. Norfolk Local Access Forum

Thank you for consulting us; we considered the proposals at our 15th October meeting. We agreed enthusiastically with the positive measures that you are consulting on, to align the Broads closely with the internationally recognised National Park brand, introduce consistency in the promotion of the area, and to take full advantage of the opportunities being advanced by the UK's National Parks are all really exciting opportunities. From the perspective of the Norfolk Local Access Forum (NLAF) there are clear opportunities to foster greater public interest in access to not only the Broads through these associations with the National Park brand but also to other parts of Norfolk's countryside.

Within the document you asked us to provide you with specific feedback. The NLAF considered the three questions posed at the end of the consultation.

1. *How do you feel about a more consistent use of the term the Broads National Park as a brand?*
The NLAF agree that this will provide better understanding of the offer within the Broads Authority Area. The potential for attracting more walkers and cyclists is a key aim of the NLAF. Given the good connections between the Broads Authority Area and other parts of the Norfolk Countryside, the use of the term National Park will provide a great additional incentive to

access.

2. *In what ways would you envisage your organisation using the term the Broads National Park?*

In terms of promoting access, we can see that using the term National Park will have great potential benefit for our work. We would certainly use it to communicate the world-class status of the Norfolk Countryside. This association is a key one we believe. The Broads Authority Area is really important for demonstrating the unique and special nature of the County's countryside access opportunities in general. We believe like you that this association will have a higher profile and will reach more of an audience through the use of the National Park branding.

3. *Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand?*

Yes, making a clear connection between our work and that of the Broads National Park would help us. This is happening with the co-working between the Broads Local Access Forum and the NLAF. Communicating this relationship through the work behind the County Rights of Way Improvement Plan and more joining of this with the Broads Access Improvement Plan will help with the profile of this important work.

Don Saunders, Chair, Norfolk Local Access Forum

BA response: The Authority welcomes the co-working between the Broads and Norfolk Local Access Forums and the opportunities to do more together in the future.

45. Norfolk Rural Community Council – no response received.

46. Norfolk Wildlife Trust

In general, despite NWT's position regarding the need for BA to adopt the Sandford Principle in line with other National Parks, I find myself personally coming down in favour of the Broads National Park as a brand. It will raise the profile considerably for the organisation formerly known as BA, it will help to boost tourism, but also it will help to raise awareness of and support for the conservation and enhancement of the Broads' unique, but fragile ecosystem.

I am not clear from the paper what BA will be called. In a way, that may not be an issue, because your easiest route around any legislative or procedural issues is to use Broads National Park for marketing purposes whilst BA remains BA. This is what NWT did very successfully whilst the organisation's formal/legal name remained NNT for 20 years...until last year in fact when we formally changed the name fully to NWT. I have a concern that if the organisation does become synonymous with the Broads National Park, it will be shortened by people to BNP. I am sure you have thought of that and others have noticed too! So I think your paper needs to address the vagueness between how the Broads area will be branded and what the name of the current Broads Authority will be.

There will obviously be a significant cost in changing signs, logos, etc., the biggest hurdle being external interpretation. When the change of marketing name from NNT to NWT was introduced (before my time), it did cause significant controversy and debate, protest even from some quarters, but it was "sold" as a low cost exercise with only things like headed paper and publications being affected. It was also agreed that all such materials would carry reference to the real name remaining NNT. What was not calculated for was all the signage and interpretation which needed updating and replacing. Even the patch and mend approach initially adopted using carefully made overlays proved to be an expensive route and a nightmare to deliver. I suspect BA does not have anywhere near the level of interp panels and signs that we have county wide, but it is nevertheless a significant cost and I think the paper should say something about costs. **Brendan Joyce (Chief**

Executive)

BA response: As noted, the proposal is about branding the area and does not involve any change in the legal name or functions of the Broads Authority. If the proposal is adopted, signage and interpretation panels will be replaced or updated over time to minimise costs.

47. Suffolk ACRE – no response received.

48. Suffolk Association of Local Councils – no response received.

49. Suffolk Biodiversity Partnership – no response received.

50. Suffolk Constabulary

I can confirm the Constabulary will support the adoption of the phrase 'The Broads National Park'.

I am confident that communications devised by the Constabulary and the Office of the Police and Crime Commissioner can make reference to our work with you and the importance of creating a strong and safe environment for tourism and wildlife. **Douglas Paxton (Chief Constable)**

BA response: Comments noted.

51. Suffolk Local Access Forum – no response received.

52. Suffolk Strategic Partnership – no response received.

53. Suffolk Wildlife Trust

Suffolk Wildlife Trust is keen to raise the profile of the 'Suffolk Broads' as it is a strategically important area for us in delivering our Living Landscape vision as well as investing in Carlton Marshes as a flagship site.

Clearly identifying the Broads as a National Park would help communicate the quality of the Broads landscape and natural environment – qualities that are seen as integral to the National Park brand. National Parks are also seen as being accessible landscapes for people – a message we are keen to communicate to attract more people to enjoy the special places we manage as nature reserves.

Julian Roughton, Chief Executive

BA response: The SWT's support is welcomed. The Authority is keen to continue to support the excellent work of the Trust at Carlton Marshes.

54. **Wild Anglia** – Late response received – See Appendix D.

Local Organisations

55. Broads Angling Strategy Group – no response received.

56. Broads Hire Boat Federation

At the Annual General Meeting of the Broads Hire Boat Federation held on Wednesday 10th December 2014, the following response to Key Questions in the Consultation Document October 2014 was agreed unanimously:

1. The Broads Hire Boat Federation would support the use of the term “the Broads National Park” for the reasons and benefits described in detail in the Consultation Document.
2. BHBF members would use the term “the Broads National Park” as appropriate in promotion and marketing, but not to the exclusion of the branding “Britain’s Magical Waterland” which is of more direct relevance to the leisure boating business.
3. The Broads Authority must recognise the legitimate concerns of the boating community:
 - (a) by removing from all its policy documents the “long term ambition of achieving full National Park status” and
 - (b) by declaring that there will be no proposal by the Authority 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 to and settled with boating interests. **Tony Howes (Secretary)**

BA response: The BHBF’s support for the use of the Broads National Park branding is welcomed.

The Authority has no intention of disregarding the interests and concerns of recreational boating and sees this activity as one of the unique characteristics of the Broads that needs to be treasured and enhanced. It has never indicated any intention to adopt the Sandford Principle and is of the view that the Habitats Regulations provide the required level of protection for the biodiversity of the Broads against damaging activities.

The Broads Plan 2011 states that:

“In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-term vision.”

The Chief Executive’s report to the Broads Authority (23 January 2015) on branding the Broads is recommending that, should Members resolve to implement the Broads National Park branding, they could indicate that the Authority no longer intends to pursue the long term ambition in the 2011 Broads Plan, in view of the anticipated benefits of the new branding. It is hoped that such a statement would assuage the concerns raised by the BHBF.

57. Broads IDB – no response received.

58. Broads Society

You will note that this is a very broad response. Our members have a wide difference of opinion on this matter and our response has tried to reflect this. I am sure that with further clarification on the legal concerns we would be far happier with the proposals but for two points:

- a) We feel that the Norfolk and Suffolk Broads are far more than just a National Park
- b) That this exercise does not turn out to be the first step of the Authority becoming a full National Park with all the implications that might have for navigation. (Robin Godber, Chairman)

Members of the Broads Society share a common purpose to help secure a sustainable future for the Broads as a unique and protected landscape in which leisure, tourism and the local economy can thrive with the natural environment. We feel it is our duty to ensure the continued unique existence of the Broads for future generations.

In answer to the Broads Authority's proposal to call the area *The Broads National Park*, as opposed to *the Broads, a Member of the National Park family*, our members fully appreciate the importance of a thriving tourist industry in the Broads for the future sustainability of the region. We do not, therefore, object to the proposals provided that they do not lead to a watering down of the legal position as defined by the Broads Act 1988 and subsequently amended by the Natural Environment and Rural Communities Act of 2006.

We do, however, feel that the proposal has legal difficulties. These are:

1. There can be no difference between the Broads Authority's legal name and its brand
2. The BA has no legal power to change its name.
3. The proposal misunderstands the statutory functions of the BA.
4. The process of the proposal is flawed. Please see Appendix 1 for clarification.

Satisfactory answers to the above four points would remove much of our concerns over these proposals.

On a positive note our members feel that the Broads are more than just a 'National Park'. Although each National Park has its' own unique qualities, the Broads has the additional magical element of navigable tidal inland waterways and the words 'National Park' do not fully justify this special wetland. We do, therefore, have concerns of the Broads being labelled just another 'National Park'.

We appeal to the Members of the Authority, therefore, that when considering the responses to the Consultation, they take into account the very real concerns of not just ourselves that this is not the beginning of a process of the Broads becoming a full National Park with all the implications, particularly for navigation, that would imply.

Robin Godber (Chairman)

Legal Obstacles to the Proposal

There are four obstacles in law to the proposal to adopt the "brand" of Broads National Park.

1. The attempted distinction between a legal or corporate name and a day-to-day name or brand is impossible.
2. The BA has no power to change its name. To attempt to do so would be *Ultra Vires*.
3. The proposal is based on a false understanding of the BA's statutory functions.
4. The process of the decision is flawed.

1 Brand v Legal Name

Part of the difficulty here is that the term "brand" has no specific meaning in English law, this leads to confusion. The dictionary meaning is, "a type of product manufactured by particular company

under a particular name eg. a new brand of soap powder.” (OED) The proposal attempts to make a distinction between the “legal” or “corporate” name of the BA and its “brand” or day-to-day name. The statute created, “a body corporate to be known as the Broads Authority.” The effect of this is that legally there is no difference between what the Authority is “known as” on a day-to-day basis and its legal name. They are the same thing. So the BA is attempting the impossible.

2 Ultra Vires

Parliament is supreme, what it decides by statute cannot be undone, save by another Act of Parliament.

When a public body attempts to exceed its powers it is acting “Ultra Vires”, which is unlawful. The Consultation Document correctly notes that the statute contains no power to change the BA’s name but then incorrectly asserts that, according to “guidance” it has received, no change in legislation is required to effect the change or “use the term” as it puts it.

The document gives three comparisons of “other organisations which have used a different name from that in the legislation.” First, one notes that this section freely gives away the fact that this proposal is all about a change of name. More importantly, none of the comparisons is valid. Only the Historic Buildings and Monuments Commission for England is a public body named in legislation. The Norfolk Naturalists Trust is a charity. Anglian Water was a public body called the Anglian Water Authority until privatisation. It is now a trading enterprise called Anglian Water Services Ltd which uses a trading name. The Historic Buildings and Monuments Commission for England is different from the BA. It is partly a trading enterprise; some 35% of its considerable income comes from sales. The name English Heritage is - as they have confirmed to us - their trading name. The BA is not selling anything. It doesn’t have a trading name because it does not trade.

3 What is the proposal for? - Statutory Functions

The proposal says the change is for “marketing related purposes”. Exactly what this means is not clearly explained. It asks, entirely appropriately, “What is the legal difference between the Broads and other National Parks in the UK?” The answer given in the document may be summarised as, the BA has the same functions as a National Park plus an additional one of “protecting the navigation” and “equal weight is to be given to all its three purposes.” Both of these assertions are incorrect.

Statutory Functions

The non-navigation functions of the BA do closely resemble those of a National Park, (but only as they were originally constituted in 1949). The National Parks had their functions redefined by the Environment Act 1995 and an additional one was added by s 62 of:

shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.

The BA does not have a function of fostering the local economy, though the thrust of the Consultation Document towards “marketing” the Broads assumes that it does.

If one examines the BA’s website these false assumptions become more evident. In the section “Who we are” the website asserts:

We have three purposes:

- *Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads*
- *Promoting opportunities for the understanding and enjoyment of the special qualities of the*

Broads by the public

- *Protecting the interests of navigation.*
-

It goes on to say:

We must also consider the needs of agriculture and forestry as well as the economic and social interests of those in the Broads.

Function b) refers to:

(b) promoting the enjoyment of the Broads by the public

In this proper context, “promoting” means to improve or advance the public’s enjoyment of the Broads. It does not mean advertising or selling in the sense of marketing. One cannot sell “the enjoyment of the Broads by the public”.

“Equal Weight”

The BA’s statutory functions do *not* give “equal weight” to all three of them. Thus, discussion of the Sandford Principle is something of a red herring. The statute requires the BA, when exercising its navigation function, as follows:

S 10.(1) The Authority shall

(a) maintain the navigation area for the purposes of navigation to others in relation such standard as appears to it to be reasonably required; and to the navigation

(b) take such steps to improve and develop it as it thinks fit.

There is no mention in the 1988 or 2009 legislation as to what should be done in the (somewhat remote) event of a conflict between the functions. However, the 1988 Act goes on to say in reference to its “Part II”, that is, navigation functions (to summarise) tolls for navigation are to be expended on navigation expenses only and the account for navigation revenue is to be kept in balance on a year on year basis. (S 13 as amended in 2009 by Sched. 7). Currently, some 48% of the Authority’s income comes from navigation tolls. The effect of “ring-fencing” the navigation income is to give the BA an entirely separate function of maintaining and improving the navigation to reasonable standards using dedicated funds.

This separation of income makes the BA radically different from a National Park.

4 Judicial Review of Process

The process by which a public body makes its decisions and - where it decides to conduct one - any preliminary consultation embarked on for the purpose, must comply with Administrative Law. If they don’t, they are liable to be overturned by the Administrative Court. We don’t suggest that the Society should waste its limited funds by mounting a legal challenge. It is equally inappropriate for the BA to embark on a controversial decision, which it knows is liable to result in costly legal proceedings, without a clearly understood benefit in mind. They should make a business case first.

History

In order to understand the process of this proposed decision one must be aware of the controversial history. The Chief Executive of the BA has been attempting, in spite of public opposition, to have the BA made into a National Park for many years, including in the bills presented to Parliament in 2007/8. The correct procedure for designating a National Park is for the Countryside Commission (now known as Natural England) to designate the area as such under section 5 of the National Parks and Access to the Countryside Act 1949 (as amended by the Environment Act 1995) whereupon the Secretary of State creates a National Park Authority under

section 63 of the 1995 Act to administer it. People have been arguing since the 1940's, even before Parliament chose the first of the English National Parks, as to whether or not the Broads should be a National Park. Leaving aside the issue of whether or not that would be a good idea - as the Administrative Court will, in the event of a challenge by way of Judicial Review - the *process* is important. If public bodies choose to ignore due process we have anarchy.

It is not a hypothetical issue to consider what might happen if the BA were to be allowed to conduct itself without proper regard to statute. In 2013, the BA courted considerable controversy by attempting, on the basis of "legal advice", to partly fund a Promotion and Marketing post from the navigation revenue. Frankly, the job title gave away the obvious fact that this had nothing to do with navigation expenses. Furthermore, for five years between the 2005/6 financial year and 2009/10, the District Auditor gave the BA only a "qualified approval" to the BA's accounts because it had no accounting provision for depreciation of Fixed Assets. This has led to the wholly unsatisfactory position in October 2014 of the BA proposing to give up substantial Fixed Assets on the navigation, which it has already paid for out of navigation revenue, because it can't maintain them without a considerable increase in tolls.

Because Parliament has decided the process by which an area becomes a National Park no one, including the BA, has the power to usurp the role of Natural England. What the Consultation Document is attempting to do is persuade us that there is really so little difference between the Broads Authority and a National Park Authority that no one should mind if it takes on the title of Broads National Park. This is disingenuous. It is currently the official policy of the BA to overcome the objections previously made to its becoming a National Park. (section 4.4 Strategic Priority Objectives, Projects and Key Milestones for 2013/14) The Chief Executive must be acutely aware of the risk of conflict because, in return for withdrawing formal objections to - what became - the Broads Act 2009, the BA entered into a binding agreement with the Royal Yachting Association and the British Marine Federation under which it promised not to change its name. What this proposal is attempting, by a piece of legal *legerdemain*, is to just make the change without authority and hope no one takes it to court.

Sedley Principles

Public consultations are required to comply with the Sedley Principles, which are:

- (i) Consultation must take place when the proposal is still at a formative stage;
- (ii) Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
- (iii) Adequate time must be given for consideration and response; and
- (iv) The product of consultation must be taken into account conscientiously. (The 'Sedley principles' were first propounded by Stephen Sedley QC and adopted by Mr Justice Hodgson in *R v Brent London Borough Council, ex parte Gunning* (1985) 84 LGR 168).

Principle One

It is very noticeable that two of the consultation document's eleven pages are devoted to endorsements, which were obtained before Members of the BA even approved the consultation. They are overwhelmingly from tourism businesses or bodies charged with the promotion of tourism on the Broads. As has already been explained, the promotion of tourism is not one of the BA's functions, in spite of the fact that it clearly believes it is. The BA has entered into a business partnership with an organisation called Broads Tourism which promotes itself as "the voice of Broads tourism businesses." (www.enjoythebroads.com) Two of the endorsements come from Broads Tourism or one of its Executive Committee members.

Principle Two

There is, in public circulation, a copy of a letter from the then Minister Jonathon Shaw MP dated 31 March 2008 which reads:

In regard to the use of the name "National Park", the government has made its position on this very clear. We do not think that the Authority can lawfully take the title of a National Park, nor can the Authority lawfully take the title of a National Park Authority. This is because those titles are bestowed by specific Acts of Parliament, and the Broads legislation is different.

This position, which must be based on legal advice from the civil servants at Defra, is unequivocally at odds with the arguments contained in the Consultation Document. That document includes a statement:

The Authority has received guidance that no changes to the legislation are necessary for the use of the name the 'Broads National Park'.

In order to make "intelligent consideration and response" to the consultation the Society requested, under the Freedom of Information Act, a copy of the legal advice on which it is based and also of the "guidance", which was understood to mean guidance from Defra.

In the case of the legal advice, the Head of Compliance and Executive Assistant declined, giving Legal Professional Privilege as the justification because the advice was given to assess the BA's chances of success in legal proceedings. In the case of guidance from Defra he said that, "we are expecting a formal response from Defra on the proposal as part of the consultation response."

Having taken the decision to consult, the BA is not in a position to conceal the information which lies at the heart of its proposals. It has waived LPP by publicly relying on the legal advice.

Since designation as a National Park is the statutory function of Natural England we asked them for comment. Unfortunately, their response leaves us none the wiser. They tell us that the matter has been considered "at the highest level" and assert - as the Broads Authority does - that no change to the legislation is required, without giving any reasons as to why that is so.

Legitimate Expectation

Ever increasing tourism is not necessarily something which will advance or improve the enjoyment of the Broads by the public. It is significant to point out that more than half of the boats which pay tolls on the Broads are in private ownership. The legally binding agreement not to change the name of the Broads Authority to Broads National Park will have created what is termed in Administrative Law as a "legitimate expectation" that the RYA and BMF would at least be consulted before the BA changes its name. Yet there are no endorsements from any bodies concerned with navigation by private boat owners. The only endorsements from those with any interest in navigation have come from commercial enterprises. As already noted, two come from executive members of Broads Tourism.

BA response: We note the Broads Society's response and the concerns raised. It is noted that individual members of the Broads Society have very differing views on this proposal, but that overall the Society does not "*object to the proposals provided that they do not lead to a watering down of the legal position as defined by the Broads Act 1988 and subsequently amended by the Natural Environment and Rural Communities Act of 2006.*"

In response to the four legal points, these focus on the organisation rather than the area.

Brand v legal name:

The Authority is proposing to change only the way the area is referred to. The proposal does not

involve any change in the legal name or functions of the Broads Authority.

Ultra Vires:

The Authority may adopt a brand name of National Park using the power available to it in section 111 of the Local Government Act of 1972, which enables the Authority to do anything which is incidental or conducive to its other functions. To exercise this power effectively we will need a full Authority decision which identifies the function or functions in question and states why the authority considers the branding to be incidental or conducive to those functions.

What is the proposal for? Statutory functions

The purposes of national parks:

- (a) of **conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas** specified in the next following subsection; and
- (b) of **promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.**

and the functions of the Broads Authority:

- “(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and”.
- (c) protecting the interests of navigation.”

remain very similar. The Authority does have a duty to consider the needs of agriculture, forestry and the economic and social interests of those in the Broads by section 2(4) of the Broads Authority Act 1988. Economic interests link to tourism.

Section 2 (1) (b) refers to “promoting opportunities for enjoyment of the Broads by the public”. We feel that the Broads Society’s response is adopting a rather restricted definition of the function of promoting the enjoyment of the Broads by the public. We consider that within accepted language usage, ‘promoting’ does include advertising and marketing, to make the public aware of the opportunities that exist. If the Authority reasonably believes that adopting a brand name of Broads National Park will promote economic interests via tourism and enjoyment of the Broads by the public, the adoption of a brand name is in furtherance of and incidental or conducive those duties.

Equal Weight

The Broads Authority’s three general functions do have equal weight in section 2 of the Broads Act 1988. It would be correct to say that the Authority’s navigation functions are a distinct function but that does not alter the balance of weight in section 2. Whether the separation of income for navigation or the inclusion of a navigation general duty makes the Authority “radically” different from a national park is a matter of subjective opinion and not a legal issue.

Judicial Review of Process

As mentioned above, the Authority will have to take a decision that adopting a brand name for the area is incidental or conducive to its functions. This is the decision that is potentially subject to judicial review. The Authority’s decision has to be reasonable and the courts give public authorities a wide discretion and latitude when assessing reasonableness. The Authority’s legal advice is that such a decision is unlikely to be found unreasonable by the courts, even if a challenge were brought. The Authority does appear to have a clearly understood benefit in mind set out in the consultation document.

History

The response notes more or less in passing the proposal to fund a promotion and marketing post partly from navigation revenue. The Authority's legal advice at the time was that it would be lawful to part fund such a post from navigation income, on the assumption that the post would benefit the general navigation function in section 2.

The Authority is not usurping the role of Natural England to decide a process by which an area becomes a national park, because it is not claiming to be a national park.

Consultation

Principle 1:

In exercising its s.111 LGA 72 power to adopt a brand name for the area, the Authority is under no statutory duty to consult anyone. The consultation can be regarded as a relevant factor in the Authority's decision but is not a pre requisite to a lawful decision to adopt a brand name. In fact the Authority has taken great care to consult with all the main stakeholder organisations in the formative stage – this included officials at Defra, the leaders of the RYA, BMF, BHBF, NSBA, Norfolk Wildlife Trust, Suffolk Wildlife Trust, the RSPB, Broads Society, all the constituent local authorities, the Local Economic Partnership, Visit Britain, Broads Tourism and others.

Principle 2: The consultation document sets out in some detail the background to the proposal and the reasons behind it. Under this heading the Society refer to the letter from the Minister in 2008. The Minister was not considering this proposal when the letter was written.

Principles 3 and 4: The Society's response does not comment on these. A period of three months was allowed for the consultation, which appears to be adequate. The consideration of the consultation responses is a matter for the Authority report on 23 January 2015.

Legitimate expectations

The agreement with the RYA and BMF does say at paragraph 16 that the Authority will only exercise the power in the Local Government Act 1972 to change its name with the agreement of the BMF and RYA. The Authority is not seeking to exercise the power in section 74 and the RYA and BMF have been consulted on the use of a brand name. As stated above, the Authority is proposing to change only the way the area is referred to and is not proposing to change its legal or corporate name.

The Broads Society is an important stakeholder with its wide membership and the Authority looks forward to an ongoing close working relationship through initiatives such as the Broadsword and the Broads Trust.

59. Broads Tourism

I am in full support of the use of the National Park Branding as I believe that the benefits to our members will be hugely rewarding, both for now and for years to come. Not only will it benefit in being able to use the strength and recognition of the 'National Park' name to promote the Broads to a much wider audience, it will also add weight and integrity to our existing branding work that has worked so well to date in unifying all of the businesses that make up the unique Broads experience. **Katie Lawrence (Chair, Broads Tourism)**

BA response: Comments noted.

60. Easton College - no response received.

61. How Hill Trust

1. How do you feel about a more consistent use of the term Broads National Park as a brand?

The How Hill Trustees feel the Broads National Park would be less confusing than Broads Authority 'Part of the National Park Family', which few people seem to identify with and creates no real sense of identity or location. The proposed rebranding would thus give a more meaningful and understandable identification to the Broads which would put the area on equal status to the other National Parks which are well known and respected. The proposed rebranding will undoubtedly have a positive impact on the economy of the area.

2. In what ways would you envisage your organisation using the term the Broads National Park?

We would use the new branding in all our advertising, website, Facebook etc. The How Hill Trust is currently known as the 'Environmental Study Centre for the Broads'. We would therefore market ourselves as the Environmental Study Centre for the Broads National Park – or something very similar. This can only be a positive change for the How Hill Trust, reinforcing the unique environment in which we operate, and is unanimously supported by all Trustees.

3. Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand?

The Broads Authority already supports the How Hill Trust in many ways for which we are grateful. However, by proactively referring to us as the Environmental Study Centre for the Broads National Park (or similar), would have a very positive impact on marketing the Trust. Sharing a site with the Broads Authority (one of your visitor 'hubs'), the new branding should attract more visitors to the site as a whole. New signage for the How Hill site (promised for over three years!) will be crucial in creating a welcoming and professional visitor experience; the sort of experience expected in existing National Parks. Equally, new branded road signs to How Hill would be very welcome too. This would benefit both the How Hill Trust and the Broads Authority

Simon Partridge (Trust Director)

BA response: Subject to the decision by Members at the Broads Authority meeting on 23 January, officers will work with the Trust to look at signage at the property and the opportunities for brown signs.

62. Norfolk and Suffolk Boating Association

The Norfolk & Suffolk Boating Association has around 1000 individual members and 50 affiliated organisations themselves representing many hundreds of boat owners in the area. It has been representing the interests of private boat owners since its foundation in 1894.

We have been asked to comment on the consultation document "Branding the Broads" dated 26 September 2014 in which the Chief Executive recommends that the Broads Authority adopts the term "Broads National Park" from 2015 onwards. The response which follows has evolved from the views of the NSBA Committee and comments from our membership in general. Three key questions are posed in the consultation document:

1 How do you feel about a more consistent use of the term the Broads National Park as a branding exercise?

2 In what ways would you envisage your organisation using the term the Broads National Park?

3 Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand?

As the consultation document states, it is the duty of the Broads Authority under the Norfolk and Suffolk Broads Act 1988 to manage the Broads for the three purposes of:

- Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads
- Promoting opportunities for understanding and enjoyment of the special qualities of the Broads by the public
- Protecting the interests of navigation.

National Park Authorities for the National Parks designated under the National Parks and Access to the Countryside Act 1949 have purposes corresponding to the first two purposes ("the National Park purposes"). It is the Broads Authority's third purpose, not shared with National Park Authorities, which marks out the Broads as being different from the designated National Parks. So does the fact that, in the Broads, equal weight has to be given to all three purposes - the two National Park purposes and "protecting the interests of navigation". In contrast, in a National Park designated under the 1949 Act the "Sandford principle" applies whereby greater weight is given to conservation where there is a conflict between the two National Park purposes. The Broads is therefore not simply different from a National Park designated under the 1949 Act. It is more than such a Park.

Whilst our members and boat owners in general share a love of the wildlife and ecology that makes the Broads special and most enjoy the recreational opportunities in some way, it is no surprise that navigation matters are of prime concern to those using boats. Indeed one of the special features of the Broads is that navigation by boat is necessary to access a significant proportion of the area.

It is essential that the Broads retains its special legal status. As the NSBA has long indicated, it would strongly oppose any proposal to change that status. The NSBA welcomes the clear re-assurance given in the consultation document that the Authority's three purposes would remain unaltered by the proposed rebranding, and that the requirement to give equal weight to the three purposes of the Broads Authority would remain unaltered. The NSBA notes, however, that there is a risk that the adoption of the branding proposal could be the thin end of the wedge towards the designation of the Broads as a National Park under the 1949 Act, since, if the Broads National Park name were adopted it may be argued in the future that full transition of status would be easier to achieve. Why should this risk be taken? The continuing existence in the Authority's business plan (latest 2014/15 – 2016-17) of a "long term ambition of achieving full National Park status" merely supports the suspicion that the branding exercise is simply a step in that direction. The Authority must expressly disavow this ambition if this suspicion is to be allayed. Only then could it realistically expect the support of the NSBA for the branding proposal. Moreover, such a disavowal would mean that the relationship between private boaters and the Authority could move on without being constantly distracted by that ambition.

Turning to the three questions posed:

Q1 How do you feel about a more consistent use of the term the Broads National Park as a branding exercise?

It is unclear what the full intentions of the branding exercise are and accordingly there are a variety of comments which may be relevant, in addition to those above.

The initial impression is that there would appear to be little advantage for private boaters in adopting the term Broads National Park. It is appreciated that tourism organisations may see short term benefits in attracting greater visitor numbers to the region, but it is hard to find anything in the consultation document which suggests any benefits to those using private boats.

Its current status as a member of the National Park family already allows the area to benefit in a

number of ways, including inclusion on the National Parks website, access to funds arising from National Park sponsorship agreements and contributing to and benefiting from campaigns at a national and international level. Awareness of the status, quoted in the document at 59%, is already at a similar level to the Yorkshire Dales at 60% (2008 customer survey), so perhaps there is not so much wrong with the status quo in that respect.

Although not at all clear from the document, it is possible that the rebranding will help the Authority to improve public access to parts of the area presently closed off. The NSBA would be fully supportive of any opportunities to increase the area available for recreational boating on the Broads and would welcome an initiative from the Authority towards that objective.

However a major concern is that rather than clarifying the status of the Broads, the rebranding would in fact make matters more confused. By adopting the proposed branding, the Broads will be closer aligned to “ordinary” National Parks and there is a significant risk that the understanding of the all-important additional navigation purpose is lost. In the longer term any possible dilution of the importance of navigation could have a detrimental effect on tourism far greater than any positives achieved by a branding exercise.

To use a wildlife analogy, consider a farmer who keeps chickens and ducks. Whilst they both fly and lay eggs, only the ducks also swim on a pond. Should the farmer “rebrand” the ducks as chickens? Not only confusing, but it might be decided in the future to drain the duckpond as it is no longer required by “chickens”.

The consultation document recognises that the Broads is more than a National Park, it is a National Park “plus”, so why not acknowledge that in its branding, rather than restricting it to being just another National Park.

Q2 In what ways would you envisage your organisation using the term the Broads National Park?
The NSBA does not envisage using the term.

Q3 Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand?
No.

Richard Card (Chairman)

BA response: The comments of the NSBA are noted.

The branding proposal does not involve any change in the legal name or functions of the Broads Authority and it will continue to have three purposes, none of which takes precedence. The Authority sees recreational boating as one of the unique characteristics of the Broads that needs to be treasured and enhanced.

The long-term ambition in Broads Plan 2011 states that: *“In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-term vision.”*

The Authority’s position has always been that it sees its role as being the integrated management of the Broads, looking at issues in the round, and for that reason in 2006 it promoted the idea that a more modern approach to national park purposes would be to look at the principle of sustainable development. However, while there was some support for the idea, others remained committed to the Sandford approach. It was therefore not pursued.

The Authority feels that the branding proposal is a positive way to bring the benefits of the national park brand to the area while at the same time retaining the current legal status of the Broads Authority. As such, in the report to the Broads Authority on 23 January 2015, officers are recommending that, if the Authority decides to implement the new branding, it could indicate that it no longer intends to pursue the long-term ambition for the area to be a national park in law and, for the avoidance of doubt, also state that it does not intend to seek the application of the Sandford Principle to its functions. It is hoped that such a statement would assuage many of the concerns raised by the NSBA and others within the boating community and, in the words of the NSBA response, *“mean that the relationship between private boaters and the Authority could move on without being constantly distracted by that ambition.”*

Parish Councils

- 63. Geldeston PC – no response received.
- 64. Postwick with Witton PC – no response received.
- 65. Brumstead PC – no response received.
- 66. Bramerton PC – no response received.
- 67. Claxton PC – no response received.
- 68. Rockland St Mary with Hellington PC – no response received.
- 69. Neatishead PC – no response received.
- 70. Broome PC – no response received.
- 71. Ludham PC – no response received.
- 72. Filby PC – no response received.

73. Potter Heigham PC

Following the circulation of this document with the councillors of Potter Heigham Parish Council I have now received back comments relating to its contents which are as follows:

- 1) No objections to the rebranding of the Broads Authority to The Broads National Park. However there are still misgivings over the BA being an unrepresentative body. There are no elected local councillors who can reflect local views and concerns.
- 2) As this is purely marketing it will not affect the running of the BA but may help local tourism businesses, so I see no reason to object to the rebranding.
- 3) I welcome this rebranding exercise as this may attract more funding. I do have concerns about representation on the BA and hope that as per the "Queens Speech", elected representatives will be realized to give a voice to all of us affected by the running of the Broads as a whole.

BA response: The Council's comments are noted. The Government has announced its intention to

consult on a draft bill in regard to direct elections to national park authorities and the Broads Authority. The nine County and District Councillors who sit on the Broads Authority are directly elected and try to reflect local views and concerns.

74. Worlingham PC – no response received.

75. Belaugh Parish Meeting – no response received.

76. Kirby Bedon PC – no response received.

77. Barton Turf and Irstead PC – no response received.

78. Beccles Town Council

I am writing to formally offer the Council's full backing of your proposal to use the term the Broads National Park as a brand for the Broads. The Town Council agreed that National Park status is recognised worldwide and that using such terminology would significantly raise the profile of the area and attract more visitors to this region.

Beccles Town Council and the Beccles Business and Tourism Association produce a number of tourist guides and maps and also contribute to the running costs of the Tourist Information Centre, which is currently located at Beccles Quay and so could use this branding to further publicise to visitors the natural beauty and special qualities of the area, particularly as the gateway to a National Park.

BA response: Comments noted. The Authority is committed to continue working with the Town Council on its problems with Beccles Quay.

79. Bradwell Parish Council

The only problem that this council can identify with your proposal to more greatly utilise the term 'Broads National Park' is that its initials BNP are already associated in many people's minds with the 'British National Party' political movement.

BA response: The Council's support is welcomed. The Authority is aware of the issue about the use of initials for the Broads National Park, although it may be less of an issue than when it was first discussed in 2001. However, should the proposal be adopted, careful consideration will be given to the way the name is displayed.

80. Carleton St Peter PC – no response received.

81. Halvergate PC – no response received.

82. Sea Palling and Waxham PC – no response received.

83. Oulton PC – no response received.

84. Hickling PC – no response received.

85. Fritton and St Olaves PC – no response received.

86. Rollesby PC – no response received.

87. Fleggburgh PC – no response received.

88. Thurlton PC – no response received.

89. Surlingham PC – no response received.

90. West Caister PC – no response received.
91. Haddiscoe PC – no response received.
92. Martham PC – no response received.
93. Ormesby St Margaret with Scratby PC – no response received.

94. Cantley Parish Council
Cantley Parish Council have considered the proposals to rebrand the Broads using the National Park name. The Parish Council feels that anything which promotes the Broads while preserving the core aims and objects such as tourism and jobs, should be encouraged.
BA response: Comments noted.

95. Thurne PC – no response received.
96. Caister-on-Sea PC – no response received.
97. Aldeby PC – no response received.
98. Coltishall PC - Late response received – See Appendix D.

99. Dilham Parish Council
We believe that the use of the National Park Brand would be of no benefit to the Parish Council and it does not support the National Park status for the area.
BA response: Comments noted.

100. Repps with Bastwick PC – no response received.
101. Smallburgh PC – no response received.
102. Thorpe St Andrew PC – no response received.
103. Horning PC – no response received.
104. Ashby St Mary PC – no response received.

105. Somerton West/East Parish Council
<p>If the purpose of this exercise is as stated on page 10 of the document "such a rebrand would draw visa any thousands more visitors to the area" and there is no plan or proposal to improve facilities such as waste collection then this Parish Council strongly objects to the use of the term Broads National Park.</p> <p>Somerton Parish Council would only use the term Broads National Park if there was true local representation in the Broads as currently exists in National Parks i.e. Parish Council representation taking effective part in the decision making process.</p> <p>In view of our comments above, there are no specific actions the Broads Authority can take to support and help us in using the Broads National Park brand since we will not be using it.</p>
BA response: The Council's comments are noted. The Authority is working with the district councils to develop an overall strategy for waste collection in the Broads. The Government has announced its intention to consult on a draft bill in regard to direct elections to national park authorities and the Broads Authority.

106. Hales and Heckingham PC – no response received.
107. Ormesby St Michael PC – no response received.
108. Stalham Town Council – no response received.
109. North Cove PC – no response received.

110. Acle Parish Council
<p>Acle Parish Council objects to the use of the term "National Park" for the Broads.</p> <p>The councillors felt:</p> <ul style="list-style-type: none"> – that they have concerns about attracting even more tourists to the area when there are legal requirements to mitigate the impact of tourism on the fragile and vulnerable Broads – that it is dishonest to call the Broads a National Park, when they are not – that the National Park ethos does not support the needs of navigation – that the Broads are individual and do not need to be absorbed under the National Park umbrella to a greater extent than they are already <p>The Parish Council would not expect to use the term National Park.</p> <p>The Parish Council would need funding from the Broads Authority to pay for the change to the signage at the entrance to the village.</p>
<p>BA response: The Council's comments are noted. The Broads has a status equivalent to that of a national park and it is therefore not dishonest to refer to the Broads National Park. Google Maps, local tourism business and the media already do so. There are National Parks that also have important navigation elements – for example Loch Lomond and the Trossachs – where use of the term National Park is seen very positively. All National Parks are unique but have common objectives of conserving for the natural beauty while promoting its enjoyment by the public.</p>

111. Beighton PC – no response received.
112. Ranworth PC – no response received.

113. South Walsham Parish Council
<p>(1) At the November meeting of South Walsham Parish Council there appeared to be a unanimous objection to the proposed 'Rebranding' of the existing Norfolk Broads.</p> <p>(2) Very little concrete information has been forthcoming from the relevant authority as to the benefits that the proposed rebranding would bring to the parishioners resident within the BA confines.</p> <p>(3) The only reasons given so far seem to be that this course of action will allow the Broads Authority to alter the balance of Navigation and Conservation firmly in favour of conservation to the detriment of both the navigation committee and its budget which it appears will be opened up to being used for other uses than was originally intended.</p> <p>(4) There is no clear guidance as to what new rules and regulations those residing in the proposed National Park will be subjected to in terms of planning restrictions which makes no sense as the cost of adhering to National Park policies may well be prohibitive as in other 'National Park' areas.</p>

- (5) It appears that in common with other Parish Councils within the BA area the only (Non-Elected and therefore without a public mandate) Authority that wants to alter the current position is the BA themselves.
- (6) As has been proven by our own experiences i.e. the attitude of the BA to the problem of disposal of litter and other visitor generated rubbish, how can they be trusted to use the cachet of being a National Park when they show so little interest in the interface between those parties that care about and attempt to use this unique area.

BA response: The Council's comments are noted. The proposal relates only to the branding of the area and does not involve any change in the legal name or functions of the Broads Authority including its three purposes, none of which takes precedence, or its planning function. County and District Councils support the proposal and have a public mandate. We are always keen to improve liaison with local communities and issues or concerns can be discussed either directly with our officers or through other means such as the Broads Forum (which has parish council representation), or at one of the Broads Community Forums. The Authority is aware of issues regarding the provision of refuse collection in the area, and is continuing to work with the District Councils on this matter.

114. Upton with Fishley Parish Council

Upton Parish Council objects to the use of the term "National Park" for the Broads.
The councillors felt:

- that it is dishonest to call the Broads a National Park, when they are not
- that the National Park ethos does not support the needs of navigation
- that the Broads are individual and do not need to be absorbed under the National Park umbrella to a greater extent than they are already

The Parish Council would not use the term National Park

The Parish Council would not need any assistance in using the term National Park

BA response: The Broads has a status equivalent to that of a national park and it is therefore not dishonest to refer to the Broads National Park. Google Maps, local tourism business and the media already do so. There are National Parks that also have important navigation elements – for example Loch Lomond and the Trossachs – where use of the term National Park is seen very positively. All National Parks are unique but have common objectives of conserving for the natural beauty while promoting its enjoyment by the public.

116. Woodbastwick Parish Council

This was discussed at a recent Parish Council meeting. However, it was felt that this exercise is of little value as it would not change the legal status of the Broads and that there are more urgent issues for the Broads Authority to deal with. As a Parish Council with public moorings in the Parish, the councillors feel that there is a greater need to resolve the issues of waste collection and management of the boats using the moorings.

There are also serious concerns about the cost of the consultation and how that money could have been better utilised.

BA response: The Authority is working with the district councils on the issue of rubbish collection. The cost of the consultation has been very modest. Because of the importance of the topic and the desire to encourage organisations to respond, and to explain the complex issues to key stakeholders, 800 copies of the document were printed at a cost of £1,378. An electronic version was also made available on the Authority's website. The staff time and effort associated with the

consultation has also been modest and has often been undertaken alongside regular meetings and discussions on other matters.

- 117. Mettingham PC – no response received.
- 118. Burgh Castle PC – no response received.
- 119. Ellingham and Kirby Cane PC – no response received.

120. Trowse with Newton Parish Council

- 1 We support the more consistent use of the brand name of Broads National Park. We feel it will enhance the image of the Broads both locally and nationally and be an aid to promoting the area as a holiday destination and an area of scientific interest.
 - 2 It will make it easier for the members of the Parish Council and others to be clear about the areas that are being discussed in planning matters and applications for other projects if they fall within the Broads National Park.
 - 3 Once a decision has been made then clear and simple publicity to explain the term National Park and the implications, in terms of planning and rules for the whole area would be helpful. Greater publicity for the general public so that they can understand the decisions that have been made and the benefits both locally and nationally.
- The public need to understand the financial benefits that will arise from joining the family of National Parks.

BA response: The Council's support is welcomed.

- 121. Ashby with Oby PC – no response received.
- 122. Freethorpe PC– no response received.
- 123. Bungay Town Council– no response received.
- 124. Ingham PC– no response received.
- 125. East Ruston PC– no response received.
- 126. Hoveton PC– Late response received – See Appendix D.
- 127. Crostwick Parish Council– no response received.
- 128. Earsham PC– no response received.
- 129. Ashby, Herringfleet and Somerleyton PC– no response received.
- 130. Gillingham PC– no response received.
- 131. Horsey PC– no response received.
- 132. Honing and Crostwight PC– no response received.
- 133. Barnby PC– no response received.
- 134. Carlton Colville PC– no response received.
- 135. Langley with Hardley PC – no response received.
- 136. Blundeston and Flixton PC – no response received.
- 137. Brundall PC – no response received.

138. Barsham and Shipmeadow PC – no response received.

139. Ditchingham PC – no response received.

140. Loddon Parish Council
In response to the 'Branding the Broads' consultation, Loddon Parish Council would like it to be noted that it has no objections to the use of 'Broads National Park' and hopes that any changes would result in an increase in tourism in the area.
BA response: Comments noted.

141. Norton Subcourse Parish Council
Around 20% of dwellings in Norton Subcourse are in Broads Authority area, but there appears to be little support from those residents to live within a 'National Park'. Norton Subcourse parish council would not support the change of name from the Broads Authority to 'The Broads National Park'
BA response: Comments noted.

142. Burgh St Peter and Wheatacre PC – no response received.

143. Catfield PC – no response received.

144. Sutton PC – no response received.

145. Horstead with Stanninghall PC – no response received.

146. Hemsby PC – no response received.

147. Mautby and Runham PC – no response received.

148. Stokesby with Herringby PC – no response received.

149. Brampton PC – no response received.

150. Strumpshaw PC – no response received.

151. Belton with Browston PC – no response received.

152. Reedham PC – no response received.

153. Winterton-on-Sea PC – no response received.

154. Salhouse PC – no response received.

155. Wroxham PC – no response received.

156. Chedgrave Parish Council
<ol style="list-style-type: none">1. The majority of Cllrs were in favour of a more consistent use of the term "The Broads National Park" as a brand.2. The Cllrs would envisage using the term to promote tourism and a sustainable future for The Broads.3. The Cllrs felt that the Broads Authority could provide support and assistance in providing better/improved facilities, including public slip ways for visitors and local people and also help educate local people about the area.
BA response: Comments noted.

157. The Broads Trust

1. The present title, "The Broads, a Member of the National Park Family", is unclear and to an outsider what does it actually mean? The proposed title, "The Broads National Park", is both concise and will also align the area with the National Parks resulting in gaining all the benefits that the other Parks presently enjoy. However, the Broads is a very special National Park, distinctly different, and we would not want the unique features to be ignored in promoting any new branding. We are not 'just another National Park'!

A holiday area cannot be created by a branding exercise: to be successful the branding must reflect the true nature of that area. We believe the work of our Trust in promoting and funding high quality projects throughout the Broads will help to underpin improvements to match the aspirations of being a National Park.

2. Should the proposed title be adopted then the Broads Trust would make every effort to find ways to benefit from the new title whether it concerns the selling of its merchandise or simply advertising the fact that the Trust operates within a National Park. The Trust's own identity and that of our major project, Love the Broads, could sit well alongside any new 'National Park' branding of the area. The new branding also needs to sit alongside and recognise the power of the 'Britain's Magical Waterland' brand which has been in use by Broads Tourism for several years and is well imbedded in much marketing material. We will continue to link to 'Britain's Magical Waterland' through our close association with Broads Tourism.
3. The Broads Authority already gives considerable support to the Trust which we hope will continue if the new title is adopted. We would require an information pack about the new title and where and how to use it as well as appropriate copies of any new logo to use on our website and in our promotional literature. **Nicholas Barne (Chairman)**

BA response: The Trust's support for the proposal is welcomed. The Authority does not see any difficulty in the new brand running alongside 'Britains Magical Waterland'.

158. Whitlingham Charitable Trust

1. The Trust accepts that, given that the Broads is equivalent in status to a UK National Park, aligning it more closely with this internationally recognised brand would be a logical step in raising awareness of its special qualities.
2. Trustees also acknowledge that National Park branding should facilitate advertising of the Broads as a tourist destination as well as helping to taking advantage of corporate sponsorship opportunities. In this context, since Whitlingham represents a prime "gateway" to the Broads from Norwich such branding may well reinforce the marketing of the Whitlingham Country Park.
3. However, the Trust considers that, while there is no inconsistency in having a Country Park within a National Park, we believe that Whitlingham is itself a strong local brand whose potential has yet to be fully realised. Trustees are therefore anxious that branding of the Broads should not dilute the impact of the Whitlingham Country Park brand and would welcome consultation on the use of such branding in practice.

Martin Shaw (Chairman)

BA response: Comments noted.

Other Organisations

Broadland Cycle Hire

I believe that the ability to use the term Broads National Park will enhance the promotion of the area to some extent. However, a brand name needs to reflect the truth about the subject being branded: the nature of the Broads cannot be changed by the use of the term National Park or any other descriptor. If the area does not live up to the name, the message and value will be lost and visitors and locals alike will be disappointed. If the Broads National Park is accepted as a usable title we all need to work hard to make sure that the area lives up to the high standards that the name implies. One of the enduring goals of the National Park movement is to encourage and develop public access in the Parks. In using the term the Broads National Park the Authority must work hard to extend public access to all areas, both on land and water.

The Britain's Magical Waterland brand has been very successful for my business and many others and, as a member of Broads Tourism, I will continue to use this brand material. The term National Park is not unique or specific to the Broads whereas Britain's Magical Waterland effectively captures a beautiful image of the area. It is an appropriate title for the Broads, is more family friendly than National Park and better describes the offering. However, I will be able to use the title the Broads National Park in promotional and advertising literature for my business where appropriate and to convey a specific message about the character of the area.

I will need a full suite of supporting text and images for the brand. The information must show how the term the Broads National Park blends in and supports the Britain's Magical Waterland branding. It will also be helpful to have information about how the Broads fits in to the National Park network and in what ways it is distinctive from the other Parks. The Authority must work hard to develop open access and opportunities for quiet enjoyment, typical of National Parks, alongside responsibility for conservation. In the network of National Parks around the UK there is excellent provision for walking and cycling but this is not the case in the Broads. Although there is a moderate network of footpaths in the area there is very poor provision of shared use, circular walking/cycle paths and there are no cycle paths along the riverside in the Northern Broads area.

Further provision of dedicated 'traffic-free' circular cycle routes is needed to encourage family friendly cycling and to meet the expectations of my customers who may be attracted to the area by the use of the name the Broads National Park.

BA response: Comments noted. Recent research suggests that there is considerable potential for growing quiet recreation such as walking and cycling and the Authority will be considering what more it can do in this regard, in particular through its Integrated Access Strategy and working closely with the Broads Local Access Forum and County LAFs.

Carrow Yacht Club

With regard to the Consultation on the subject I write on behalf of the Commodore Flag Officers, Committee and 106 Members of Carrow Yacht Club to express our strong opposition to the move to re-brand the Broads as a National Park. The Broads are not a National Park and never can be because of the Sandford Principle. Enshrined in National Park legislation is the principle of conservation of natural beauty. However the Broads are not natural but are largely man made. The Broads differ from National Park in that they are an interconnected system of navigable waterways, a system of confined rivers linking flooded medieval peat diggings. So at the heart of the Broads are water related activities such as boating and fishing.

It is essential that navigation remain at the forefront of the Broads Authority's actions. Support for

the re-branding exercise comes from holiday companies, such as Hoseasons, in the belief that calling the Broads a National Park will increase visitor numbers, particularly from abroad. But visitors already bring over £500M to the local economy annually, second only to the Lake District among national parks. But to call the Broads a National Park when it is not so is a deception for commercial gain. Such sophistry is unworthy of the Broads Authority. We therefore call upon the Secretary and the Broads Authority to reject this re-branding proposal outright.

BA response: The Broads is a cultural, living landscape which like all national parks in Britain has been fashioned over hundreds of years by nature and by people. The Broads has already been given a status equivalent to that of a national park and the Authority believes it is appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. In the Broads, recreational boating is one of the unique characteristics that needs to be treasured and enhanced. There are National Parks that also have important navigation elements – for example Loch Lomond and the Trossachs – where use of the term National Park is seen very positively. All National Parks are unique but have the common objectives of conserving for the natural beauty while promoting its enjoyment by the public. The branding proposal is intended as a positive way to bring the benefits of the national park brand to the area while at the same time retaining the current legal status and name of the Broads Authority. The term Broads National Park is already used, by Google Maps, local tourism businesses and the media among others.

Hoseasons

I have no hesitation in supporting the Broads National Park branding, for the simple reason that the term National Park has become so embedded into the English language as an area of recreation, enjoyment, tranquillity and natural beauty that it embodies perfectly this unique and unrivalled landscape and puts it firmly on the map as a 'must see' area for tourism. I have no doubt in my mind that such a rebrand would draw many thousands more visitors to the area, many of whom are blissfully unaware of what the Broads have to offer. It is a vital next step to ensuring the long term prosperity, protection and popularity of this stunning Magical Waterland. **Simon Altham (Managing Director)**

BA response: The support of Hoseasons is noted and welcomed.

Wherry Yacht Charter

The Trustees of Wherry Yacht Charter discussed the proposal to use the name Broads National Park for marketing purposes and there was support for this initiative.

We believe that it will help us with our marketing and remove some of the misunderstanding of using "The Broads-part of the National Park Family". From our perspective, using the Broads National Park in our literature links clearly to our role in conserving heritage and encouraging tourism to a very special area of the UK.

BA response: Comments noted.

Yare Users Association

1. We feel a more consistent identify for the area will be a positive enhancement for businesses either directly in the Tourism sector, or peripheral support services to that sector.
2. It's unlikely the Yare User Association will directly employ the term Broads National Park in an official capacity but our membership is a mixed collective which includes representatives from the marine industry sector. For the purposes of advertising it is possible they may choose to use this brand statement in conjunction with our own identify and logo.
3. The YUA itself would require minimal/zero support to adopt use of the brand 'Broads National

Park', however for those of our membership who operate commercially as hire or tour boat operators we would be keen to see the authority offer financial/resource assistance to those firms who would otherwise incur significant costs for new artwork/publicity materials. Particularly for small firms, these costs can be prohibitive. Any support from the authority would ease that burden whilst increasing the visibility of its newly created 'brand'.

BA response: Should Members adopt the branding proposal, practical support could be provided by the Authority to hire and tour boat operators in terms of making new artwork and publicity material available.

Yare Valley Sailing Club

The Yare Valley Sailing Club, which cruises by sail through the Broads, often reaches the head of navigation of each river every year. We have been doing this since 1948 and several members have been members since the 1950s. The National Parks proposal has been discussed at length with the 39 members who were at the recent AGM and this is their unanimous response.

- 1) The question implies that the decision to adopt the title Broads National Park has already been taken. We do not support the proposal because:
The Broads are not a National Park and even to market them as such is dishonest, deceiving, misleading, illusory, use whatever word you like but such sophistry is unworthy of the Broads Authority.

Almost half of the Broads Authority's income comes from a function which is no National Park has, namely 'protecting navigation'. The income is required by law to be spent only on the navigation. This distinct function is the reason why Parliament has decided repeatedly, since National Parks were first mooted in the 1940s, not to designate the Broads as a National Park. It is our opinion that the Authority should respect the decisions of a democratically elected Parliament and not take on a marketing title by the back door.

The power to designate a National Park belongs, not to the Authority but to Natural England. We believe that should be respected also.

We have been pleading with the Broads Authority for three years to use the tolls income to provide adequate public safety moorings, without success. In fact, the position is getting much worse. Its fixed mooring assets are deteriorating because the BA repairs were undertaken on an ad hoc basis only. Why? Because despite the advice of the District Auditor it did not have a register of fixed assets. However it does mean that many of the moorings that toll-payers paid for over the years are going to be removed because of the lack of proper care. It is essential that the Authority concentrates on what needs to be done rather than going off at a National Park tangent.

- 2) We do not see ourselves using the title.
The Yare Valley Sailing Club believes that there is a risk that the adoption of any branding proposal could be the thin end of the wedge towards the designation of the Broads as a National Park under the 1949 Act, since if the Broads National Park name were adopted it may be argued in the future that full transition of status would be easier to achieve. Why should this risk be taken? The continuing existence in the Authority's business plan (latest 2014/15 – 2016/17) of a 'long term ambition of achieving full National Park status' merely supports the suspicion that the branding exercise is simply a step in that direction. The Authority must expressly disavow this ambition if this suspicion is to be allayed.
- 3) No. Like most toll payers (both in terms of numbers and income generated –

www.aina.org.uk we are private boat owners, not a tourism business. We enjoy meeting and socialising with visitors and assist them where we can be it with local knowledge or helping them moor their boats. We want them to enjoy their boating holiday and hope that they will return year after year, bringing their friends with them. This is no altruism on our part. If tourism continues to thrive and prosper, waterside pubs and businesses will remain open and our tolls will be cross subsidised by tourist boats and the benefits of improved facilities will continue.

We cannot see how the status of the Broads as a National Park would make any difference. The Broads is much smaller in area than any of the National Parks, yet it already generates more tourism income per square kilometre than any of them (Source: www.nationalparks.gov.uk 'facts and figures') It is boats not boots or the notion of a National Park that will encourage tourism. Marketing a National Park will only be another layer or unnecessary cost which the Broads Authority does not need. –**Malcolm Valentine**

P.S This letter is from the 39 of our 80 or so members who were at the AGM and who discussed this topic in depth. Their number should be reflected in the tally of objections.

BA response: The comments and concerns of the Yare Valley SC are noted.

The Broads has already been given a status equivalent to that of a national park and therefore the Authority believes it is entirely appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. The branding proposal does not involve any change in the legal name or functions of the Broads Authority and it will continue to have three purposes, none of which take precedence. You may be interested to view our response to the Broads Society on the legal position of the proposal.

The Authority sees recreational boating as one of the unique characteristics of the Broads that needs to be treasured and enhanced. We are not proposing to remove many of our public moorings but rather have developed a comprehensive Moorings Strategy to ensure that we have the resources to maintain our network of free 24 hour moorings.

The long-term ambition in Broads Plan 2011 states that: *"In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-term vision."*

The Authority's position has always been that it sees its role as being the integrated management of the Broads, looking at issues in the round, and for that reason in 2006 it promoted the idea that a more modern approach to national park purposes would be to look at the principle of sustainable development. However, while there was some support for the idea, others remained committed to the Sandford approach. It was therefore not pursued.

The Authority feels that the branding proposal is a positive way to bring the benefits of the national park brand to the area while at the same time retaining the current legal status of the Broads Authority. As such, in the report to the Broads Authority on 23 January 2015, officers are recommending that, if the Authority decides to implement the new branding, it could indicate that it no longer intends to pursue the long-term ambition for the area to be a national park in law and, for the avoidance of doubt, also state that it does not intend to seek the application of the Sandford Principle to its functions. It is hoped that such a statement would assuage many of the concerns raised by the NSBA and others within the boating community and, in the words of the NSBA response, *"mean that the relationship between private boaters and the Authority could move on without being constantly distracted by that ambition."*

Individuals

Peter Aldous MP (Waveney)

Thank you for sending me a copy of your consultation document "The Broads National Park". I am grateful both to you for writing to me and to John for meeting me to talk through your proposals, which I fully support.

BA response: Comments noted.

D Ames

As a River Toll payer for some 20 years I would like to express my concern at your proposal for the re-branding of the Broads as a National Park.

The document 'Branding the Broads' was prepared before the Members of the BA adopted the proposal. Hence, it calls itself a draft. However I don't believe there is any change to the final version and your paper precedes it and on the website. Who has been consulted? It says in 5.1 of your own report *"it is proposed that the Authority should between now and January 2015, consult a wide range of organisations and individuals about the change of name"*

Why have not all toll payers been consulted? Particularly as river tolls represent almost 50% of the BA total income.

It also says in paragraph 6.1 *"A range of representatives of key stake holders have been **informally** consulted and the document has been modified to take account of the suggestion and comments made. The overwhelming response has been a positive one...."*

Again I ask, Who were these stake holders and how many are there?

I now draw attention to page 9 of the Draft Broads National Park document. I believe "legal advice" was the advice given to the BA that, as the Consultation Document asserts, this proposal is legal. I understand that this has been requested under The Freedom of Information Act. However, the response received from the BA was that you declined to give a copy of the legal advice on the ground of Legal Professional Privilege. Is this correct? As for the "guidance" so far, has this been given by Defra or Natural England?

Does this therefore mean that this consultation is fundamentally flawed, because it doesn't comply with the recognised principles of consultation? One of which is that the BA have to give all interested parties sufficient information so that we can have an intelligent discussion about the issues.

Last year I believe the Royal Yachting Association (RYA) and the British Marine Federation (BMF) entered into a legally binding agreement as a consequence of which they withdrew their formal objections to the 2009 Act. I understand that the BA promised not to change its name without the consent of the RYA and the BMF. However, the law relating to Judicial Review says:

"where a public body says that it will act in a particular way, that representation may give rise to a legitimate expectation that the public authority will do as it said it would and the court may enforce this"

Because of the rule of "legitimate expectation", you would expect that the consultation document would include everyone's views, besides the views of those people/bodies which endorse the proposal. It isn't there. If you look at the three "key questions" on the back page you will readily see that this is not a real consultation in the legal sense, which requires that the BA is going about the process with an open mind.

I would like to draw your attention to Jonathon Shaw's letter dated 30/03/08 which promised the

BA could not legally take the title of Broads National Park but the consultation document says the BA can.

"In regard to use of the name "National Park", the government has made its position on this very clear. We do not think that the Authority can lawfully take the title of a National Park, nor can the Authority lawfully take the title of a National Park Authority. This is because those titles are bestowed by specific Acts of Parliament and the Broads legislation is different."

Another of my concerns is that the BA wish to re-brand and encourage more visitors on one hand but are on the other is reducing the amount of available free moorings and the loss of many informal moorings due to lack of finances even though the navigation budget should be ring fenced for navigation only. The BA is also proposing to divest itself of the responsibility of the board walk at Paddy's Lane which would prevent access to Barton Turn,. This is one of the most popular moorings on the river Ant and a much used path to access a much wider area of countryside.

There are other proposals to reduce substantially the mooring at the Viaduct mooring in Wroxham; Langley Dyke and Catfield Dyke and the recent loss of Thurne mouth and Boundary Farm moorings. With many other mooring being "renegotiated" or given back. Where are all these extra visitors who hire boats going to moor if they wish to see the Broads by boat?

To put it bluntly, I feel the BA have made a right mess of the accounts (see auditors reports 2005/6 to 2009/10 when the District Auditor only gave qualified approval) and your solutions to abandon a significant portion of moorings, which were paid for out of tolls, because you haven't made a proper financial allowance for their end-of-life replacement.

There is also an issue of the informal moorings on the broads. The attitude from the BA is that we aren't allowed to use these moorings, except perhaps in an emergency. I would like to point out that we are entitled to use them as part of the Common Law right of navigation. But, the BA appears to be in denial that such a Law exists. This begs the question if we aren't allowed to use these Informal Moorings why are they shown on the BA's own official survey of moorings, which was done in 2006?

Last Year the BA illegally attempted to use navigation income to part finance a Promotion and marketing post, which was thankfully overruled. It is such an action as this that undermines the confidence of the River Toll Payers that ring fenced BA navigation income is being used correctly. In summary, I feel that you have not got your priorities right, there is significant work that needs doing in many other areas by the BA rather than it becoming the commercial mouth piece for corporate business.

So therefore my answer to your Key Questions on Page 12 of the draft is.

Q1 I **do not** support a more consistent use of the term the Broads National Park as a branding exercise.

Q2 I do not envisage using the term

Q3 No

BA response: Comments noted.

158 organisations, a number of whom represent private boating interests (including the RYA and NSBA) and commercial boating interests (including the BMF and BHBF), were consulted. Given that everyone has an interest in the outcome of the consultation it was not appropriate to consult just one interest group. Surveys were also carried out of private boat owners, hire boat operators, visitors and residents on a wide range of issues including three questions relevant to the national

park branding issue. The Authority has taken great care to consult with all the main stakeholder organisations in the formative stage – this included officials at Defra, the leaders of the RYA, BMF, BHBF, NSBA, Norfolk Wildlife Trust, Suffolk Wildlife Trust, the RSPB, Broads Society, all the constituent local authorities, the Local Economic Partnership, Visit Britain, Broads Tourism and others. The response was extremely positive. The consultation document sets out in some detail the background to the proposal and the reasons behind it and no organisation or individual has suggested that it is insufficient to allow intelligent consideration and response.

The RYA and the BMF have been consulted on this proposal and their comments are above, together with the Authority's responses which Mr Ames may be interested to read. The agreement with the two bodies states: "The Authority will only exercise the power in section 74 of the Local Government Act 1972 to change its name with the agreement of the BMF and RYA." The Authority is not intending to change its name or legal status.

Mr Shaw did not have the Authority's proposal in front of him when he wrote the letter in 2008 to one of the local MPs, and the Authority's legal advice on this proposal is set out in the consultation document.

We do not accept Mr Ames' comment that the Authority "made a right mess of the accounts". The Auditor's opinion given in 2005/06 related only to the Value for Money conclusion, not the Authority's accounts. The finding was that the Authority had proper arrangements "in all significant respects" *except for* the system of internal control and the management of assets. This opinion was repeated (on similar grounds) for 2006/07, 2007/08, 2008/09, 2009/10. In the Auditor's opinion the information supporting asset management planning was not entirely adequate to provide them with assurance that all liabilities were being taken into account in the Authority's forward planning. The development of the Asset Management Strategy was a response to this, to ensure all assets were captured in the records, but the proposals for future management are driven by prudent planning considerations about funding, needs and the use of assets, rather than this historic audit finding. The Authority now has a comprehensive Asset Management Strategy and Mooring Strategy which seeks to balance the long term liabilities of maintaining its network of free 234 hour moorings with the resources available. No decisions have been taken about the boardwalk at Paddy's Lane but one suggestion is that it should be retained and funded by navigation expenditure.

Mrs K Ames

I am extremely concerned about this initiative and the effect that it may have for the future of the Broads as we know them. I am aware that you spoke on this subject at a meeting in October as if the rebranding was merely an advertising initiative to increase tourism and its associated revenue in the Broads area. Is this part of the Broads Authority's remit? I thought it was '*promoting opportunities for the enjoyment of the Broads by the public*'.

I have now had the opportunity to review your consultation document on the website and would like to comments as follows:

As a private sailing boat owner I am greatly concerned that your intention is to become a National Park by subterfuge that which you have so far failed to achieve by lawful means. There is continuing existence in the Authority's business plan (latest 2014/15 – 2016/17) of a "long term ambition of achieving full National Park status" merely supports my suspicion that the branding exercise is a simple step in that direction.

At the time of the Norfolk & Suffolk Brads Act in 1988 it was made clear that the Broads Authority created by that Act would not be administering a National Park. The objectives of the BA were three-fold with navigation an equal 1/3rd part (with a protected budget). National Parks differ in that they are created according to the provision of a different act of Parliament, have only two objectives (not including navigation) and according to the Sandford Principle these duties are not equal when they conflict.

I would like to draw your attention to the letter from Mr Jonathan Shaw, MP, Minister for Marine , Rural & Landscape Affairs...at Defra dated 30th March 2008: *"In regard to use of the name "National Park", the Government has made its position on this very clear. We do not think that the area can lawfully take the title of a National Park, nor can the Authority lawfully take the title of a National Park Authority. This is because those titles are bestowed by specific Acts of Parliament and the Broads legislation is different."* Thus the current attempt to appropriate the term National Park for the Broads has previously been deemed unlawful by the Government.

My objection to the Broads becoming a National Park is that although it shares two objectives with them it has the peculiarity that it has three objectives, all of which are equal, whereas for National Park one objective (conservation) may be deemed superior in certain circumstances. The Broads is a man-made environment that has been maintained for navigation purposes as well as for the benefit of the local flora, fauna and population and it should remain this way, with no one objective taking precedence. A change of status to National Park would jeopardise this.

I firmly believe that the Brads area is a wonderful resource for not only water activities but walking, painting, bird watching, wildlife and many other pursuits. I enjoy sailing and dog walking all over the broads' area, both on the southern and northern rivers.

I do not believe that the Broads Authority would properly discharge its navigation functions because:

1. There was an attempt to use navigation income to finance 30% of a Promotion and Marketing post in 2013.
2. There have been warnings from the District Auditor for five years that there was no provision for depreciation of Fixed Assets. This has resulted in plans to abandon moorings, which have already been paid for out of toll income (hire boats owners, private boat owners and taxpayers monies).
3. You are giving planning permission for the removal of informal moorings – recognised in your 2006 survey – which are used as part of the Common Law right to moor in the ordinary course of navigation.
4. There seems to be a depletion of facilities when trying to increase tourism. a) Loss of moorings = less room for hire boats/private boats=more stress for both parties. b) Loss of informal moorings = herding private boats onto public moorings which are also reducing. c) Potential loss of the Barton Broad – Paddy's Lane – broad walk. Used by many people on boats with dogs. How could you walk your dogs around this area without the board walk link? Catch the local bus for additional provisions? d) Councils removing facilities such as boat refuse bins, public toilets etc. What environmental consequences will this have!

Now I turn to your questions:

1. My initial impression as a private sailing boat owner is there is no benefit to me whatsoever, only potentially more stress and aggravation. I feel that should this happen the importance of navigation will be diluted and eventually lost.

Question 2 and 3 are not aimed at the private boat owner.

Why hasn't there been an open meeting or survey of all stakeholders, i.e. everyone with an interest in the Broad, no matter where they live?

BA response: The Broads has already been given a status equivalent to that of a national park and therefore the Authority believes it is entirely appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. The branding proposal does not involve any change in the legal name or functions of the Broads Authority and it will continue to have three purposes, none of which take precedence. One of the functions is 'Promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public'. This includes advertising and marketing to make the public aware of the opportunities that exist, and the Authority believes that adopting a brand name of Broads National Park will further this purpose. There are differences of view as to whether navigation income should be spent on marketing the area.

Mr Shaw did not have the Authority's proposal in front of him when he wrote the letter in 2008 to one of the local MPs and the Authority's legal advice on this proposal is set out in the consultation document.

Over 150 organisations representing all stakeholder interests were directly consulted on the proposal, and opportunity was given for anyone else to comment in the three-month consultation period. We also commissioned four independent surveys of hire boat operators, private boat owners, residents and visitors, which included questions on the branding proposal.

In the District Auditor's opinion in 2005/6 the information supporting asset management planning was not entirely adequate to provide them with assurance that all liabilities were being taken into account in the Authority's forward planning. This has now been resolved through the development of the Asset Management Strategy.

Areas of piling used for flood protection and informally for mooring have been removed as part of the Broadland Flood Alleviation Project. The Authority has worked hard to retain as many areas of mooring as reasonably possible and the recently completed Mooring Strategy sets out a comprehensive picture going forward.

The Authority is working hard with landowners and the District Councils to retain tourist facilities such as moorings and rubbish collection.

Mrs Linda Doughty (Vice Commodore, Yare Valley Sailing Club)

- 1) I am a Flag Officer of one of the Broads Sailing clubs. Every year we cruise to the head of navigation of all the Broads rivers. As you know, I have been campaigning for three years for reasons of public safety to persuade you to replace the Informal Mooring on the Lower Bure, which the Authority permitted the Environment Agency to remove. I do not accept your basic premise that the three functions of the Authority should be given 'equal weight'. The duty to 'protect the navigation' is to be discharged using navigation income which the law requires you to keep separate. This amounts to almost half the Authority's income. The Broads are not a National Park and the Authority has no right to assume this title.
- 2) I am certain my 'organisation' - my club members- will not wish to use this term. I have asked their views. The Broads have always been called the Broads and we object to any

attempt to re-name them.

- 3) No. Like the majority of toll payers, my 'organisation' consists of private boat owners. We have no wish to use a marketing 'brand'. We aren't selling anything and nor, frankly, should you be. We disagree with your view that 'more needs to be done' to make visitors aware of your "essentially equivalent status" to a National Park. We do not accept that your status needs to be of any concern of interest to visitors or even that it would make any difference to their enjoyment of the Broad. If the Authority were to perform its functions discretely without anyone being aware of its "status" that would not be a bad thing.

BA response: The Broads Authority has a duty to manage the Broads for three purposes, none of which takes precedence. The branding proposal does not involve any change in the legal name or purposes of the Authority. The Authority's navigation income accounts for approximately 45.6% of its total income. The Authority uses this income for appropriate navigation expenditure and will continue to do so. The Authority has been working hard to develop new moorings on the Lower Bure.

This consultation and other public surveys have shown that awareness of national park status does make a difference to decision making by visitors. The feedback from the tourism sector to this proposal has been extremely positive about the benefits that national park branding would bring to the area.

Martin Dunford

I am writing to you with regard to the current consultation document regarding the adoption and regular use of the name Broads National Park.

As you may know I am the former publisher of the Rough Guides series of travel guides and currently run the UK travel website www.coolplaces.co.uk. I live part of the time in The Broads and write regularly on the region and recently produces some materials for the Broads Authority in the form of a Green Guide to the Broads and a smartphone App. I have also recently been invited to become a trustee for the Love the Broads campaign/charity.

I believe I am a strong advocate for the region and have an interest in helping The Broads to maximize its potential as a tourist destination. My answers to your question below.

1. I feel very positively and in fact think it would be perverse not to use such a powerful brand message/marketing tool to attract visitors to the area, particularly as the term summarises very simply and neatly what in part The Broads is all about: nature and outdoors; wildlife; activities; and big skies and open spaces.
2. We would use it more consistently on the Cool Places website and I would use it always in my writing and journalism about the Broads and indeed Norfolk in general.
3. It's not often such a golden opportunity for a re-brand and to some extent re-launch of a region comes along, and I believe the Broads Authority needs to support it with a new website and an accompanying social media campaign to underline what the region is all about. For our part at Cool Places we would help in every way to emphasize the region's new identity both on the website and to our social media followers and large database of registered users. We run a lot of promotional features and could perhaps run a promotion/competition around the relaunch.

BA response: Comments noted and the offer of support welcomed.

Sue and Robin Hines

As long term boat owners, both on the Broads and elsewhere, we are writing to you to express our concern on some issues which we believe are going to cause problems detrimental to the Norfolk & Suffolk Broads.

The first issue is the proposed re-branding of the area as the "Broads National Park". The Broads are not and cannot be a National Park unless there is a change in legislation, so to call them a National Park is misleading and disingenuous. An increasing number of people who love the Broads believe that to re-brand the Broads as the "Broads National Park" would be the 'thin end of the wedge', bearing in mind that it continues to be strategic objective of the Broads Authority that the Broads should become a National Park. If this objective was achieved it would then lead to conflict between boating and conservation, which currently appears to be well balanced, by bringing the Sanford Principle into play. There are already many acres of broads which are not open to the public (of around 50 broads, how many are open to the public?) where conservation takes priority, so to incur the danger of conservation being a priority over public enjoyment by boating, on the relatively small area open to the public would be ridiculous.

We believe that, by supporting the re-branding, the boat hire companies are taking a very short-sighted view as visitors already bringing over £500M to the local economy annually, second only to the Lake District according to National Park figures. In our opinion, the difference between calling the area a "Broads National Park" and calling it "A member of the National Park family" will be entirely lost on most potential visitors. It is difficult to see how the name change will increase visitor numbers, get more government money or have any other benefit. Therefore why is money being spend on consultants trying to put forward a case for the re-branding, in teeth of increasing opposition from many areas.

It is essential that the three equal purposes of the Broads Authority remain at the forefront of the Authority's duties which would be endangered by any move towards becoming a full National Park.

BA response: Comments noted.

The Broads has already been given a status equivalent to that of a national park and therefore the Broads Authority believes it is entirely appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. The branding proposal does not involve any change in the legal name or functions of the Authority and it will continue to have three purposes, none of which take precedence. One of our functions is 'Promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public'. This includes advertising and marketing to make the public aware of the opportunities that exist, and we believe that adopting a brand name of Broads National Park will further this purpose. Evidence from stakeholder surveys indicates that national park branding would make the area more appealing.

We see recreational boating as one of the unique characteristics of the Broads that needs to be treasured and enhanced. The Authority has never indicated any intention to adopt the Sandford Principle and consider that the Habitats Regulations provide sufficient protection for the very special qualities of the area. The Chief Executive's report to the Broads Authority (23 January 2015) on the branding proposal is recommending that, should Members resolve to implement the Broads National Park branding, they could indicate that the Authority no longer intends to pursue the long term ambition in the 2011 Broads Plan to become a national park in law, in view of the anticipated benefits of the new branding.

Bryan Read

I am writing as an individual in response to the consultation document about the use of the brand, Broads National Park.

I have been involved with the Broads in many ways all my life and worked actively in support of the formation of the Broads Authority in the period leading up to its birth. I fully supported the previous Chief Executive who was very keen to use the Broads National Park as a brand. I was very disappointed when some of the navigation interests put pressure on the Authority to stop promoting the area as Britain's Newest National Park.

I fully support the proposal that there should be a more consistent use of the 'Broads National Park' as a brand.

I cannot respond to the other two key questions but I have read some of the responses to the consultation. I will not comment on some of the arguments used which indicate that the writers have not understood the considerable detail set out in the document - and probably do not want to accept the well-made arguments.

The only point I will make is the constant reference to the Sanford Principle which the respondents are inferring will kill navigation on the Broads. Having been involved with CNP for many years, despite the excitement engendered by some interest in the National Park movement, I can only remember two issues where the Sandford Principle might have played some part.

It would be interesting if someone had the time, to look at the major decisions taken by the Broads Authority since its formation and assess where the Sandford Principle would have made any difference. I appreciate that European legislation has in many ways superseded Sandford. In any case, I fully understand that the proposal makes it clear that the three purposes of the Authority, conservation, recreation and navigation will remain of equal value.

I can only confirm my full support for the proposal.

BA response: Comments noted. We confirm that the branding proposal does not involve any change in the legal name or functions of the Authority. The Broads Authority has never indicated an intention to adopt the Sandford Principle and observers struggle to identify occasions when the Sandford provision in the Environment Act has been applied elsewhere.

P J Savage

I am a committee member of one of the Broads sailing clubs and Chair of the Northern Rivers Sub-Committee of the Broads Society. None of my sailing club favour the proposal. One member of my sub-committee does, because he would like the Broads to be a National Park, but even he expressed reservations because it isn't one.

As a lawyer, I find the legal arguments in the proposal wholly unconvincing. Having similar functions to a National Park does not give right to adopt that title, which is the right of Natural England, with ministerial consent, to confer. There can be no difference between the "legal" name and its day to day name because Parliament created "a body corporate to be known as the Broads Authority". Thus the Broads Authority cannot unilaterally decide to be "known" as something else. They have to be one and the same.

Referring to the name written on signage, vehicles and letter heading as a "brand" as if a brand were something different from the BA's name is misleading. These are not "marketing related purposes". Referring to what is proposed as "re-branding" is merely a re-naming the BA by the back-door.

I understand that the legal advice was obtained because the Authority feared it would be taken to court over the proposal. It is wrong to claim Legal Professional Privilege for this advice; by basing the proposal on it, the Privilege has been waived. Without it being made public, the consultation is not a valid public consultation in Administrative Law, because that makes it impossible to consider the reasons for its decision.

I cannot see the term being used unless Natural England designated the Broads as a National Park.

I believe there are three mistaken assumptions in the proposal:

- No evidence has been advanced to show that the proposal would actually promote opportunities for public enjoyment. It is merely asserted as fact.
- “Promoting opportunities for public enjoyment means advancing or improving the experience, not marketing it.
- It is not a statutory responsibility of the Authority to “foster the local economy”. National Parks have that objective, but even they must achieve it without spending any significant additional money. That means they have to bear the effect on the local economy in mind when exercising their duties, not that they are marketing their parks as a business. They are not in business.

It is a stated objective of the Authority to become a National Park. Since this is not the first time this change has been attempted – on each occasion against opposition from those interested in navigation – the Authority needs to accept that this is an issue of trust. Navigation should not be – as the consultation says – give equal weight with the other statutory functions, because its finance is, of should be, separate.

BA response:

In response to the legal points raised by Mr Savage, these focus on the organisation rather than the area. The Authority is not proposing to change the legal name or the day-to-day name of the body created by Parliament to be known as the Broads Authority. The Authority sought legal advice on whether it could use the term ‘Broads National Park’ and that advice is summarised in the consultation document.

The second purpose has, since the very early days of national parks, involved the promotion of the local area including running visitor centres and working with tourism businesses. National Parks and the Broads are national landscape designations and if the public are to enjoy their special qualities then the National Park Authorities and the Broads Authority need to play their part in making the public aware of them. The term Broads National Park is already in widespread use - irrespective of whether the area is designated as a National Park by Natural England - on Google Maps, by local tourism businesses, in the media and in Government announcements. The area has essentially the same status as a National Park and the proposal aims in the long run to reduce confusion about how it is referred to.

The Authority has not attempted to make the Broads a National Park. It has consulted previously on formally changing the name of the area. The Broads Plan 2011 set out a long-term aim that: *“In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-*

term vision."

The Authority's position has always been that it sees its role as being the integrated management of the Broads, looking at issues in the round, and for that reason in 2006 it promoted the idea that a more modern approach to national park purposes would be to look at the principle of sustainable development. However, while there was some support for the idea, others remained committed to the Sandford approach. It was therefore not pursued.

The Authority feels that the branding proposal is a positive way to bring the benefits of the national park brand to the area while at the same time retaining the current legal status of the Broads Authority. As such, in the report to the Broads Authority on 23 January 2015, officers are recommending that, if the Authority decides to implement the new branding, it could indicate that it no longer intends to pursue the long-term ambition for the area to be a national park in law and, for the avoidance of doubt, also state that it does not intend to seek the application of the Sandford Principle to its functions.

Heidi Thompson, Brundall Parish Council

Thanks for your consultation on the above. I think finally changing the name of the Broads to include national park, is wonderful and long overdue.

Please proceed asap, and do not be deterred by the more extreme elements of the navigation lobby. I own 2 boats (and a further 3 dinghies which are my children's) with broads licences and I couldn't be more happy, or more proud, to think that soon I can sail in a national park.

BA response: Comments noted.

Mrs J F Simmance

I have to object to your proposal to market the Broads as a National Park. It is mainly an agricultural area with very few footpaths and no access to agricultural land, unlike many other counties. For example Hickling Broad is the largest Broad; akin with Mount Snowdon being the largest mountain within that National park, yet there is no public access or right of way to this broad. To even see Hickling Broad one must either do so via the private grounds of the Pleasure Boat Public House or hire a boat from a private enterprise. Which is much like only being allowed to go up Mount Snowdon via the train and staying within the grounds of the Cafe at the summit. Having to pay for access the Norfolk Wildlife Trust or a private enterprise does not make for a National Park. The amount of disappointed visitors to Hickling already is not to be taken lightly and they should not be encouraged to visit somewhere with their children and pets where they are not welcome.

They are not welcome on any of the banks of Hickling Broad, with the agricultural policy allowing the demise of all public areas. So until these are reinstated, Hickling and many of the Broads are no go areas for footfall holiday makers. National Parks are for conservation and public recreation not just for people who can afford a boating holiday. There should be access for all including families who want a free day out and also dog owners (not allowed by the Norfolk Wildlife Trust). We are frequently directing disheartened day trippers to Bacton Woods or Sea Palling and Horsey. Maybe they should be the National Park? Certainly not the 'no go areas' of the Broads. Throughout this country, due to agriculture payments, farmers have become land barons and have much control over the villages their land surrounds. This has allowed them to get away with moving and closing down footpaths and bridleways, even threatening people who dare step on stubble field or tracks. No sir, this is NOT a National Park.

BA response: Comments noted. Public access by footpath and bridleway is also an important feature of the Broads and the Authority, like the National Park Authorities, spends National Park

Grant on maintaining public rights of way and creating circular walks and permissive paths. Recent research suggests that there is considerable potential for growing quiet recreation such as walking and cycling and the Authority will be considering what more it can do in this regard, in particular through its Integrated Access Strategy and working with the Broads Local Access Forum and County LAFs.

Heather Tew

I fully support that the term Broads National Park is used consistently for marketing purposes when referring to the Broads as this will introduce consistency in the way the area is promoted to increase the economic value generated by tourism and local recreation in the area.

I own the small cottage attached to my house in Loddon which I run, throughout the year as a holiday cottage. Local businesses recognise and welcome the significant trade this brings to our community; guests are often new to Norfolk and voice their surprise and pleasure at the scenery and general ambience of this corner of England. I see your proposal as being a very positive move to enhance the opportunity for businesses in the Loddon area, which benefit from tourism quite considerably.

I was pleased to note that this will not involve any change to the legal status of the area and welcome that the consultation document makes it clear that equal weight will continue to be given to all of the Broads Authority's three purposes and therefore the purpose of protecting the interests of navigation will remain equal with the two more common National Park purposes. The proposal therefore makes eminent sense and I look forward to updating my Holiday cottage website.

BA response: Comments noted.

Peter Waller

In selling terms it is a long established requirement to have a USP, a unique selling point, something that the Broads already has. The Broads & Broadland, as names, have been in use for over 200 years now. The Broads is the Broads, a long established and truthful title.

You ask that comments be sent to you as the Chief Executive. It is believed by many that you are the driving force that is calling for the use of the term, Broads National Park. This is a topic that does not enjoy 100% support across Broadland thus, as a consultation, it surely needs to be seen as independent rather than lead from within, as your three key suggestions clearly indicate.

To call the Broads a National Park, when it isn't one, is a lie.

The Broads is the Broads, a fact of history & location.

The Broads have, for over 200 years, also been, known as Broadland, once again, a fact of history. The consultation does not appear to be independent. I believe that it should.

The three key questions should have included a fourth, namely 'Do you support or object to plans to call the Broads a National Park?'

Both Houses of Parliament, & DEFRA, have previously made it clear that the Broads can not call itself The Broads National Park, once again, a fact of history.

This is a fundamental issue for many of us within Broadland. You may well see my comments as being unhelpful. Unfortunately I see this continuing push to be a national park as being at least equally unhelpful.

BA response: Comments noted.

The Broads has already been given a status equivalent to that of a national park and therefore the Broads Authority believes it is entirely appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. The term is already widely used, by tourism businesses, the media and others. The feedback from the tourism sector to this proposal has been extremely positive about the benefits that national park branding would bring to the area. We would reiterate that the branding proposal does not involve any change in the legal name or functions of the Authority.

The Authority sought legal advice on whether it could use the term 'Broads National Park' in relation to the area and that advice is summarised in the consultation document. This includes the advice that the Authority may adopt a brand name of National Park using the power available to it in section 111 of the Local Government Act of 1972, which enables the Authority to do anything which is incidental or conducive to its other functions. More information on this is included in the report to the Broads Authority on 23 January 2015, when a decision on the branding proposal will be taken.

Simon Wright MP (Norwich South)

Thank you for meeting with me to discuss your proposals for a clear 'brand' for the Broads, including the term Broads National Park.

I fully appreciate that there will be benefits from using an internationally recognised brand to raise awareness of the status of the Broads, and that this in turn could support new revenue raising opportunities.

I wish you well in taking this forward through consultation, and as we discussed I would be happy to write a supportive letter highlighting the significance to the region, including Norwich, of being able to promote the Broads with a National Park brand.

BA response: Comments noted.

Appendix D – Late Submission

Wild Anglia

Thank you for the chance for Wild Anglia to comment on the proposed changed outline by the Broads Authority on its name change

Wild Anglia understands and supports the general principles and would be willing to adopt the new branding of the 'Broads National Park' within our organisation. The Broads is an established member of the National Park family and is the only protected landscape in Norfolk and Suffolk that has National Park status. In terms of achieving Wild Anglia's mission to ensure that nature is embedded in decision making and is valued as a core asset of society and economy we believe that a more consistent use of the term 'Broads National Park' as a branding exercise will support the delivery of this mission.

The rebranding indicates that the Broads Authority will rigorously protect the National Park name brand, placing continued commitment to the special natural and heritage conservation of the Broads with the conservation of those qualities uppermost.

Wild Anglia agrees that National Park name is vital not only to enhancing nature and heritage it is essential in terms of creating an economy and society that invests in nature. This is fundamental to Wild Anglia's mission something we hope the Broads Authority would endorse and embrace in its

future work with the natural capital of the National Park

We believe that there is more that the Broads Authority can do to encourage everyone to recognise that nature is everyone's business and a fundamental building block for The Broads. The Authority has made great strides with tourism business now investing in the protection of the areas special qualities. However we believe more change is possible within the navigation and landowning economies and encourages the Broads Authority to further embed nature into the common goals of taking care of Britain's only internationally important wetland National Park.

We encourage the Broads Authority to use this opportunity to demonstrate its commitment to the natural environment set up mechanisms to recognise the national importance of the whole of the Broads area within decision making and not simply rely on the European conservation designation which only protect 25% of the Broads.

We look forward to working with you closer in the future.

BA Response – Comments noted.

99. Coltishall PC

Thank you for your letter concerning the proposal to use the term 'Broads National Park'.

The Parish Council can appreciate the term could be useful to promote the area as a special asset with National Park status. It could encourage tourism and bring revenue to Broads Businesses.

However, there are concerns that in so doing, greater restrictions could be placed on activities in the Broads, which could impact negatively on tourism and current users of both the waterways and the surrounding lands. Coltishall is a Broads village reliant to a large extend on tourism and would not wish to see any changes that would threaten the economic viability of local businesses.

A more consistent use of the term 'Broads National Park' would be somewhat misleading, given that the area is not properly a national park, although it could perhaps help to clarify the unique status of the Broads.

Our Council does not envisage that use of the term would alter its perception of the Broads or their value to the village. We currently have a good working relationship with the Broads Authority and hope that any proposals to promote the Broads will be beneficial to the community. If the name, legal status and accessibility to users of the Broads remain the same, and the responsibilities and functions of the Broads Authority would be unaffected, then the use of the term purely as a brand may be useful : it should not be a precursor to changes that would curtail any current uses of the Broads.

BA response: The proposal does not involve any change in the legal position and rather than any threat to the viability of local businesses, the Authority would envisage that use of the term Broads National Park would support them.

126. Hoveton Parish Council

How do you feel about a more consistent use of the term the Broads National Park as a brand?

Hoveton Parish Council considers that the ability to use the term Broads National Park will help to promote the area.

However, the Council also considers that there are several parts of the Broads that fall below the standard of a National park – eg Hoveton Riverside – and that, if the Authority begins to use the term The Broads National Park, it must seek more funding and resources to ensure the area lives up to the high standards that the name implies. The Council would be an enthusiastic supporter of any plans to improve and enhance the landscape and navigation.

One of the enduring goals of the National Park movement is to encourage and develop public access in the Parks. In using the term the Broads National Park the Authority must work hard to extend public access to all areas, both on land and water, (The Authority will be aware that Hoveton Parish Council has recently purchased Granary Staithe, thus opening an additional area of public access in the village). The Authority must work hard to develop open access and opportunities for quiet enjoyment, typical of National Parks, alongside responsibility for conservation.

Hoveton Parish Council welcomes the clear assurance in the consultation document that the Authority's three purposes would remain unaltered by the proposed rebranding, and that the requirement to give equal weight to the three purposes of the Broads Authority would remain unaltered. However, the existence in the Authority's business plan of a long term ambition to achieving full National Park status tends to support a suspicion that the branding exercise is simply a step towards further changes. We request that the Authority clarifies this position and re-words these ambitions in the Plan to fall in line with the current proposals.

In what ways would you envisage your organisation using the term the Broads National Park?

The Council is unlikely to make much use of the term the Broads National Park other than to include reference to it on the Council's website.

A significant number of tourism businesses are located within the parish and these businesses make extensive use of the Britain's Magical Waterland brand material. The Council would wish that any use of the National Park brand should sit alongside and compliment the established promotional material and that the Authority will continue to use and promote the area, as appropriate, as Britain's Magical Waterland.

Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand.

The Council would require detailed information about how the new name should be used, with supporting text and images.

BA response: The Authority feels that the branding proposal is a positive way to bring the benefits of the national park brand to the area while at the same time retaining the current legal status of the Broads Authority. As such, in the report to the Broads Authority on 23 January 2015, officers are recommending that, if the Authority decides to implement the new branding, it could indicate that it no longer intends to pursue the long-term ambition for the area to be a national park in law and, for the avoidance of doubt, also state that it does not intend to seek the application of the Sandford Principle to its functions.

Northern Rivers Sailing Club

I am writing to you on behalf of all members of the Northern Rivers Sailing Club to express my deep concern at the Broads Authorities recommendation that the Broads should be known as the Broads National Park.

My concern centres on the effective dilution of the Norfolk and Suffolk Broads Act, which has been in force since 1988, by loss of the requirement to protect the interest of navigation. I believe I am correct in my understanding that this would be one of the results of the change to a National Park. You will be aware, I am sure, that regular dredging of the navigation and control of growth along the edges of the navigation is essential if all the rivers and broads are to remain accessible to boats. In particular, many sailing boats have a draught of around 1.5 metres and there are already places where these boats run aground – especially at low water.

You may recall that some years ago you met me at the Norwich Frostbites Sailing Club at Thorpe to see at first hand this problem as it affected dinghies with relatively little draught.

Hire cruisers do not have the same requirements since they are, almost without exception, shallow-draught vessel. Any further reduction in keeping the navigation useable by sailing vessels will seriously disadvantage private boat owners who, in the main, are Norfolk residents who choose to live in this part of the country because of the recreational attraction of the Broads.

I hope that you will be able to reassure me that, whatever the outcome of the proposed changes, there will be a firm and binding commitment to maintain the whole of the navigation in such a manner that it will remain accessible to sailing boats sailed by members of this club and other similar clubs. **Michael Powell Commodore**

BA response: The proposal does not involve any change to the Norfolk and Suffolk Broads Act 1988. S 10 (1) states:

(1)The Authority shall—

(a) maintain the navigation area for the purposes of navigation to such standard as appears to it to be reasonably required; and

(b) take such steps to improve and develop it as it thinks fit.

This requirement will remain in place.

Yare Sailing Club

I am writing to you in response to the consultation on the branding of the Broads, on behalf of the Yare Sailing Club, an organisation affiliated to the RYA and other Norfolk and Suffolk Boating Association and which acts in the interest of owners and sailors of traditional Broads yachts. This issue was discussed by the members at their AGM. We are not replying directly to the questions of the consultation as these are biased and clearly designed to elicit a response in favour of the name change.

The Broads Authority having been only recently instructed by the highest levels of government that the area's re-designation as a National Park would be inappropriate and unacceptable, we are dismayed to see this highly controversial, diversionary and divisive topic raise yet again by the Authority.

The Authority is well aware that its legal duties go beyond those of an ordinary National Park and that on those grounds, National Park legislation cannot be applied to the Broads. Clearly unable to achieve the object of becoming a National Park by legislative means, the Authority now seems intent on adopting the title with no legal foundation for doing so. In our opinion this would leave the Authority open to legal action for "passing off" as something which it is not. Anybody visiting, sponsoring or developing the Broads on the misunderstanding that they were a National Park would be fully entitled to seek redress.

Apart from the legal situation we are unable to see why the Authority is once again intent on pursuing this object. The Broads are so much more than just a bog-standard National Park: in addition to their environmental interest, they are Britain's most established, historic and important inland navigation. In recognition of that fact, The Broads Authority was set up under its own unique legislation, which goes way beyond the narrow strictures of National Park designation.

There is no magic formula which goes with the title National Park. Some such areas do very well in attracting visitors: other ordinary National Parks in this county barely figure as tourism destinations. Success does not depend on sharing this limited brand: it will derive from an imaginative and creative tourism offer, one which stresses the unique attractions of this area. Pretending the Broads are a National Park will weaken their own distinct brand, not strengthen it. The use of the word Park has no relevance in an area with so little land access.

At a time when the environmental decay of the area continues unchecked, with nearly thirty

species having become extinct in the Broads over the last three decades, The Broads Authority has other matters on which to concentrate.

BA response: Comments noted.

The Broads has already been given a status equivalent to that of a national park and the Broads Authority believes it is entirely appropriate, consistent and helpful to the public to refer to the area as the Broads National Park. The term is already widely used, by tourism businesses, the media and others. The proposal is partly to bring a level of consistency as to how the area is referred to in promotional material and partly to raise its profile so that more people understand its special qualities, including its long sailing history. We would reiterate that the branding proposal does not involve any change in the legal name or functions of the Broads Authority.

The Authority sought legal advice on whether it could use the term 'Broads National Park' in relation to the area and that advice is summarised in the consultation document. This includes the advice that the Authority may adopt a brand name of National Park using the power available to it in section 111 of the Local Government Act of 1972, which enables the Authority to do anything which is incidental or conducive to its other functions. More information on this is included in the report to the Broads Authority on 23 January 2015, when a decision on the branding proposal will be taken.

The Broads as a National Park

ADVICE

1. The Broads Authority was incorporated by the Norfolk and Suffolk Broads Act 1988:

"1.— The Broads Authority.

(1) There shall be a body corporate, to be known as the Broads Authority, which shall perform the functions conferred on it by this Act.

(2) In this Act the Broads Authority is referred to as "*the Authority*".

This provision for incorporation is in similar terms to that applied to local authorities under the Local Government Act 1974:

"2.— Constitution of principal councils in England.

(1) For every [non-metropolitan] county there shall be a council.....

(2) For every district there shall be a council....

(3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name "The County Council" or "The District Council", as the case may be, with the addition of the name of the particular county or district."

2. In the Norfolk and Suffolk Broads Act 1988 Act there is no provision providing for a change of name. By contrast, there is such a provision in the Local Government Act 1974:

"74.— Change of name of county, district or London borough.

(1) Subject to subsection (5) below, the council of a county, county borough, district or London borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the county, county borough, district or borough."

3. The Broads were not designated as a National Park under the National Parks and Access to the Countryside Act 1949, Part 11.

4. There is, nevertheless, a perception that the Broads are a National Park. For example, the Government web-site:

<http://www.nationalparks.gov.uk/learningabout/whatisanationalpark.htm> states:

"Where are the National Parks in the UK?

There are 15 members in the UK National Park family:

- 10 in England - The Broads, Dartmoor, Exmoor, the Lake District, the New Forest, Northumberland, the North York Moors, the Peak District, the South Downs and the Yorkshire Dales.
- 2 in Scotland - Cairngorms and Loch Lomond and the Trossachs.
- 3 in Wales – the Brecon Beacons, Pembrokeshire Coast and Snowdonia."

"When were the National Parks designated?

1951 - Peak District, Lake District, Snowdonia and Dartmoor

1952 - Pembrokeshire Coast and North York Moors

1954 - Yorkshire Dales and Exmoor

1956 - Northumberland

1957 - Brecon Beacons

1989 - The Broads given equivalent status to a National Park

2002 - Loch Lomond & The Trossachs

2003 - Cairngorms

2005 - New Forest

2010 - South Downs"

The DEFRA document "English national parks and the broads: UK government vision and circular 2010" treats the National Parks and the Broads as "the Authorities":

"3. Whilst the National Parks and the Broads are established under two separate Acts of Parliament, the similarities between them are such that this circular has been produced to apply equally to them all. It sets out in relation to the Parks:

- * a vision for the English National Parks and the Broads for 2030;
- * the key outcomes the Government is seeking over the next five years to ensure early progress towards the vision and suggested actions for achieving those outcomes;
- * the key statutory duties of the National Park authorities ('NPAs') and the Broads Authority (together 'the Authorities') and how they should be taken forward;
- * policy on governance of the Authorities;
- * the contributions needed from others."

The Encyclopedia of Planning Law, Vol.1, para. 2-011, p.20020 states:

"There are 13 national parks in England and Wales The Broads (established under the Norfolk and Suffolk Broads Act 1998)" ...

is listed as the thirteenth.

4. The provision relating to a change of name of a local authority in the Local Government Act 1974 does not, in my opinion, mean that without such a provision as section 74 of that Act, a name indicated in legislation cannot be changed. The purpose of the provision is to require a two-thirds majority, rather than a simple majority, to make such a change in the name of a local authority. That does not apply to the Broads Authority.
5. On the present facts there is no proposal to alter the terms of incorporation or of altering the incorporated name of the Broads Authority.
6. I am asked to advise whether, despite the absence of formal dedication, the Broads Authority may use the term 'The Broads National Park' on its letterheads and publicity material with suitable caveats as appropriate and in particular:
 - i) Whether the 1949 Act prevents the use of the term "National Park" by the Broads Authority?
 - ii) What legal action if any might the Authority be exposed to if it did so use the term "National Park"?
 - iii) What legal consequences for the Authority might follow, for example damages?

Does the National Parks and Access to the Countryside Act 1949 ("the 1949 Act") prevent the use of the term "National Park" by the Broads Authority?

7. The 1949 Act, section 114(1) defines "National Park" by reference to:

"5(3) The said areas, as for the time being designated by order made by Natural England and submitted to and confirmed by the Minister, shall be known as, and are hereinafter referred to as, National Parks."

It is not proposed to vary those areas.

8. I can find nothing in the 1949 Act which prevents the use of the term "National Park" by the Broads Authority in the absence of any act or intention to change the incorporated name of the Broads Authority itself to include the words "National Park".
9. Furthermore, nothing in section 111A of the 1974 Act, which treats the Broads Authority as a county council, local planning authority and National Park for certain purposes prevents the use of the term National Park by the Broads Authority in other circumstances where no additional powers are being applied.

What legal action if any might the Authority be exposed to if it did so use the term "National Park"?

10. I have considered:

- i) regulatory control
- ii) civil liability
- iii) judicial review
- iv) criminal liability
- v) complaints to ombudsmen

- i) Regulatory control

11. The most obvious forms of control are those exercised over company names, trade marks and copyright. In general, these operate by allowing the use of a phrase or term when lodged unless and until objected to. Upon objection the user of the word or phrase may desist or alter the offending matter or company name but may be liable to the payment of damages. It is not proposed to form a company called 'The Broads National Park'. No one else has registered such a company name. No domestic trade mark has been registered for 'The Broads National Park' (although I have no information whether a European trade mark exists in those terms). No copyright infringement would arise from the use of the term proposed. No unfair trading or misleading marketing that would adversely affect anyone is proposed. The Norfolk Trading Standards Board letter of August 2009 suggests that there might be an infringement if there was an actual legal difference between the Broads Authority and a National Park. There is no significant difference but, in my opinion, it is the factual similarity between the two that is as important if not more important than the legal similarity. The only legal difference appears to be the balanced weight to be given to navigation as against conservation.

ii) Civil liability

12. *Passing Off*: The basis of an action in tort for passing off has been formulated as:

- "1) a misrepresentation
- 2) made by a trader in the course of trade,
- 3) to prospective customers of his or ultimate consumers of goods or services supplied by him,
- 4) which is calculated to injure business or goodwill of another trader (in the sense that this is a reasonably foreseeable consequence) and
- 5) which causes actual damage to a business or goodwill of the trader by whom the action is brought or (in a *quia timet* action) will probably do so."

(Ervan Warnink BV v J Townend & Sons (Hull) Ltd [1979] AC 731).

However, the traditional formulation is:

- i) a reputation (or goodwill) has been acquired by the claimant in his goods, name, mark, etc.
- ii) a misrepresentation is made by the defendant leading to confusion (or deception) causing
- iii) damage to be caused to the claimant.

(Consorzio del Prosciutto di Parma v. Marks & Spencer PLC and Others (1991) R.P.C 351, Nourse L.J. at p. 368) and Reckitt & Colman Products Ltd v Borden Inc [1990] RPC 341 HL. See also the extract from OCH-Ziff para. 152, which I have attached and which considers misrepresentation and diversion of goodwill.

13. On the present facts it is difficult to ascertain who the owner of the goodwill would be and who the trader would be. Presumably, the goodwill would be owned by the body responsible for designating National Parks or by businesses in designated National Parks who trade on the reputation and goodwill of their location in such a National Park. It would be unlikely that the designating authority could show any damage. It is possible that a business could claim goodwill arising from its National Park location¹. However, in my opinion, proving damage would be extremely difficult. It would require such a business to show either that its goodwill had been damaged or that its share of

¹ see Arsenal FC v Reed [2003] 3 All ER 865 at p.883, para.71 as to the possible breadth of the tort.

quantifiable business otherwise coming to that National Park had been diverted to "The Broads National Park". Although such a claim is theoretically possible, it will depend upon the precise nature of the use of the term by the Broads Authority in or incidental to any trading activity.

14. *Negligent misstatement*: A plaintiff under this head would have to establish that there was a special relationship with the defendant under which the defendant (i.e. the Broads Authority) assumed responsibility for statements made. The test for the assumption of responsibility is an objective one and would depend upon the context in which the description of the Broads as a National Park was made. A plaintiff would have to prove reliance on any statement that the Broads was a National Park and would have to establish that identifiable loss from that reliance was proximate, foreseeable and fair. In my opinion, there is a remote possibility that such a claim might arise. Its success would depend upon the purpose of the Board in publishing the statement; the context of the publication, the nature of the plaintiff, the extent and proximity of damages claimed and whether the plaintiff could reasonably have acted upon the publication of the words "The Broads National Park" without having made further enquiries.

ii) Judicial review

15. Any challenge would have to be based on breach of statutory authority or unreasonableness. Even if an applicant could establish sufficient standing or 'locus', such a complainant would have to go on to establish breach of a particular statutory provision or requirement and would be likely to be required to show substantial prejudice. It is difficult to identify a particular prohibition given the references to the Broads Authority being a National Park for various purposes and the absence of any express prohibition upon the use of the term "National Park" in the legislation or by DEFRA.
16. Natural England is the body responsible for making orders identifying areas to become National Parks upon confirmation by the Secretary of State for the Environment, Food and Rural Affairs. Either body could seek judicial review of the adoption of the title of "The Broads National Park". There would not appear to be any breach of a particular statutory provision. Any action would be more likely to be based upon an unreasonable or perverse decision having been taken by the Broads Authority. That is a high threshold to cross. In my opinion, in the circumstances of this

case, it would be unlikely that the necessary substantial prejudice could be established.

iv) Criminal liability

I have not identified any criminal offence that could be charged.

v) Parliamentary Commissioners

In my opinion, the most likely form of complaint that could arise from the public would be one to the Parliamentary or Local Ombudsman. The argument would be that the adoption of the name was confusing to a extent amounting maladministration. Given the references already made to the family of national parks, such a complaint would be difficult to sustain. In my opinio0n, such a complaint, if successful, would be likely to result in a recommendation to desist, at the worst.

What legal consequences for the Authority might follow, for example damages?

17. I have identified:

- i) a theoretical possibility of a challenge by a business in another National Park which claimed that it had lost trade which was identifiably based upon its location within a National Park and which had been wrongly diverted to an area erroneously claiming to be a National Park. Even if successful, it would be difficult to establish significant damages;
- ii) a possible challenge by a business within the Broads that it had relied upon the description of "The Broads National Park" and had been sued by (i) above in respect of trade diverted. Such a business might counter-claim against the Broads Authority. Again, even if made out, the damages would be limited;
- iii) a remote possibility of a claim for damages based on negligent misstatement;
- iv) possible judicial review or ombudsmen challenges which would be unlikely to carry any or any significant liability to damages or compensation. Time for bringing judicial review proceedings would run from a (minuted) decision to use the name.

18. In each case an injunction might be sought against an undertaking in damages.

Conclusion

19. I am unable to advise that there is no possibility of any legal challenge to the proposal to adopt the title "The Broads National Park".
20. I note that the intention is to use the term "The Broads National Park" on public facing literature, letterheads and publicity material with suitable caveats as appropriate etc." It may be that a cautious solution would be a design one which would echo the advice from DEFRA in March 2008 in part:

"The Broads National Park"¹

¹ A member of the National Park Family

21. My reason for suggesting some form of two-part logo is because it answers the question: why could not any Council declare its area to be a National Park? I suspect that any decision-maker would ask such a question and would strain to find some distinction on the face of the literature being questioned.
22. I would also recommend a cautious introduction of the term. In other words, I would not recommend a sudden re-branding and re-printing of all stationery. Rather, it would be prudent to introduce the term progressively, starting with the 2014 25th Anniversary publicity but leaving re-printing and comprehensive use of the new description until the initial use has been reviewed and gone unchallenged.

Francis Taylor Building
Temple
London EC4Y 7BY


R. L. Fookes

7th February 2014

Arnold J.

"152 Since I have upheld Och-Ziff's claims for trade mark infringement, I shall deal with the claim for passing off relatively briefly. The necessary elements for a claim in passing off were restated by the House of Lords in Reckitt & Colman Products Ltd v Borden Inc [1990] RPC 341 as follows:

- (1) the claimant's goods or services have acquired a goodwill in the market and are known by some distinguishing name, mark or other indication;
- (2) there is a misrepresentation by the defendant (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by the defendant are goods or services of the claimant; and
- (3) the claimant has suffered or is likely to suffer damage as a result of the erroneous belief engendered by the defendant's misrepresentation.

.....

Misrepresentation

155 In my judgment OCH Capital's use of the signs complained of gives rise to a misrepresentation for similar reasons that I have given in relation to the claim for infringement of the OCH-ZIFF Trade Mark under Article 9(1)(b). It is true that in passing off there is no limit on the relevant circumstances, but I do not accept that it follows that initial interest confusion is not actionable.

156 This question is considered by Professor Wadlow in *The Law of Passing Off: Unfair Competition by Misrepresentation* (3rd ed) at §§5–22 to 5–24 and 7–37 to 7–40. As he says at §7–39 (footnotes omitted):

"In the absence of better express modern authorities switch selling has to be approached from basic principles. First, *Spalding v Gamage* decided that there can be passing off with liability for substantial damages merely by advertising goods for sale, even if none are in fact sold. Secondly, the basis of passing off is a misrepresentation causing damage to the claimant's goodwill and there are few *a priori* limits on what the misrepresentation may be or how the damage may arise: the case in which the defendant's goods are sold as and for the goods of the claimant is now recognised as no more than a special instance of a more general rule. In deliberate switch selling there is necessarily a misrepresentation and the question ought therefore to be whether it is material in the sense that damage arises from it.

'[A] representation made by advertisements that the articles sold at a particular shop are articles manufactured by A.B. (if that is the legitimate effect of the advertisements, which is a separate question) must, in my opinion, be as imperious in principle and may possibly be quite as injurious in operation, as the same representation made upon the articles themselves.'

The success of switch selling as a business practice depends on a potential customer for the claimant's goods being sold the defendant's by a process in which the making of the misrepresentation is an essential step, and damage may therefore be said to arise from the misrepresentation even though the customer has ceased to be misled by the time the transaction is concluded. The general principle is that if the defendant successfully induces the public to do business with him by making a misrepresentation then it ought not to matter that the falsity of the representation would become apparent at some stage. ..."

157 I agree with this analysis. Furthermore, in my view the points made by Professor Wadlow in the first and last sentences of this passage hold good even if the misrepresentation is innocent rather than deliberate.

Damage

158 Counsel for the Defendants submitted that, even if there was a misrepresentation, there was no damage to Och-Ziff since OCH Capital was not in direct competition with Och-Ziff; and that, both for that reason and because any confusion would be dispelled by the time of a contract, Och-Ziff would not suffer any diversion of trade. I do not accept this argument for two reasons.

159 First, it is well established that, even in the absence of competition and hence diversion of sales, a misrepresentation leading to the belief that the defendant's business is associated with the claimant's is damaging to the claimant's goodwill. Secondly, it is also well established that, if there is a misrepresentation which erodes the distinctiveness of the indication in question, then that is damage for the purposes of a claim in passing off. As noted above, both of these points were well explained by Laddie J in *Irvine*, in particular in the following passages:

"34. Expressed in these terms, the purpose of a passing-off action is to vindicate the claimant's exclusive right to goodwill and to protect it against damage. When a defendant sells his inferior goods in substitution for the claimant's, there is no difficulty in a court finding that there is passing off. The substitution damages the goodwill and therefore the value of it to the claimant. The passing-off action is brought to protect the claimant's property. But goodwill will be protected even if there is no immediate damage in the above sense. For example, it has long been recognised that a defendant cannot avoid a finding of passing off by showing that his goods or services are of as good or better quality than the claimant's. In such a case, although the defendant may not damage the goodwill as such, what he does is damage the value of the goodwill to the claimant because, instead of benefiting from exclusive rights to his property, the latter now finds that someone else is squatting on it. It is for the owner of goodwill to maintain, raise or lower the quality of his reputation or to decide who, if anyone, can use it alongside him. The ability to do that is compromised if another can use the reputation or goodwill without his permission and as he likes. Thus *Fortnum & Mason* is no more entitled to use the name *F W Woolworth* than *F W Woolworth* is entitled to use the name *Fortnum & Mason*.

35. The point is particularly clearly demonstrated by the so-called 'champagne' cases, in which the claimants share a reputation in the name under which their type of wine is sold. In such cases a defendant would not escape liability for use of the name 'champagne' on a beverage which is not authentic French champagne by showing either that his product was as good or better than the claimant's or that he had not diverted any measurable sales from them. One type of damage which can support the modern form of passing-off action was explained in just such a case: *Taittinger SA v Allbev Ltd* [1993] FSR 641 . . .

38. . . . If someone acquires a valuable reputation or goodwill, the law of passing off will protect it from unlicensed use by other parties. Such use will frequently be damaging in the direct sense that it will involve selling inferior goods or services under the guise that they are from the claimant. But the action is not restricted to protecting against that sort of damage. The law will vindicate the claimant's exclusive right to the reputation or goodwill. It will not allow others to so use goodwill as to reduce, blur or diminish its exclusivity. It follows that it is not necessary to show that the claimant and the defendant share a common field of activity or that sales of products or services will be diminished either substantially or directly, at least in the short term. Of course there is still a need to demonstrate a misrepresentation because it is that misrepresentation which enables the defendant to make use or take advantage of the claimant's reputation."

160 In my judgment both of these types of damage are likely in the present case..... "



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 03459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Dr Stephen Johnson
Broads Authority
Yare House
62-64 Thorpe Road
Norwich
Norfolk
NR1 1RY

Your ref: SJ/EG

Our ref: PO360650/SH

20 November 2014

From Lord de Mauley

Parliamentary Under Secretary of State for Natural Environment and Science

Dees Dr Johnson,

Thank you for your letter of 7 October about the Broads Authority's proposals to brand itself as a national park and enclosing a copy of your consultation document.

You have asked for my view on your proposal to adopt the national parks brand on the authority's promotional material. The consultation suggests that promoting the Broads as a national park will offer marketing opportunities to raise the profile of the area both nationally and internationally. The consultation on branding is a matter for the authority and your stakeholders. We want to see rural areas contributing to and benefitting from economic growth, including tourism, whilst ensuring that valuable landscapes remain protected.

In terms of government policy, the Broads is treated as a member of the national parks family although its statutory basis is quite separate and it is not legally a national park. We do not propose to change this position and it is Defra's intention that the three purposes of the Broads will remain of equal standing.

*Ys Sincerely
Rory de Mauley*

Addendum to Branding the Broads
Report by Chief Executive

Summary:	This addendum report provides details of additional responses to the Broads Authority's consultation entitled "The Broads National Park – making the most of a brand which is internationally recognised".
Recommendation:	That the Authority take the responses into consideration when considering the recommendations within the main report for Agenda Item No 9.

1 Background

- 1.1 This report provides details of additional responses received to the Broads Authority's consultation entitled "The Broads National Park – making the most of a brand which is internationally recognised". These include:
- a. The minute from the Broads Forum on 6 November 2014. This also includes a précis from the Chairman of the Broads Forum on this matter;
 - b. The minute from the Navigation Committee on 11 December 2014; and
 - c. A response from BRASCA which was received before the end of the consultation period. This also appends the proposed BA response.
- 1.2 The minutes and consultation response form BRASCA are detailed in Appendix 1. Members are requested to take these responses into consideration when considering the recommendation within the main report for Agenda Item No 9.

Author: John Packman
Date of Report: 20 January 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Additional Responses to Consultation

APPENDIX 1

Additional Consultation Responses

Minute from the Broads Forum Meeting on 6 November 2014

2/6 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.

Members were informed that The Broads missed out on becoming a national park in the initial phase in the 1950s because of the sheer complexity and a concern about cost. The 1988 Act established an organisation which looks after The Broads and gave The Broads the same status as a National Park.

The Chief Executive emphasised that the proposal only related to the branding of The Broads and did 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 therefore remain of equal priority. The Chief Executive further stressed the point that the name change would purely be for promotional reasons without any hidden agenda.

Tony Gibbons mentioned that The Broads was different to one big park accessible everywhere and open to everyone like they have in the USA and therefore might not be perceived as a national park. The Chief Executive responded that National Parks in the UK, including the Lake District and Pembrokeshire Coast were not widely accessible because they were primarily privately owned and not owned by the state as in the USA.

While the Chief Executive pointed out that tourism was very important to the local economy with the term National Park potentially helping retain existing and attracting new visitors, several members believed that too much emphasis was put on tourism. Richard Starling (RS) in particular believed the impact of tourism on the economy is not that substantial as tourism primarily creates low paid, seasonal and part-time jobs. He also believed that as UK taxes were higher than abroad becoming a National Park would not attract extra visitors.

Brian Barker added that as tourism was only accountable for 14% of income coming to Norfolk it would be more important for the Authority to concentrate on other types of industry which would bring in more income.

The Chief Executive responded that using the term National Park could have financial benefits to the Broads and that the impact of tourism spends would be much wider than just the tourist economy.

Peter Horsfield mentioned that he did not believe the Broads Authority should decide for areas which were outside The Broads executive area to which the Chief Executive responded that the success/benefits of using the term National Park would not be delivered mainly by the Broads Authority but by businesses such as

Hoseasons and Richardsons and could be beneficial for the wider catchment rather than just the Executive Area.

While some members did not see any issue with the name change as the Authority had set out the legal advice in the consultation document others said they would feel more comfortable if Defra could put this in writing.

John Lurkins (JL) mentioned that attracting visitors to waterways should not just be to benefit the hire boat companies, but should also advantage the boat building industry and did not believe a name change to National Park would do that. Andrew Alston (AA) commented that the Authority should consider all three of its purposes as a National Park equally and remain central to all discussions. He also considered that, for this concept to be successful, the Authority would need support from local residents.

Philip Pearson said that changing to a National Park would be beneficial for moving forward with joined partnerships and projects and therefore it would be important not just to look locally but to keep the bigger picture in mind, despite some of the conflicts involved.

An informal show of hands for the Chairman to help him gauge how to report back to the Broads Authority indicated that the majority of members (13 v 5) supported the proposed use of the term Broads National Park for branding purposes. The Chairman agreed to circulate the views of the Forum to its members for comment, prior to these being forwarded to the Broads Authority as the Forum's response to the consultation.

Response from Chairman of the Broads Forum in Accordance with the Minutes of the Broads Forum Meeting on 6 November 2014

"The Broads Forum debated the proposed branding of the Broads as the "Broads National Park".

Several concerns were expressed but in the end by an informal show of hands members indicated by 13 to 5 that the majority supported the proposal whilst a minority were opposed to it.

Those opposed raised the following issues:

- a) That too much emphasis was being placed on Tourism which was criticised for creating low-paid, seasonal, part-time jobs. The BA should encourage diversification through other industries which gave better-paid, full-time employment.
- b) That the legal advice the BA had received was questioned and that Defra's formal opinion was not known.
- c) That the use of the name should not alter the equality of status of the purposes of the BA.

A fuller account of the discussion can be found in the Forum's minutes."

Minute from the Navigation Committee Meeting on 11 December 2015

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.

Broads Reed & Sedge Cutters Association Consultation Response and Broads Authority Response

Broads Reed and Sedge Cutters Association

The Broads Reed & Sedge Cutters Association (Brasca) wishes to make the following responses to the 3 key questions listed on the back page of the consultation document.

1. How do you feel about a more consistent use of the term the Broads National Park as a brand?

Response: The legal situation should first be clarified by Defra as to whether there are any changes to that stated in Defra's letter to Keith Simpson MP dated 31st March 2008. Defra state in this letter "We do not think the area can lawfully take the title of a National Park". Brasca interprets this as branding the area as a National park may be illegal or misleading.

2. In what ways would you envisage your organisation using the term the Broads National Park?

We may well harvest reed in the Broads but it has been marketed as 'Norfolk Reed' for many years. Brasca shares a website and marketing with the North Norfolk Coast reed cutters who also use the term 'Norfolk Reed'. We therefore see no benefit what so ever to use the term Broads National Park in marketing or branding commercial reed or sedge.

3. Are there any specific actions the Broads Authority could take to support and help your organisation in using the Broads National Park brand.

Despite our previous comments, Brasca would be happy to support National Park status for The Broads and changing the name from Broads Authority to Broads National Park if the following conditions were met;

A). That Defra provides full assurances in writing to satisfy the worries of those parties concerned with historical rights of navigation.

B). To agree local representation such as exists in UK National Parks.

C). To safeguard against any negative environmental impacts from increased tourism

.

D). To clearly demonstrate benefits to the wider local community e.g. Broads tourism interests adopt the Living Wage Initiative.

You may be interested to look at the TUC website (www.tuc.org.uk) and their references to local wages.

32.8% of men & women in North Norfolk are paid less than the living wage. 32.3% in Mid Norfolk.

In North Norfolk the figures for women only are worse with 42% paid less than the living wage and in Mid Norfolk 40.6%.

The National Minimum Wage from 1st October 2014 is £6:50p per hour (adult rate) with 18 - 20 year olds £5:13p/hour.

The U.K. Living Wage Rate is £7:65p per hour. (London rate is £8:80p per hour).

Once again, Brasca thanks you for consulting with us on this matter.

BA response:

Defra's response is provided in paragraph 5.5 of the main report.

The latest figures for tourism in the Broads are:

- Visitor numbers: 8 Million
- Direct expenditure: £568 Million
- Economic impact: £768 Million
- Dependent employment: 9,452 jobs

Tourism is therefore hugely important in the Broads, more so than in Norfolk as a whole. Some of the jobs are low paid and seasonal, but not all, and the industry provides valuable second incomes as well as useful openings into employment for young people and career progression.

The dramatic reduction in unemployment in recent months, much of which can be attributed to the sector, is to be welcomed.

The tourism economy does not exist in a silo but is a key contributor to the regional economy as a whole.








The Government has announced its intention to consult on a draft bill in regard to direct elections to national park authorities and the Broads Authority. The nine County and District Councillors who sit on the Broads Authority are directly elected and try to reflect local views and concerns.

Strategic Direction
Report by Chief Executive

Summary:	This report sets out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities which are designed to meet those objectives where the Authority has been identified as the lead partner. The report details the progress made towards the objectives, projects and key milestones for the Strategic Priorities for 2014/15.
Recommendation:	That the Authority notes the performance on the different projects to meet the Strategic Priorities for 2014/15 in the schedule at Appendix 1.

1 Progress on Strategic Priorities for 2014/15

- 1.1 The Authority uses a small set of Strategic Priorities with accompanying projects to monitor at each meeting the delivery of the Broads Plan. The Authority's Annual Strategic Priorities, along with the Business Plan, provide the link, the 'Golden Thread', between the objectives in the five-year management plan, the Broads Plan 2011, and the Directorate work programmes and targets for individual members of staff. As agreed in March 2011, the Authority's Strategic Priorities follow the three key themes in the Broads Plan together with an organisational priority, namely:
- (a) Planning for the Long-term future of the Broads in response to climate change and sea-level rise;
 - (b) Working in Partnership on the Sustainable Management of the Broads;
 - (c) Encouraging the Sustainable Use of the Broads; and
 - (d) The Governance and Organisational Development of the Authority.
- 1.2 It is important to remember that the Broads Plan is a plan for the Broads, not just for the Broads Authority. A range of partners will take the lead or joint role in the delivery of specific actions in the Plan. The Strategic Priorities do not replicate all the activities being undertaken by the Authority, but concentrate on those matters which involve large levels of resource, have a very large impact on the Broads or are politically sensitive.
- 1.3 The Authority operates a traffic light system to determine progress against the objectives milestones and key projects as detailed in the table below:

		Completed
	Green	Project on track and no causes for concern
	Yellow	Good progress being made but some challenges in delivery e.g. minor slippage or limitations of staff and financial resources
	Amber	Project timetable slipping, concerns about how it is developing and a plan in place to address them
	Red	Looks unlikely that the project will be delivered on time and significant worries about the way its is heading
	Black	Project won't be delivered on time and very major concerns about implications
		Direction of travel – comparison with last meeting

- 1.4 The 2014/15 priorities, objectives, projects and key milestones, agreed by the Authority on 21 March 2014, are detailed in Appendix 1. The specific outcomes for each of these projects and key milestones were detailed in the report to the Broads Authority on 21 March 2014.
- 1.5 Eight objectives have already reached completion. The traffic lights for all remaining projects are currently green with the exception of:
- Objective 1.1: Prepare revised climate adaptation plan for consultation with stakeholders by October 2014. The revision of Climate Change Adaptation Plan has identified a new approach. This has been approved by the Climate Change Adaptation Panel and detailed discussion to confirm the content is starting with key partners. The intention is to have the content supported by those partners by the end of the year with the document being approved for wider consultation by the Authority at this meeting. This should still allow a more detailed document to be sent to Defra in the Spring.
 - Objective 2.1: Develop a proposal and seek funding for the restoration of Hickling and its catchment by January 2015. Due to the decision on toll income increase for 2015, this has been slightly overtaken by events but the Authority is looking at developing a scheme with existing available funds. A report on the Lake Review will be brought to the Authority in May 2015 following a Member workshop in April 2015.
 - Objective 2.2: Hold research seminar on fen hydrology in Autumn 2014 and work with partners to agree a research programme by end of 2014. This programme of work has been delayed but seminar proposals are being developed.

- d. Objective 3.1: Produce report and action plan on the positive steps that can be taken to raise the profile of the Broads through clear area signage and promotion outside of Norfolk & Suffolk by December 2014. The delivery of a report and action plan has been postponed until March 2015 in order to incorporate any branding development decisions.
 - e. Objective 3.3: Produce development strategies for the yacht stations and visitor hubs to create direction of travel and main milestones for the coming five years by autumn 2014. This activity has been delayed but work is in progress.
- 1.6 The completion of those 2013/14 Strategic Priority objectives, which have not been completed or carried forward to the Strategic Priorities for 2014/15, will be pursued with any key matters being reported to the Broads Authority.

2 Strategic Priorities for 2015/16

- 2.1 During its meeting on 21 November 2014 members were briefed on the following five key areas of work which were identified as the emerging strategic priority objectives for 2015/16:
- a. The Landscape Partnership Bid to the HLF;
 - b. The Lake Review including potential Hickling project(s);
 - c. The outcomes from the Stakeholder Surveys including a Strategy for Navigation;
 - d. The Outcome of the Branding Consultation and the need to review the Tourism Strategy; and
 - e. The consideration of the Broads Plan review.
- 2.2 A summary of these objectives have been forwarded to the Parish and Town Councils for comment and further consultations of the Broads Forum and Navigation Committee will be undertaken on these, prior to projects and related milestones for these objectives being brought to the Broads Authority for consideration on 20 March 2015.

Background papers: Nil

Author: John Organ
Date of report: 12 January 2015


Broads Plan Objectives: CC2, BD1, BD3, BD5, PE1, PE2 and TR2

Appendices: APPENDIX 1 – Strategic Priorities for 2014/15

Strategic Priority Objectives, Projects and Key Milestones for 2014/15

Priority 1 - Planning for the Long-term Future of the Broads in Response to Climate Change and Sea-level Rise

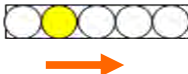

This priority continues to be identified by others, including the Broads Forum, as a high priority, and the Authority has embarked on a major public consultation exercise which should lead to a revised Adaptation Plan and a new Action Plan.





Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
1.1	Furthering community involvement to understand vulnerabilities and inform adaptation planning (Broads Plan Objective CC2)	Head of Strategy & Projects	<p>Continue to take opportunities to discuss with differing interests in the Broads the climate impacts and choices for getting the best for the broads throughout 2014</p> <p>Prepare revised climate adaptation plan for consultation with stakeholders by October 2014</p> <p>Use consultation responses to guide revised climate adaptation plan to be adopted by Authority & partners by January 2015</p> <p>Submit revised plan to Defra by March 2015</p>	Draft Adaption Plan on this agenda.	

Priority 2 - Working in Partnership on the Sustainable Management of the Broads

There are two main strands identified within this area:

- The Biodiversity Audit and the Biodiversity and Water Strategy completed in 2012 should provide the guide for future action and concentration should be given, working with partners, for a major project, or series of projects, to continue to protect and enhance biodiversity in the area.
- In conjunction with partners, the Catchment Plan for the Broads should be developed to seek long-term benefits to the whole area.




Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
2.1	Deliver Biodiversity and water Strategy (Broads Plan Objective BD1)	Head of Construction, Maintenance and Environment	<p>Develop a proposal and seek funding for the restoration of Hickling and its catchment.</p> <ul style="list-style-type: none"> Initial proposal to the Broads Authority in September 2014 Feasibility and funding plan complete and reported to the Broad Authority in January 2015 	<p>The Head of Con, Main & Envir is looking at developing a scheme with existing available funds</p> <p>Draft of the Hickling Lake Review chapter complete and has been reported to the Upper Thurne Working Group in May.</p> <p>Member workshop on the Lake Review to be held in April to allow report to BA in May</p>	
		Senior Ecologist	Report on Strategy whole work programme for 2014/15 in July 2014	Update on work programme provided on 11 July 2014.	





2.2	Continue the improvement of water quality and water resource (Broads Plan Objective BD3)	Senior Ecologist	Hold research seminar on fen hydrology in autumn 2014 and work with partners to agree a research programme by end of 2014.	Seminar proposals being developed	
2.3	Develop landscape-scale initiatives (Broads Plan Objective BD5)	Senior Ecologist	<p>Implement Broadland Catchment Plan</p> <ul style="list-style-type: none"> Seek and confirm external funding to enable continuation of Catchment Partnership Officer till at least the end of 2014/15 by May 2014 Gain partner adoption of Broadland Catchment Plan by July 2014 Identify 3 key projects and funding by September 2014 Report on status of 3 projects by March 2015 	<p>Funding confirmed for Catchment Partnership Officer till end of March 2015.</p> <p>Plan approved by Broads Authority, welcomed by partners and launched at River Waveney Study Center on 19 June.</p> <p>Action Plan within the plan has set out projects and budget is available for project delivery.</p>	  

Priority 3 - Encouraging the Sustainable Use of the Broads


There are two main strands identified within this area:



- In conjunction with the Whitlingham Charitable Trust, the Trustees of the Arminghall Settlement and the Youth Hostel Association, develop a project to improve the public facilities in the Whitlingham Country Park. This was likely to involve applications for external funding.
- Following the completion of the STEP programme, work with partners to further promote tourism and economic development within the area.

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
3.1	Promote a clear and consistent Broads 'brand' that defines the special qualities and status of the area as a resource for all (Broads Plan Objective PE1)	Head of Communications	Use the 25 year anniversary of the Broads Authority to focus on the profile of the Broads and the Authority to galvanise support for future objectives. Generate a programme of promotional events to highlight the work of the Broads Authority and its 25 th anniversary. Report to the Broads Authority in May for delivery during 2014.	Completed	
			Assist Broads Tourism to relaunch 'Enjoy the Broads' brand to businesses in June 2014	Completed	
			Undertake bilateral discussions with all key stakeholders to gauge level of support for greater use of the National Park brand and the Authority's long term ambition of achieving full National Park status. Report to BA in January 2015.	Consultation completed. Report on this agenda.	

			Produce report and action plan on the positive steps that can be taken to raise the profile of the Broads through clear area signage and promotion outside of Norfolk & Suffolk by December 2014	Delivery of report and action plan postponed until March 2015 in order to incorporate any branding development decisions	
3.3	Continue to improve the quality of the visitor experience, providing a consistent standard of facilities, services and welcome. (Broads Plan Objective TR2)	Head of Communications	Produce development strategies for the yacht stations and visitor hubs to create direction of travel and main milestones for the coming five years by autumn 2014.	Work in progress	
		Senior Waterways and Recreation Officer	Survey boat owners, hirers and hire boat yards to gain a clearer picture of their views and aspirations. Boat owners' survey complete and reported to the BA by autumn 2014. Hire yards and hirers surveys in summer 2014.	Completed. Final report delivered. Presentation on this agenda.	
		Head of Communications	Organise 4 th Broads Outdoors Festival, May 2014	Completed	

Priority 4 - Governance/Organisational Development of the Authority

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
4.1	Review opportunities	Head of Finance	Investigate the opportunities to benchmark costs of the	Discussions have been held with NPAs over	

	for income generation and further efficiencies		Authority's services with national parks, local government and other relevant organisations.	options for joint benchmarking work across the National Park family but resources have not yet been identified in other NPAs to help take this forward	
		Chief Executive	Work with National Parks UK to raise income for the family from corporate sponsorship. Report to the Chairs of the National Parks in summer 2014	National Parks UK Commercial Sponsorship Proposal on this agenda.	
		Management Team	Identify potential income generation from sources such as Europe, the Lottery and the New Anglia together with potential further efficiencies by Autumn 2014.	Work ongoing to identify potential project funding including potential for HLF bids and future EU project bids.	

Financial Performance and Direction
Report by Head of Finance

Summary: This report provides a strategic overview of current key financial issues and items for decision.

Recommendations:

- (i) That the income and expenditure figures to 31 October 2014 be noted.
- (ii) That the two additions to the Standing List for Fen Management contractors.

1 Introduction

- 1.1 This report consolidates a number of items relating to the financial performance and direction of the Authority. The report covers:

Report Section	Item
2	Consolidated Income and Expenditure from 1 April – 31 October 2014
3	Amendment to Standing Tender List – Fen Management Contractors

2 Consolidated Income and Expenditure from 1 April – 31 October 2014

Summary

- 2.1 This report provides the Committee with details of the actual income and expenditure for the seven month period to 31 October 2014, and provides a forecast of the projected expenditure at the end of the financial year (31 March 2015).

Introduction

- 2.2 This financial monitoring report summarises details of the forecast outturn for the year, which provides members with a picture of expected activity for the full financial year as well as supporting proactive budget management by budget holders. This report provides details of consolidated expenditure for the whole Authority (National Park and Navigation).
- 2.3 Paragraph 2.5 of this report and Appendix 1 provide details of actual income and expenditure to 31 October 2014.
- 2.4 Paragraph 2.16 and Appendix 2 provide details of the forecast 2014/15 outturn (the expected actual expenditure position at the end of the financial year), compared to the latest available budget (LAB). The LAB represents the original budget for the year

agreed by the Authority in March 2014, adjusted for known and approved budget changes. Further details of the LAB are set out in paragraph 2.11 below.

Overview of Actual Income and Expenditure

- 2.5 Within this report, actual income and expenditure is reported at summary / Directorate level, providing members with an overview of the Authority's position as set out in Table 1 below.

Table 1 – Actual Consolidated I&E by Directorate to 31 October 2014

	Profiled Latest Available Budget	Actual Income and Expenditure	Actual Variance
Income	(5,354,479)	(5,355,272)	793
Operations	1,666,608	1,842,664	(176,056)
Planning and Resources	1,818,642	1,655,903	162,740
Chief Executive	237,523	242,970	(5,447)
Projects, Corporate Items and Contributions from Earmarked Reserves	0	(162,689)	162,689
Net (Surplus) / Deficit	(1,631,706)	(1,776,424)	144,718

- 2.6 Core income is in line with the profiled budget as at the end of month seven. The variances within Private Tolls and Hire Tolls continue to offset one another. At the end of the financial year it is currently anticipated that the net position on Tolls will be broadly in line with the total budget (with Private Tolls up and Hire Tolls down), and this position has been reflected in forecast outturn figures.
- 2.7 Net of contributions into reserves, £162,689 of expenditure within Directorate budgets has been funded from reserves at the end of October, including the Authority's new Fen Harvester, the second replacement wherry, the Planning Inspectorate Site Specific Policy inspection activity, works to Mutford Lock, and SDF grant payments. Once this expenditure has been accounted for, the Operations revenue budget has now moved into a slight overspend position when compared with the profiled budget. There is in particular now an overspend of approximately £25,000 in the Equipment, Vehicles and Vessels budget due mainly to timing differences in repairs and maintenance expenditure. A replacement pool vehicle for Construction and Maintenance, budgeted for in July, has been received in September. Excluding the use of reserves for the purchase of the Fen Harvester, there is an overspend of approximately £25,000 in Land Management at this point due to delays in the receipt of budgeted income. Expenditure is also slightly over profile in Practical Maintenance and Operational Premises budgets. There is a small underspend on Water Management due to low levels of contractor spend to date.

- 2.8 By contrast, an underspend against profile within Planning and Resources directorate budgets persists due to:
- Project expenditure behind profile, including within the main project budget and also Biodiversity Strategy. Some of these will relate to timing differences;
 - The cancellation of the Whitlingham development project;
 - Salary underspends in respect of vacancies earlier in the year (Waterways and Recreation Strategy);
 - An underspend within Finance budgets in respect of outstanding insurance billing and the £10,000 contribution to joint National Park sponsorship work which has not yet been made;
 - Delays in legal billing;
 - Underspends in office expenses budgets in respect of posting and photocopying which are expected to be largely removed by the end of the year; and
 - Significant success in securing additional income including planning fee income, strategy and projects grant and partnership income, and additional Visitor Centre / Yacht Station income.
- 2.9 There is also a small overspend within Communications budgets arising from the timing of some payments for events work, and outstanding tourism income. Some of these Planning and Resources variances will persist to the end of the year and have been reflected in forecast outturns as set out in Table 3. As a result of the above variances, the overall position as at 31 October 2014 is a favourable variance of £144,718 or 8.87% difference from the profiled LAB, a reduction when compared to the September position.
- 2.10 The charts at Appendix 1 provide a visual overview of actual income and expenditure compared with both the original budget and the LAB.

Latest Available Budget

- 2.11 The Authority's income and expenditure is monitored against a latest available budget (LAB) in 2014/15. The LAB is based on the original budget for the year, with adjustments for known and approved budget changes such as carry-forwards and budget virements. Details of the movements from the original budget are set out in Appendix 2.
- 2.12 The use of the LAB format ensures that there is better visibility of budgets, providing members with clearer information about approved changes to the original budget and minimising the risk of distortions arising from approved in-year changes to the budget. The LAB facilitates scrutiny of budget management in that members are able to distinguish between planned budget changes and unplanned outturn variances.
- 2.13 Changes to the original consolidated budget for the year are set out in Table 2 below.

Table 2 – Adjustments to Consolidated LAB

	Ref	£
Original budget 2014/15 – deficit	21/03/14 Item 17 (BA)	15,495
Approved budget carry-forwards	11/07/14 Item 14 (BA)	94,237
Additional budget approved in-year for Stakeholder surveys	11/07/14 Item 13 (BA)	37,355
Additional budget approved in-year for National Park sponsorship work	11/07/14 Item 18 (BA)	10,000
LAB at 31 October 2014 – deficit		157,087

2.14 Taking account of the budget adjustments, the LAB therefore provides for a consolidated deficit of £157,087 in 2014/15 as at 31 October 2014.

Overview of Forecast Outturn 2014/15

2.15 Budget holders have been asked to comment on the expected expenditure at the end of the financial year in respect of all the budget lines for which they are responsible. These forecast outturn figures should be seen as estimates and they will be refined and clarified through the financial year.

2.16 As at the end of October 2014, the forecast outturn indicates:

- Income is unchanged and expected to be broadly in line with budget, with total forecast income of £6,233,961.
- Total expenditure is forecast to be £6,357,290.
- The resulting deficit for the year is forecast to be £123,330.

2.17 Full details of the forecast outturn are set out in Appendix 2.

2.18 The forecast outturn expenditure takes account of adjustments to the LAB and reflects the changes shown in Table 3. The forecast outturn anticipates a lower deficit than the £157,087 allowed for in the LAB.

Table 3 – Adjustments to Forecast Outturn

Item	£
Latest Available Budget – deficit	157,087
Adjustments to forecast outturn reported 21/11/14	(21,274)
Planning costs in respect of Whitlingham Barn development	800

Increased support contract costs at Mutford Lock for additional manual openings	2,600
Increase income forecast for Practical Maintenance budget for PIANC conference contribution	(1,700)
Decrease forecast for net salary cost adjustments in respect of latest forecasts and impact of 2014/15 – 2015/16 pay award	(14,184)
Forecast outturn deficit as at 31 October 2014	123,329

Reserves

- 2.19 The Authority's earmarked reserves were rationalised in 2013/14 into a smaller number of reserves. Navigation reserve balances continue to be maintained separately from national park reserves. The balance of earmarked reserves at the end of October 2014 is shown in Table 4 below.

Table 4 – Consolidated Earmarked Reserves

	Balance at 1 April 2014	In-year movements	Current reserve balance
	£	£	£
Property	(568,100)	(8,567)	(576,667)
Plant, Vessels and Equipment	(217,282)	6,035	(211,247)
Premises	(138,723)	(15,000)	(153,723)
Planning Delivery Grant	(454,172)	79,087	(375,085)
Sustainable Development Fund	(65,664)	17,915	(47,749)
Mobile Phone Upgrade	(7,567)	3,190	(4,377)
Upper Thurne Enhancement	(81,768)	0	(81,768)
Section 106	(12,069)	(24,464)	(36,533)
PRISMA	(244,954)	156,736	(88,217)
Total	(1,790,299)	214,933	(1,575,367)

- 2.20 £838,960 of the current reserve balance relates to navigation reserves.

- 2.21 The STEP reserve has been closed following the end of the project. Members will note that there is currently a debit balance within the PRISMA reserve. This relates to outstanding claim amounts.

- 2.22 The Authority's Launch Replacement Strategy includes a rolling programme of disposals of older launches in order to finance replacements, with sale proceeds initially estimated at £10,000 per vessel. The Authority subsequently approved disposal of two launches in November 2013 with an estimated value

for the disposals at the time of £20-27,000 per vessel. Following wide advertising since this time, the launch Thurne was disposed of via a broker for £17,500 (before deductions for commission and VAT). The second launch, Barton, is now the subject of an offer for £14,000. In view of the fact that this offer is considerably below the previous estimated value, and the value achieved for Thurne, the Navigation Committee's views have been sought on whether to proceed with disposal. It was noted that the launch was likely to deteriorate if it remained unsold over the winter and therefore the Authority would have incurred additional repair and maintenance costs if the sale is not completed. The Committee was supportive of progressing the disposal, noting that the estimated value of the launches had fluctuated significantly over time. The disposal is now being progressed by the Chief Executive in consultation with the Chair of the Authority in order to expedite the sale. The sale proceeds will be contributed to the Plant, Vessels and Equipment reserve to fund future replacements in line with the existing strategy.

Summary

- 2.23 Taking account of the changes to the forecast outturn from the adjustments to salaries, the current forecast outturn position for the year suggests a deficit of £101,437 for the national park side and a deficit of £ 21,892 on navigation resulting in an overall deficit of £123,329 within the consolidated budget, which would indicate a general fund reserve balance of approximately £703,000 and a navigation reserve balance of approximately £268,000 at the end of 2014/15. This will mean that the navigation reserve balance will fall below the recommended level of 10% of net expenditure during 2014/15 to 8.9%. The impact of both the national park and navigation reserve balances have been taken into account when preparing the draft 2015/16 budget.

3 Amendment to Standing Tender List – Fen Management Contractors

Overview

- 3.1 In May 2013 the Authority approved the creation of a Standing List of contractors for the delivery of Fen Management activity. The Authority's Standing Orders provide for Standing Lists to be reviewed every three years, with the next formal review of this list being due by April 2016. However there is also provision for contractors meeting the required criteria to be added to the list on an ad-hoc basis.
- 3.2 Since the creation of the Standing List, two contractors have expressed an interest in being added. These are:
- Matthew Lee
 - Stephen Lee

- 3.3 Both prospective contractors have completed the Authority's questionnaire and satisfy the requirements for inclusion. It is therefore recommended that the Authority approve the addition of these two contractors to the existing Standing List.

Background Papers: Nil

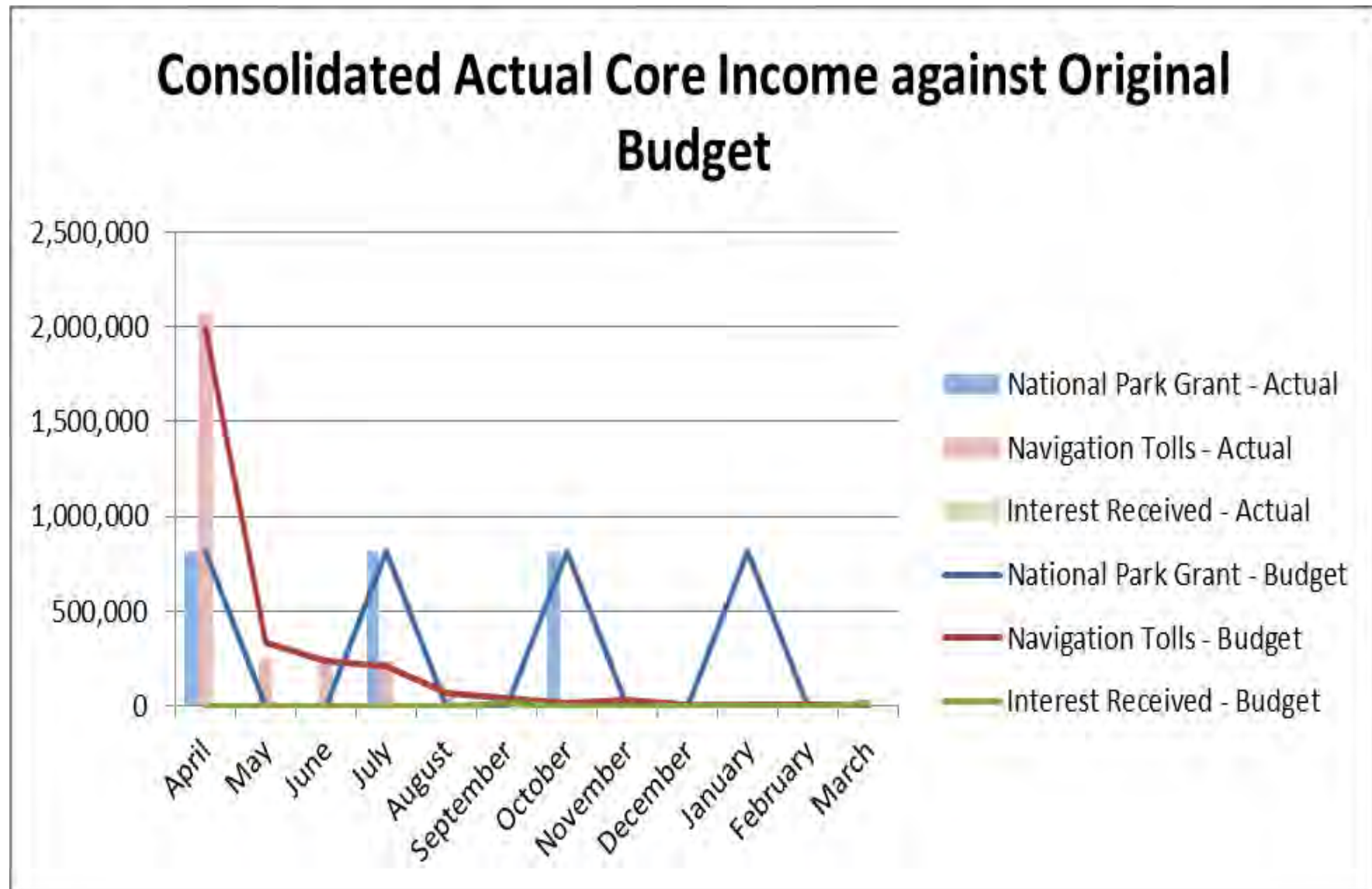
Author: Titus Adam

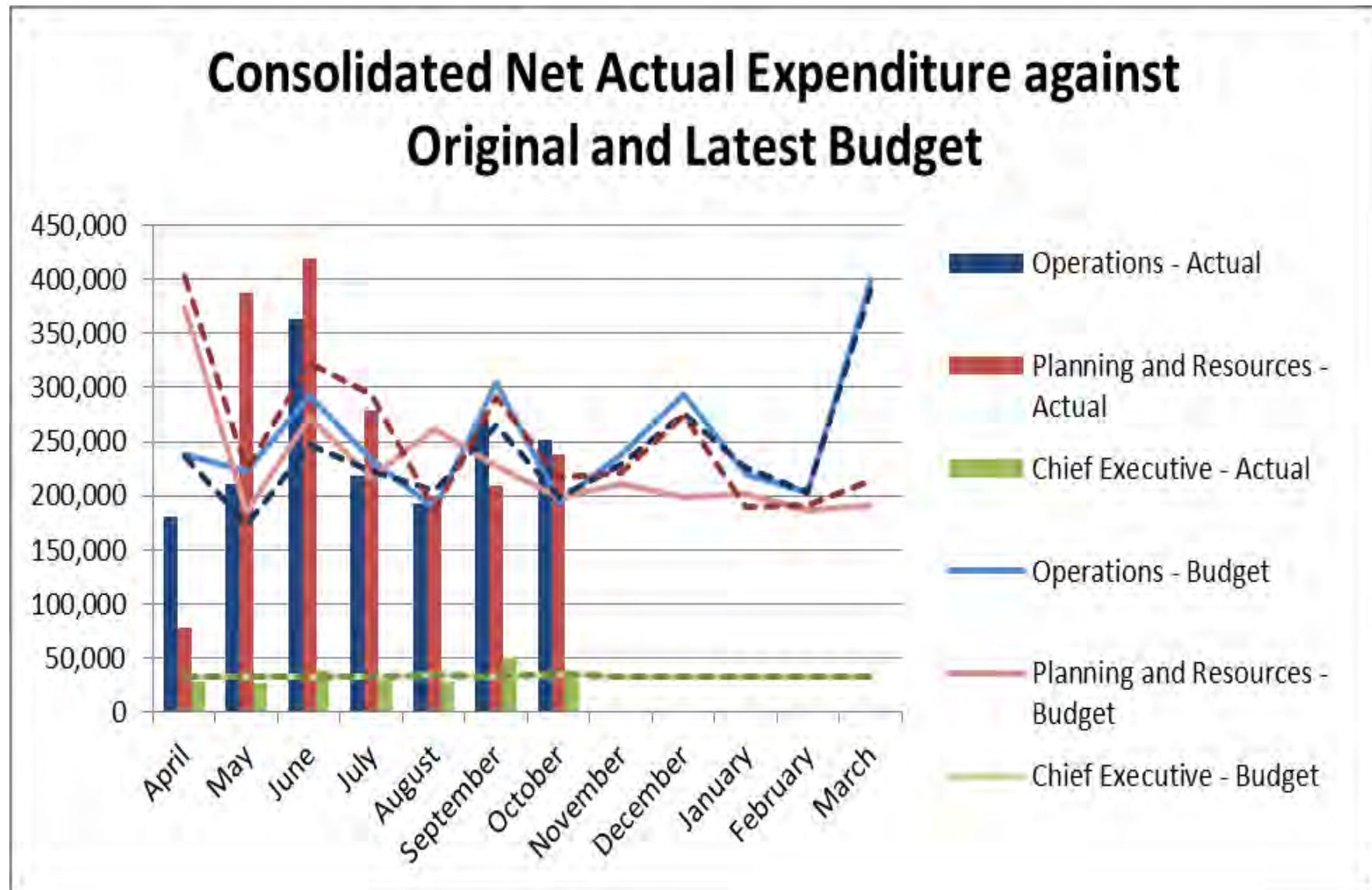
Date of Report: 17 December 2014

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Consolidated Actual Income and Expenditure
Charts to 31 October 2014

APPENDIX 2: Financial Monitor: Consolidated Income and
Expenditure 2014/15





To 31 October 2014

Budget Holder	(All)
A/C	(All)

Values					
Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Income	(6,242,264)		(6,242,264)	(6,233,961)	(8,304)
National Park Grant	(3,245,393)		(3,245,393)	(3,245,393)	0
Income	(3,245,393)		(3,245,393)	(3,245,393)	0
Hire Craft Tolls	(1,118,300)		(1,118,300)	(1,072,296)	(46,004)
Income	(1,118,300)		(1,118,300)	(1,072,296)	(46,004)
Private Craft Tolls	(1,792,100)		(1,792,100)	(1,837,800)	45,700
Income	(1,792,100)		(1,792,100)	(1,837,800)	45,700
Short Visit Tolls	(37,721)		(37,721)	(37,721)	0
Income	(37,721)		(37,721)	(37,721)	0
Other Toll Income	(18,750)		(18,750)	(18,750)	0
Income	(18,750)		(18,750)	(18,750)	0
Interest	(30,000)		(30,000)	(22,000)	(8,000)
Income	(30,000)		(30,000)	(22,000)	(8,000)
Operations	3,030,715	30,113	3,060,828	3,092,418	(31,590)
Construction and Maintenance Salaries	1,074,770		1,074,770	1,065,359	9,411
Salaries	1,074,770		1,074,770	1,065,359	9,411
Expenditure			0		0
Equipment, Vehicles & Vessels	405,000	(17,450)	387,550	387,550	0
Income			0		0
Expenditure	405,000	(17,450)	387,550	387,550	0
Water Management	67,500	14,350	81,850	80,535	1,315
Income	0		0	(1,315)	1,315
Expenditure	67,500	14,350	81,850	81,850	0
Land Management	(41,000)	14,850	(26,150)	(36,650)	10,500
Income	(90,000)		(90,000)	(100,500)	10,500
Expenditure	49,000	14,850	63,850	63,850	0
Practical Maintenance	339,035	7,170	346,205	346,527	(322)
Income	(7,000)		(7,000)	(8,700)	1,700
Expenditure	346,035	7,170	353,205	355,227	(2,022)
Ranger Services	663,010		663,010	696,340	(33,330)
Income	(35,000)		(35,000)	(35,000)	0
Salaries	580,010		580,010	613,340	(33,330)

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Expenditure	118,000		118,000	118,000	0
Pension Payments			0		0
Safety	76,900		76,900	76,542	358
Income	(9,000)		(9,000)	(9,000)	0
Salaries	51,900		51,900	51,542	358
Expenditure	34,000		34,000	34,000	0
Asset Management	104,650		104,650	116,912	(12,262)
Income	(1,000)		(1,000)	(1,000)	0
Salaries	37,900		37,900	37,662	238
Expenditure	67,750		67,750	80,250	(12,500)
Volunteers	61,340		61,340	61,373	(33)
Income	(1,000)		(1,000)	(1,000)	0
Salaries	42,340		42,340	42,373	(33)
Expenditure	20,000		20,000	20,000	0
Premises	151,970	11,193	163,163	171,030	(7,867)
Income	(11,200)		(11,200)	(3,333)	(7,867)
Expenditure	163,170	11,193	174,363	174,363	0
Operations Management and Administration	127,540		127,540	126,900	640
Income			0		0
Salaries	115,040		115,040	114,400	640
Expenditure	12,500		12,500	12,500	0
Planning and Resources	2,729,004	111,479	2,840,484	2,738,550	101,934
Development Management	224,910		224,910	221,499	3,411
Income	(60,000)		(60,000)	(60,000)	0
Salaries	259,910		259,910	255,699	4,211
Expenditure	25,000		25,000	25,800	(800)
Pension Payments			0		0
Strategy and Projects Salaries	231,575	8,546	240,121	209,837	30,284
Income	(27,500)		(27,500)	(39,000)	11,500
Salaries	249,075	8,546	257,621	238,837	18,784
Expenditure	10,000		10,000	10,000	0
Biodiversity Strategy	35,000	42,298	77,298	77,298	0
Income			0		0
Expenditure	35,000	42,298	77,298	77,298	0
Strategy and Projects	84,900	2,020	86,920	86,453	467
Salaries	44,900		44,900	44,433	467
Expenditure	40,000	2,020	42,020	42,020	0

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Waterways and Recreation Strategy	84,920		84,920	78,618	6,302
Salaries	69,920		69,920	63,618	6,302
Expenditure	15,000		15,000	15,000	0
Project Funding	101,780	46,615	148,395	148,023	372
Income	(19,000)		(19,000)	(19,000)	0
Salaries	41,780		41,780	41,408	372
Expenditure	79,000	46,615	125,615	125,615	0
Pension Payments			0		0
Partnerships / HLF	50,000		50,000	0	50,000
Expenditure	50,000		50,000	0	50,000
SDF	12,000		12,000	12,000	0
Expenditure	12,000		12,000	12,000	0
Finance and Insurance	336,569	10,000	346,569	342,632	3,937
Income			0		0
Salaries	133,970		133,970	130,033	3,937
Expenditure	202,599	10,000	212,599	212,599	0
Communications	316,260		316,260	318,598	(2,338)
Income			0		0
Salaries	241,260		241,260	243,598	(2,338)
Expenditure	75,000		75,000	75,000	0
Visitor Centres and Yacht Stations	235,660	2,000	237,660	222,236	15,424
Income	(213,000)		(213,000)	(213,000)	0
Salaries	317,660		317,660	302,236	15,424
Expenditure	131,000	2,000	133,000	133,000	0
Collection of Tolls	113,660		113,660	113,192	468
Salaries	100,960		100,960	100,492	468
Expenditure	12,700		12,700	12,700	0
ICT	267,820		267,820	272,142	(4,322)
Income			0		0
Salaries	127,120		127,120	131,442	(4,322)
Expenditure	140,700		140,700	140,700	0
Legal	120,000		120,000	120,000	0
Income			0		0
Expenditure	120,000		120,000	120,000	0
Premises - Head Office	240,000		240,000	240,000	0
Expenditure	240,000		240,000	240,000	0
Planning and Resources Management and Administration	273,950		273,950	276,021	(2,071)

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Income			0		0
Salaries	146,750		146,750	148,821	(2,071)
Expenditure	127,200		127,200	127,200	0
Chief Executive	405,040		405,040	433,210	(28,170)
Human Resources	133,140		133,140	158,206	(25,066)
Salaries	73,140		73,140	98,206	(25,066)
Expenditure	60,000		60,000	60,000	0
Governance	170,410		170,410	165,659	4,751
Income			0		0
Salaries	109,210		109,210	104,459	4,751
Expenditure	61,200		61,200	61,200	0
Chief Executive	101,490		101,490	102,233	(743)
Salaries	101,490		101,490	102,233	(743)
Expenditure			0		0
Legal	0		0	7,112	(7,112)
Salaries	0		0	7,112	(7,112)
Projects and Corporate Items	93,000		93,000	93,113	(113)
PRISMA	0		0	113	(113)
Income			0		0
Salaries	10,410		10,410	10,523	(113)
Expenditure	(10,410)		(10,410)	(10,410)	0
STEP			0		0
Expenditure			0		0
Corporate Items	93,000		93,000	93,000	0
Pension Payments	93,000		93,000	93,000	0
Contributions from Earmarked Reserves			0		0
Earmarked Reserves			0		0
Expenditure			0		0
Grand Total	15,495	141,592	157,087	123,330	33,757

Budget 2015/16 and Financial Strategy to 2017/18
Report by Head of Finance

Summary: This report sets out information for the Authority to consider the consolidated income and expenditure budget for 2015/16, which is based on an overall 1.7% increase in navigation charges as formally adopted by the Authority on 21 November 2014 following the recommendation of the Navigation Committee.

Recommendations:

- (i) That the Authority adopts the draft 2015/16 Budget, notes the uncertainties regarding National Park Grant, and endorses the assumptions applied in the preparation of the Budget.
- (ii) That the Authority adopts the Earmarked Reserves Strategy for the period 2015/16 to 2017/18, and approves the proposed contributions to and from Earmarked Reserves for the period 2015/16 to 2017/18.
- (iii) That the Authority approves the principle that any underspends within the Policy Planning budget be transferred to the Planning Delivery Grant reserve annually as set out in paragraph 8.7.

1 Introduction

- 1.1 An outline of the draft budget for 2015/16 was presented to the Authority at its meeting of 21 November 2014 in order to inform the setting of navigation charges for 2015/16. Following the Authority's decision to apply a flat-rate increase in tolls of 1.7%, in line with the recommendations of the Navigation Committee, this report now sets out an updated draft budget for 2015/16 alongside the financial strategy to 2017/18. Ministers have yet to make a decision on National Park Grant allocations for 2015/16 and therefore the budget has been based on Defra's last indication of future grant levels.
- 1.2 The views of the Navigation Committee were sought to inform preparation of this final draft budget at the Committee's meeting of 11 December 2014.

2 Overview of 2014/15 Forecast Outturn

- 2.1 Members will recall that following the announcement of 2014/15 National Park Grant allocations, work was undertaken in late 2013/14 to identify options to deliver a sustainable and robust financial strategy for the period to 2016/17. This included identification of options to deliver savings within corporate service budgets and an increase in the proportion of practical navigation

works undertaken over the two years 2015/16 and 2016/17. A final budget for 2014/15, providing for a deficit of £15,495, was approved by the Authority on 21 March 2014. This original budget has been adjusted as reported in the previous agenda item and currently provides for a latest available budget (LAB) deficit of £157,087.

- 2.2 The current predictions for income in 2014/15 are for overall income to be broadly in line with the budget. This incorporates a reduction in hire boat income of approximately £45,000, offset by a similar above budget increase for private craft. As at 1 November 2014, boat figures showed hire motor cruisers reducing by 25 and private motor cruisers 92 up on the 1 November 2013 figure.
- 2.3 Expenditure is similarly broadly on target, however there are a number of variances within budgets which mean that the overall forecast outturn position for 2014/15 anticipates a deficit in the consolidated budget of £123,330 (a favourable variance of £33,757 to the LAB). This would result in an overall consolidated reserve balance of approximately £971,000 at the end of the year, and £960,000 after year-end adjustments, which is in excess of the minimum recommended level for National Park. However this will mean that the Navigation reserve will fall below the recommended level of 10% to 8.7%. These balances provide the Authority with some level of protection against likely costs in subsequent years. Within the total consolidated balance, the forecast navigation account balance after year-end adjustments is £262,000. The budget takes into account the forecast outturn position and makes proposals which will restore the balance of the navigation reserve at the recommended level in 2015/16.

3 2015/16 Budget Proposals

- 3.1 The draft budget for the Authority is set out in Appendix 1, alongside the financial strategy to 2017/18 to provide context. The format of the budget is in line with the monitoring presented to Authority through the financial year and reflects the Authority's organisational structure. Legal costs have been transferred from Planning and Resources to the Chief Executive section from 2015/16 onwards, reflecting the new structure and the appointment of an in-house Solicitor and Monitoring Officer.
- 3.2 In line with the previously reported financial strategy, the draft budget takes account of the following four key factors:
1. Ongoing and sustained pressure on National Park Grant
 2. Resourcing the Asset Management Plan
 3. Allocation of Practical Work
 4. Reductions in Central Costs
- 3.3 Total core income for 2015/16 is budgeted to be £6,240,632, including £3,188,952 National Park Grant, £1,869,042 for private craft tolls and £1,090,525 for hire craft tolls. This income takes account of the latest available data for boat numbers, and the impact of the overall (flat rate) 1.7%

increase in tolls approved by the Authority at its meeting 21 November 2014 following the recommendations of the Navigation Committee. Net expenditure is budgeted at £6,101,211. After taking into account the transfer of £17,500 of interest to earmarked reserves, this will result in a consolidated budget surplus of £121,921 in 2015/16, with the result that reserves at the end of March 2016 are projected to be £1,082,088 (£772,653 National Park and £390,434 Navigation, which amounts to 24.7% and 10.4% of net expenditure for the year respectively).

- 3.4 Table 1 sets out an overview of the proposed 2015/16 budget, which is provided in more detail in Appendix 1.

Table 1 – Draft 2015/16 Budget

	2015/16		
	National Park	Navigation	Consolidated
	£	£	£
National Park Grant	(3,188,952)	0	(3,188,952)
Navigation Tolls	0	(2,997,930)	(2,997,930)
Other income	(17,500)	(36,250)	(53,750)
Total Income	(3,206,452)	(3,034,180)	(6,240,632)
Operations	1,013,093	2,065,159	3,078,251
Planning and Resources	1,755,503	715,417	2,470,920
Chief Executive	287,039	153,001	440,040
Corporate Items	67,200	44,800	112,000
Total Expenditure	3,122,835	2,978,377	6,101,211
Net (Surplus) / Deficit	(83,617)	(55,803)	(139,421)
Opening Reserves (Forecast)	(697,786)	(262,381)	(960,167)
(Surplus) / Deficit for the year	(83,617)	(55,803)	(139,421)
Interest transfer	8,750	8,750	17,500
Closing Reserves (Forecast)	(772,653)	(309,434)	(1,082,088)

4 Operations

- 4.1 The Operations budget incorporates the first stage of changes to the apportionment of practical works (mainly affecting Construction and Maintenance salary budgets), which will enable additional navigation activity to be delivered in 2015/16. The Moorings budget within the Practical Maintenance budget line has been increased in line with the recommendations in the Mooring Strategy considered at the last Authority meeting. In other areas the budget represents the level of funding required to enable a continuation of the levels of service delivered in the current year.

- 4.2 It is however important to recognise that the Operations budget has extremely limited capacity to take on additional projects or ad-hoc work in 2015/16. The development of a long-term Hickling restoration project, which would have required a navigation charges increase of 2.9%, is not deliverable within existing resources. However, given the high priority attributed to this project by members, work is underway to continue to scope the requirements for a larger-scale project in future years, and particularly to identify potential dredging disposal sites. In the shorter term, work to develop smaller-scale dredging projects for delivery in early 2015/16 (or potentially at the end of the current year) is on-going, although there is limited capacity to complete this work in house and it may be that these would need to be let under contract if they are to be progressed promptly.

5 Planning and Resources and Chief Executive

- 5.1 There have been a number of changes within both the Planning and Resources and Chief Executive areas of the navigation budget when compared to 2014/15. These principally relate to the changes made in response to the 2014/15 and 2015/16 National Park Grant settlement, which members will be aware has led to restructuring in many of the Authority's support services including Legal, HR, Governance and Communications. Savings are therefore anticipated within all of these budgets. There has also been a further consolidation of project budgets within the Authority's Project Funding budget. The 2015/16 budget also allows for £50,000 annually for three years from 2015/16 to support the delivery of the HLF/Landscape Partnership project, for which the bid is currently underway. Within the Communications budget there is a provisional increase of £5,000 which is subject to the Authority's decision on the branding exercise. This has been included in the Chief Executives report earlier on this agenda.
- 5.2 It should be noted that this budget represents a further significant paring back of the Authority's Planning and Resources structure over that undertaken in 2011, and means that there is extremely limited capacity in these areas to take on projects or other ad-hoc work.

6 Central and Shared Costs and Cost Apportionment

- 6.1 Apportionments between Navigation and National Park have been adjusted within the Operations directorate to reflect the proposed apportionment for practical works supported by the Navigation Committee and subsequently approved by the Authority. In addition the apportionment of Legal budgets has been adjusted to reflect the latest actual split of activity (legal costs are always apportioned in line with actual use). Legal budgets are shown within the Chief Executive's department from 2015/16 to reflect the new structure for this area. All other apportionments are consistent with the principles agreed by the Resources Allocation Working Group.
- 6.2 Full details of apportionments by budget line for 2015/16 are set out in Appendix 1. The overall split of proposed net expenditure in 2015/16 is 51%

national park and 49% navigation, which is very much consistent with the forecast split of income standing at 53% to 47% for the same period.

- 6.3 Table 2 below provides further details of central and shared costs. These should not be seen as being synonymous with overheads, but have been identified in line with those areas specifically examined for apportionment by the Resource Allocation Working Group. As such they reflect costs across the Authority that are included within the budgets of both the Operations and Planning and Resources directorates, and from the Chief Executive's section.
- 6.4 These costs have been reduced from the levels reported in the 2014/15 budget, mainly as a result of the organisational restructure taking full effect from April 2015.

Table 2 – Central and Shared Costs

	2015/16			2016/17			2017/18		
	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated
	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s
Share of central and shared costs	1,287	883	2,170	1,289	907	2,196	1,294	914	2,208
Pension contribution lump-sum	67	45	112	82	55	137	100	67	167
Total	1,354	928	2,282	1,372	962	2,333	1,394	981	2,375
Percentage split of central and shared costs	59%	41%	100%	59%	41%	100%	59%	41%	100%
Total core income	(3,206)	(3,034)	(6,241)	(3,209)	(3,088)	(6,297)	(3,209)	(3,139)	(6,348)
Central and shared costs as percentage of core income	42%	31%	37%	43%	31%	37%	43%	31%	37%

- 6.5 Central and shared costs have been defined in line with the work of the Resource Allocation Working Group to include: operational property; finance and insurance; communications; collection of tolls; ICT; legal; head office, office expenses and pool vehicles; directorate management and administration costs; human resources and training; governance and member's allowances; and the Chief Executive, all of which play a vital role in supporting the delivery of front line services. Central and shared costs also

include the lump sum pension contribution which is made annually to reduce the Authority's share of the pension deficit as calculated by the pension fund actuary. As a percentage of income, central and shared costs are broadly static but have reduced slightly from the levels reported in December 2013. This reflects both reduced costs in these areas but also reduced budgeted income for the same period.

7 Budget Assumptions

7.1 The following key assumptions have been applied in developing the draft budget:

- Navigation tolls will be collected in line with budget and a flat rate increase applied for 2015/16 on the existing 2014/15 structure;
- Boat numbers and dispositions will remain in line with those experienced in 2014/15;
- Last year following representations from the Broads Hire Boat Federation revised arrangements were put in place for hire boat companies, with a total annual hire tolls liability of £1,300 or more, to make staged payments. For bills between £1,300 and £4,000 there was an option to pay in two instalments and for those above £4,000 four payments was provided as an option. To encourage payment in full on or before 1 April, which makes the administration much simpler, a 2% discount was provided. The process worked extremely well and received a positive response from the industry. The cost of the discount provided, in terms of lost revenue, was £11,070.97. The intention is to continue with the same arrangements for the coming year and this is factored into the calculations;
- National Park Grant will be received in line with allocations, with no further reduction applied after 2015/16, although it is recognised that there remains significant pressure on public finances and as such a reduction cannot be ruled out;
- Salary increases have been allowed for in 2015/16 based on the confirmed pay award of 2.2% for the period January 2015 to March 2016, with no backdating to April 2014. Salary increases for subsequent years have been allowed at 1% in 2016/17 and 1.5% in 2017/18;
- The efficiencies from the restructuring due to be completed in March 2015 will be realised in line with the currently projected levels of savings;
- Changes to National Insurance arrangements as a result of the cessation of the contracted out rate for the state second pension will go ahead. These are forecast to cost an additional £70,000 annually for the Authority as a whole from 2016/17 and these changes have been factored into the staffing costs included in the Financial Strategy. There has been no indication that the Government will seek to mitigate the impact of these changes for Local Authorities; and
- The forecast outturn position for 2014/15 will be delivered in line with budget holders' projections.

7.2 A detailed sensitivity analysis for some of these key assumptions is set out below.

Table 3 – Budget Sensitivity Analysis

Assumption	Change in assumption	Approximate financial impact of change £ (+/-)
National Park budget for 2014/15 will be delivered in line with forecast outturn.	1% under / over-spend against National Park budget.	34,000
Navigation budget for 2014/15 will be delivered in line with forecast outturn.	1% under / over-spend against Navigation budget.	30,000
Overall salary increase of 1% in 2016/17.	1% change in salary inflation.	39,500
Boat numbers and distribution remain stable; overall increase in navigation tolls income 1.7% 2015/16 and following two years.	1% change in navigation toll income.	30,000
National Park Grant in line with notified allocations and no further reduction applied in 2016/17.	1% change in National Park Grant allocation.	32,000

8 Earmarked Reserves

8.1 The Authority's earmarked reserves strategy for the period 2015/16 – 2017/18 is set out in Appendix 2. The strategy details the actual balance of earmarked reserves at the end of October 2014, planned contributions and expenditure until the end of the financial year, and also provides an analysis of movements in reserves split between national park and navigation in all years to 2017/18.

8.2 Earmarked reserves stand at £1,575,365 (navigation £838,958) at the end of October 2014 and are forecast to reduce slightly (to £1,458,938) by the end of the financial year. The year-end balance will be highly dependent on a number of factors. This includes the timing of land purchases approved by the Authority, which are currently expected to be completed during 2014/15.. It should also be noted that the previously approved use of reserves to enable a land purchase at Boundary Farm / Thurne Mouth will not go ahead due to a decision by the landholder to withdraw the site from sale. Negotiations with the landholder are ongoing to secure future mooring provision in this area and currently it is anticipated that a solution incorporating pontoon moorings may be progressed (subject to planning and consultation as to feasibility). Provision for the purchase of pontoons to provide a mooring facility has therefore been made from the Property Reserve in 2015/16.

- 8.3 Appendix 2 reflects the contributions to reserves allowed for in the budget and financial strategy set out in Appendix 1. Planned expenditure from reserves is itemised within Appendix 2 and includes in 2015/16:
- the fit-out of a second ranger launch;
 - the purchase of additional linkflotes;
 - purchase of pontoon moorings for Boundary Farm / Thurne Mouth as set out above; and
 - the procurement of a third wherry, which is urgently required as two of the older wherries have had to be taken out of service and are beyond economical repair.
- 8.4 In addition to these identified areas of spend, there is potential for additional expenditure to be required at Mutford Lock which would be funded from reserves in 2015/16, relating to the repair of the Lock gate bearings. The specification, extent and costs of this project are currently being explored and as such costs have not been included at this time. Depending on the scale of works required, which may include a need for the dewatering of the Lock, these costs could be in the order of £200,000.
- 8.5 Significant planned expenditure from earmarked reserves in 2016/17 and 2017/18 includes the replacement of a number of operational vehicles at an estimated total cost of £75,000 (with £42,660 relating to navigation).
- 8.6 The strategy also anticipates the receipt of final PRISMA claim income during 2015/16 and the closure of this reserve in year, with the balance being released to the navigation Plant, Vessels and Equipment reserve, as previously approved by the Authority. Taking account of all these items, the forecast balance of earmarked reserves at the end of 2017/18 is £1,523,493 (navigation £955,002), although it should be noted that expenditure plans for 2016/17 and beyond are likely to be further refined when the financial strategy for 2016/17 is developed next year.
- 8.7 Within the Authority's revenue budgets, provision has been made for the annualised cost of asset management, in line with the Authority's Asset Management Strategy. It should be recognised that this Strategy represents the whole life costs of maintaining the Authority's assets and as such the actual expenditure may vary from year to year depending on requirements. The total budget however represents the level of funding required over the life of the asset. As such, these sums need to be available in future years to meet the liabilities which will arise. It is therefore proposed that members should approve the principle that any underspends within the Moorings Maintenance and Repair budget (within the Practical Maintenance line) be transferred to the Dredging / Moorings / Piling (Property) reserve to fund maintenance in future years. The same principle applies in respect of the Policy Planning budget, which funds planning policy inspection / assessment activity occurring every few years. It is therefore similarly proposed that underspends in this area should be transferred to the Planning Delivery Grant reserve annually.

9 Summary

- 9.1 As reported in November when members considered the financial strategy, the Authority is in the position where it both hoped and planned to be, so that after the investment in the purchase and development of the Dockyard and the transfer of responsibility for Breydon Water, annual toll increases to maintain the status quo are broadly in line with inflation.
- 9.2 The draft budget presented here incorporates the 1.7% increase in navigation charges for 2015/16 and is designed to allow the Authority to continue to deliver priority activities at the required level, whilst also making prudent provision for asset maintenance over the life of the strategy and beyond. The draft budget takes into account the Navigation Committee's comments on the budget and financial strategy and therefore includes the costs of limited extended waste provision at the Authority's own sites as recommended at the last Committee meeting. Minor adjustments have also been made to reflect the latest staffing forecasts. As a result of all these factors there is no capacity within the budget for additional projects such as major dredging and restoration of Hickling Broad, the provision of new moorings, or the costs of a significant development of waste collection facilities. The National Park budget similarly provides for the continuation of priority works in 2015/16 and to support the delivery of the major HLF / Landscape Partnership project in the event of a successful bid.
- 9.3 It is important to recognise that the budget as a whole is highly sensitive to changes in salary inflation, as a result of the significant proportion of the budget that is made up of staff costs. The budget is based on a 2.2% increase in salaries for the period January 2015 to March 2016, which provides certainty in respect of 2015/16, however there remains considerable uncertainty as regards future year awards.
- 9.4 The navigation reserve is forecast to be in line with the minimum recommended levels at the end of 2015/16. The currently projected toll increases of 1.7% in 2016/17 and 2017/18 will need to be revisited during next year's budget setting process to ensure they remain appropriate to take account of variations from current assumptions or changes in outturn figures for 2014/15 and 2015/16.
- 9.5 On the National Park side, the reserve remains above the minimum recommended levels, but assumes no reduction in grant beyond that previously notified for 2015/16. It is important to recognise however that there continues to be the potential for a reduction to be announced in late 2014/15, in respect of 2015/16, and there is very considerable uncertainty about future years beyond this. Any changes in National Park Grant allocations will clearly require a further review of future year budgets.
- 9.6 In spite of these uncertainties, the draft budget for 2015/16 represents a prudent plan to deploy the Authority's resources in an economical and effective manner, maximising the levels of front line service delivery in line with the priorities identified by members.

Background Papers: Nil

Author: Titus Adam
Date of Report: 19 December 2014

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Draft Budget 2015/16 and Financial Strategy to 2017/18
APPENDIX 2 – Earmarked Reserves to 2017/18

Row Labels	2013/14			2014/15			2015/16			2016/17			2017/18			2015/16 Apportionment				
	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated	National Park	Navigation	Consolidated	National Park	Navigation			
	2013/14 (Actual)	2013/14 (Actual)	2013/14 (Actual)	2014/15 (Latest Available Budget)	2014/15 (Latest Available Budget)	2014/15 (Latest Available Budget)	2014/15 (Forecast Outturn)	2014/15 (Forecast Outturn)	2014/15 (Forecast Outturn)	2015/16 (Budget)	2015/16 (Budget)	2015/16 (Budget)	2016/17 (Budget)	2016/17 (Budget)	2016/17 (Budget)	2017/18 (Budget)	2017/18 (Budget)	2017/18 (Budget)	National Park	Navigation
Income																				
Income																				
National Park Grant	(3,580,545)	0	(3,580,545)	(3,245,393)	0	(3,245,393)	(3,245,393)	0	(3,245,393)	(3,188,952)	0	(3,188,952)	(3,188,952)	0	(3,188,952)	(3,188,952)	0	(3,188,952)	100%	0%
Hire Craft Tolls	0	(1,084,910)	(1,084,910)	0	(1,118,300)	(1,118,300)	0	(1,072,296)	(1,072,296)	0	(1,090,525)	(1,090,525)	0	(1,109,064)	(1,109,064)	0	(1,127,918)	(1,127,918)	0%	100%
Private Craft Tolls	0	(1,746,898)	(1,746,898)	0	(1,792,100)	(1,792,100)	0	(1,837,800)	(1,837,800)	0	(1,869,042)	(1,869,042)	0	(1,900,816)	(1,900,816)	0	(1,933,130)	(1,933,130)	0%	100%
Short Visit Tolls	0	(39,813)	(39,813)	0	(37,721)	(37,721)	0	(37,721)	(37,721)	0	(38,363)	(38,363)	0	(39,015)	(39,015)	0	(39,678)	(39,678)	0%	100%
Other Toll Income	0	(20,383)	(20,383)	0	(18,750)	(18,750)	0	(18,750)	(18,750)	0	(18,750)	(18,750)	0	(18,750)	(18,750)	0	(18,750)	(18,750)	0%	100%
Interest	(10,773)	(10,773)	(21,546)	(15,000)	(15,000)	(30,000)	(11,000)	(11,000)	(22,000)	(17,500)	(17,500)	(35,000)	(20,000)	(20,000)	(40,000)	(20,000)	(20,000)	(40,000)	50%	50%
Income Total	(3,591,318)	(2,902,777)	(6,494,095)	(3,260,393)	(2,981,871)	(6,242,264)	(3,256,393)	(2,977,567)	(6,233,960)	(3,206,452)	(3,034,180)	(6,240,632)	(3,208,952)	(3,087,645)	(6,296,597)	(3,208,952)	(3,139,476)	(6,348,428)	51%	49%
Income Total	(3,591,318)	(2,902,777)	(6,494,095)	(3,260,393)	(2,981,871)	(6,242,264)	(3,256,393)	(2,977,567)	(6,233,960)	(3,206,452)	(3,034,180)	(6,240,632)	(3,208,952)	(3,087,645)	(6,296,597)	(3,208,952)	(3,139,476)	(6,348,428)	51%	49%
Net Expenditure																				
Operations																				
Construction and Maintenance Salaries	497,067	573,415	1,070,482	499,037	575,734	1,074,771	493,930	571,430	1,065,360	459,760	628,981	1,088,740	429,936	699,884	1,129,820	438,921	714,149	1,153,070	42%	58%
Equipment, Vehicles and Vessels	68,127	297,573	365,700	106,806	280,743	387,549	106,805	280,743	387,548	108,425	267,075	375,500	112,650	262,850	375,500	112,650	262,850	375,500	29%	71%
Equipment, Vehicles and Vessels (Income)	(1,144)	(28,957)	(30,101)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%
Water Management	11,407	132,037	143,444	5,000	76,850	81,850	3,685	76,850	80,535	5,000	82,500	87,500	5,000	82,500	87,500	5,000	82,500	87,500	6%	94%
Water Management (Income)	(3,963)	(18,675)	(22,638)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%
Land Management	84,567	0	84,567	63,850	0	63,850	63,850	0	63,850	54,000	0	54,000	54,000	0	54,000	54,000	0	54,000	100%	0%
Land Management (Income)	(144,140)	0	(144,140)	(90,000)	0	(90,000)	(100,500)	0	(100,500)	(90,000)	0	(90,000)	(90,000)	0	(90,000)	(90,000)	0	(90,000)	100%	0%
Practical Maintenance	37,102	354,490	391,592	29,000	186,205	215,205	29,000	326,227	355,227	29,000	357,200	386,200	29,000	357,200	386,200	29,000	357,200	386,200	8%	92%
Practical Maintenance (Income)	(2,188)	(20,267)	(22,455)	0	(7,000)	(7,000)	0	(8,700)	(8,700)	0	(7,000)	(7,000)	0	(7,000)	(7,000)	0	(7,000)	(7,000)	0%	100%
Ranger Services	263,182	522,990	786,172	252,404	445,606	698,010	265,736	465,604	731,340	251,964	444,946	696,910	262,036	460,054	722,090	267,652	468,478	736,130	36%	64%
Ranger Services (Income)	(73,828)	(10,972)	(84,800)	(25,000)	(10,000)	(35,000)	(25,000)	(10,000)	(35,000)	(14,000)	(21,000)	(35,000)	(14,000)	(21,000)	(35,000)	(14,000)	(21,000)	(35,000)	40%	60%
Safety	25,353	48,184	73,537	22,572	63,328	85,900	22,454	63,088	85,542	22,592	69,326	91,918	23,093	70,535	93,628	23,328	71,104	94,432	25%	75%
Safety (Income)	(182)	(1,890)	(2,072)	0	(9,000)	(9,000)	0	(9,000)	0	(9,000)	0	(9,000)	0	(9,000)	0	0	(9,000)	(9,000)	0%	100%
Asset Management	37,415	73,295	110,710	40,220	65,430	105,650	46,964	70,948	117,912	40,842	68,939	109,780	42,222	70,068	112,290	43,361	71,000	114,360	37%	63%
Asset Management (Income)	(22)	(1,218)	(1,240)	(550)	(450)	(1,000)	(550)	(1,000)	(550)	(450)	(1,000)	(550)	(450)	(1,000)	(550)	(450)	(1,000)	(550)	55%	45%
Volunteers	41,524	17,796	59,320	43,638	18,702	62,340	43,661	18,712	62,373	39,402	26,268	65,670	39,774	26,516	66,290	40,404	26,936	67,340	60%	40%
Volunteers (Income)	(175)	(75)	(250)	(700)	(300)	(1,000)	(700)	(300)	(1,000)	(600)	(400)	(1,000)	(600)	(400)	(1,000)	(600)	(400)	(1,000)	60%	40%
PRISMA	0	0	0	0	10,410	10,410	0	10,523	10,523	0	0	0	0	0	0	0	0	0	0%	0%
PRISMA (Income)	0	0	0	0	(10,410)	(10,410)	0	(10,411)	(10,411)	0	0	0	0	0	0	0	0	0	0%	0%
Operational Property	127,479	153,839	281,318	89,024	85,338	174,362	89,024	174,363	85,339	60,960	87,211	148,170	54,251	93,919	148,170	54,251	93,919	148,170	41%	59%
Operational Property (Income)	(37,583)	(46,364)	(83,947)	(10,304)	(896)	(11,200)	(3,066)	(267)	(3,333)	(9,814)	(853)	(10,667)	(11,960)	(1,040)	(13,000)	(15,334)	(1,333)	(16,667)	92%	8%
Operations Management and Admin	52,118	66,332	118,450	56,118	71,422	127,540	55,836	71,063	126,899	56,113	71,417	127,530	57,517	73,203	130,720	58,318	74,222	132,540	44%	56%
Operations Total	982,116	2,111,533	3,093,649	1,081,115	1,841,712	2,922,828	1,091,129	2,001,399	3,092,528	1,013,093	2,065,159	3,078,251	992,369	2,157,839	3,150,208	1,006,400	2,183,175	3,189,575	33%	67%
Planning and Resources																				
Development Management	296,688	0	296,688	284,910	0	284,910	281,499	0	281,499	301,882	0	301,882	313,152	0	313,152	319,718	0	319,718	100%	0%
Development Management (Income)	(77,340)	0	(77,340)	(60,000)	0	(60,000)	(60,000)	0	(60,000)	(60,000)	0	(60,000)	(60,000)	0	(60,000)	(60,000)	0	(60,000)	100%	0%
Strategy and Projects Salaries	384,217	75,943	460,160	348,275	65,947	414,222	327,427	60,869	388,296	280,435	59,605	340,040	291,410	60,350	351,760	297,019	61,392	358,410	82%	18%
Strategy and Projects	77,438	30	77,468	52,020	0	52,020	52,020	0	52,020	40,000	0	40,000	40,000	0	40,000	40,000	0	40,000	100%	0%
Strategy and Projects (Income)	(27,155)	(1,643)	(28,798)	(27,500)	0	(27,500)	(39,000)	0	(39,000)	(21,500)	0	(21,500)	(3,500)	0	(3,500)	(3,500)	0	(3,500)	100%	0%
Biodiversity Strategy	16,885	0	16,885	77,298	0	77,298	77,298	0	77,298	10,000	0	10,000	10,000	0	10,000	10,000	0	10,000	100%	0%
Biodiversity Strategy (Income)	(7,899)	0	(7,899)	0	0	0	0	0	0	(10,000)	0	(10,000)	0	0	0	0	0	0	100%	0%
Legal	80,952	22,570	103,522	78,000	42,000	120,000	78,000	42,000	120,000	0	0	0	0	0	0	0	0	0	0%	0%
Waterways and Recreation Strategy	733	11,601	12,334	6,000	9,000	15,000	6,000	9,000	15,000	500	9,000	9,500	500	9,000	9,500	500	9,000	9,500	5%	95%
Project Funding	139,611	0	139,611	148,645	26,970	175,615	98,645	26,970	125,615	174,500	0	174,500	174,500	0	174,500	174,500	0	174,500	100%	0%
Project Funding (Income)	(74,667)	0	(74,667)	(19,000)	0	(19,000)	(19,000)	0	(19,000)	(19,000)	0	(19,000)	(19,000)	0	(19,000)	(19,000)	0	(19,000)	100%	0%
Sustainable Development Fund	299,504	0	299,504	12,000	0	12,000	12,000	0	12,000	0	0	0	0	0	0	0	0	0	0%	0%
Finance and Insurance	193,275	158,141	351,416	188,382	158,187	346,569	186,295	156,337	342,632	172,769	158,151	330,920	174,515	162,515	337,030	173,215	161,215	334,430	52%	48%
Communications	258,170	88,057	346,227	238,212	78,048	316,260	239,603	78,995	318,598	197,782	62,048	259,830	193,846	62,195	256,040	194,642	63,168	257,810	76%	24%
Communications (Income)	(20,155)	(4,512)	(24,667)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%
Visitor Centres and Yacht Stations	312,029	121,301	433,330	325,433	125,228	450,660	312,800	122,437	435,236	328,050	130,470	458,520	327,798	129,323	457,120	333,338	132,503	465,840	72%	28%
Visitor Centres and Yacht Stations (Income)	(123,735)	(54,369)	(178,104)	(156,750)	(56,250)	(213,000)	(156,750)	(56,250)	(213,000)	(161,750)	(56,250)	(218,000)	(161,750)	(56,250)	(218,000)	(161,750)	(56,250)	(218,000)	74%	26%
Collection of Tolls	0	115,955	115,955	0	113,660	113,660	0	113,192	113,192	0	116,740	116,740	0	121,330	121,330	0	124,120	124,120	0%	100%
ICT	190,336	80,144	270,480	179,439	88,381	267,820	182,335	89,807	272,142	165,745	81,635	247,380	169,470	83,470	252,940	171,741	84,589	256,330	67%	33%
Head Office, Office Expenses and Pool Vehicles	219,503	94,617	314,120	228,794	98,506	327,300	228,794	98,506	327,300	239,220	102,628	341,848	239,220	102,628	341,848	239,220	102,628	341,848	70%	30%
Planning and Resources Management and Admin	131,276	45,452	176,728	129,798	56,852	186,650	131,160	57,561	188,721	116,870	51,390	168,260	119,805	52,715	172,520	121,986	53,714	175,700	69%	31%
Planning and Resources Total	2,269,666	753,287	3,022,953	2,033,956	806,528	2,840,484	1,939,126													

Year	Earmarked Reserves	Property Reserve - National Park	Property Reserve - Navigation	Property Reserve - TOTAL	Plant, Vessels and Equipment Reserve - National Park	Plant, Vessels and Equipment Reserve - Navigation	Plant, Vessels and Equipment Reserve - TOTAL	Premises Reserve - National Park	Premises Reserve - Navigation	Premises Reserve - TOTAL	Other Earmarked Reserves - National Park	Other Earmarked Reserves - Navigation	Other Earmarked Reserves - TOTAL	STEP	PRISMA	Total Earmarked Reserves - National Park	Total Earmarked Reserves - Navigation	GRAND TOTAL Earmarked Reserves	
2013/14	Balance B/F	(75,474)	(426,700)	(502,174)	(72,748)	(215,948)	(288,696)	(78,101)	(30,455)	(108,556)	(673,346)	0	(673,346)	(65,720)	(210,246)	(965,389)	(883,349)	(1,848,738)	
	2013/14 Movements	0	(61,538)	(61,538)	(4,060)	77,207	73,147	0	(29,060)	(29,060)	57,062	0	57,062	57,800	(32,753)	110,802	(46,144)	64,658	
	Interest	(607)	(3,781)	(4,388)	(618)	(1,115)	(1,733)	(628)	(479)	(1,107)	(4,956)	0	(4,956)	(63)	(1,954)	(6,872)	(7,329)	(14,201)	
	Balance 31 March 2014	(76,081)	(492,019)	(568,100)	(77,425)	(139,857)	(217,282)	(78,729)	(59,994)	(138,723)	(621,240)	0	(621,240)	(7,983)	(244,953)	(861,458)	(936,823)	(1,798,281)	
	Release STEP to General Reserve	0	0	0	0	0	0	0	0	0	0	0	0	7,983	0	7,983	0	7,983	
	Revised Balance 1 April 2014	(76,081)	(492,019)	(568,100)	(77,425)	(139,857)	(217,282)	(78,729)	(59,994)	(138,723)	(621,240)	0	(621,240)	0	(244,953)	(853,475)	(936,823)	(1,790,298)	
2014/15	Contributions to Reserves to 31/10/14																		
	Vessels and Equipment (VES000451)	0	0	0	(18,400)	(27,600)	(46,000)	0	0	0	0	0	0	0	0	(18,400)	(27,600)	(46,000)	
	Vehicles (VEH000451)	0	0	0	(6,600)	(4,400)	(11,000)	0	0	0	0	0	0	0	0	(6,600)	(4,400)	(11,000)	
	Mutford Lock (MLK000451)	0	(12,500)	(12,500)	0	0	0	0	0	0	0	0	0	0	0	0	(12,500)	(12,500)	
	Mutford Lock Rent (MLK000451)	0	(1,000)	(1,000)	0	0	0	0	0	0	0	0	0	0	0	0	(1,000)	(1,000)	
	Mutford Lock Defra grant (MLK000451)	0	(62,399)	(62,399)	0	0	0	0	0	0	0	0	0	0	0	0	(62,399)	(62,399)	
	Launches (LAU000451)	0	0	0	0	(7,500)	(7,500)	0	0	0	0	0	0	0	0	0	(7,500)	(7,500)	
	Launches (sale proceeds) (LAU000451)	0	0	0	0	(14,583)	(14,583)	0	0	0	0	0	0	0	0	0	(14,583)	(14,583)	
	Ranger Vehicles (RAN000451)	0	0	0	(2,552)	(3,828)	(6,380)	0	0	0	0	0	0	0	0	(2,552)	(3,828)	(6,380)	
	Dockyard Site (PRM009451)	0	0	0	0	0	0	(6,000)	(9,000)	(15,000)	0	0	0	0	0	(6,000)	(9,000)	(15,000)	
	Pool Vehicles (PCP000451)	0	0	0	(4,667)	(2,333)	(7,000)	0	0	0	0	0	0	0	0	(4,667)	(2,333)	(7,000)	
	SDF management costs (SUS000451)	0	0	0	0	0	0	0	0	0	(6,000)	0	(6,000)	0	0	(6,000)	0	(6,000)	
	Section 106 contributions (DVM000451)	0	0	0	0	0	0	0	0	0	(31,311)	0	(31,311)	0	0	(31,311)	0	(31,311)	
	PRISMA Income (PRS607451)	0	0	0	0	0	0	0	0	0	0	0	0	0	(101,237)	0	(101,237)	(101,237)	
	Contributions from Reserves to 31/10/14																		
	Mutford Lock hydraulic repair (MLK000450)	0	67,332	67,332	0	0	0	0	0	0	0	0	0	0	0	0	0	67,332	67,332
	Fen Harvester (FMG000450)	0	0	0	67,633	0	67,633	0	0	0	0	0	0	0	0	0	67,633	0	67,633
	Commission for launch sale (LAU000450)	0	0	0	0	1,050	1,050	0	0	0	0	0	0	0	0	0	0	1,050	1,050
	2nd Wherry (Gleaner) (VES000450)	0	0	0	11,926	17,890	29,816	0	0	0	0	0	0	0	0	11,926	17,890	29,816	
	LDF Site Specifics Inspection (POL000450)	0	0	0	0	0	0	0	0	0	0	31,774	0	31,774	0	31,774	0	31,774	
	Grant Finder licence (PMA000450)	0	0	0	0	0	0	0	0	0	0	2,631	0	2,631	0	2,631	0	2,631	
	Document Management System (ICT000450)	0	0	0	0	0	0	0	0	0	0	16,472	0	16,472	0	16,472	0	16,472	
	Planning System upgrade (ICT000450)	0	0	0	0	0	0	0	0	0	0	3,950	0	3,950	0	3,950	0	3,950	
	WCP development project (WPM000451)	0	0	0	0	0	0	0	0	0	0	(3,379)	0	(3,379)	0	(3,379)	0	(3,379)	
	Project Officer (SPS000450)	0	0	0	0	0	0	0	0	0	0	18,140	0	18,140	0	18,140	0	18,140	
	Transfer Inspire Grant (PDG to MPR)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Inspire - aerial photography (ICT000450)	0	0	0	0	0	0	0	0	0	0	2,233	0	2,233	0	2,233	0	2,233	
	Acorn Profiler Software (TEL000450)	0	0	0	0	0	0	0	0	0	0	7,507	0	7,507	0	7,507	0	7,507	
	Mobile Phones + Rebate (TEL000450)	0	0	0	0	0	0	0	0	0	0	(549)	0	(549)	0	(549)	0	(549)	
	SDF Funding (SUS000450)	0	0	0	0	0	0	0	0	0	0	23,915	0	23,915	0	23,915	0	23,915	
	Reverse Section 106 legal costs	0	0	0	0	0	0	0	0	0	0	6,847	0	6,847	0	6,847	0	6,847	
	Norfolk CC Archaeology SLA (CUL000450)	0	0	0	0	0	0	0	0	0	0	3,500	0	3,500	0	3,500	0	3,500	
	PRISMA costs/accrued income (PRS***450)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	257,973	0	257,973	257,973
Actual Balance 31/10/2014	(76,081)	(500,586)	(576,667)	(30,085)	(181,161)	(211,246)	(84,729)	(68,994)	(153,723)	(545,512)	0	(545,512)	0	(88,217)	(736,407)	(838,958)	(1,575,365)		
Contributions to Reserves to 31/03/15																			
Vessels and Equipment (VES000451)	0	0	0	(18,400)	(27,600)	(46,000)	0	0	0	0	0	0	0	0	0	(18,400)	(27,600)	(46,000)	
Vehicles (VEH000451)	0	0	0	(6,600)	(4,400)	(11,000)	0	0	0	0	0	0	0	0	0	(6,600)	(4,400)	(11,000)	
Mutford Lock (MLK000451)	0	(12,500)	(12,500)	0	0	0	0	0	0	0	0	0	0	0	0	0	(12,500)	(12,500)	
Mutford Lock Rent (MLK000451)	0	(1,000)	(1,000)	0	0	0	0	0	0	0	0	0	0	0	0	0	(1,000)	(1,000)	
Launches (LAU000451)	0	0	0	0	(7,500)	(7,500)	0	0	0	0	0	0	0	0	0	0	(7,500)	(7,500)	
Launches (sale proceeds) (LAU000451)	0	0	0	0	(11,000)	(11,000)	0	0	0	0	0	0	0	0	0	0	(11,000)	(11,000)	
Ranger Vehicles (RAN000451)	0	0	0	(2,648)	(3,972)	(6,620)	0	0	0	0	0	0	0	0	0	(2,648)	(3,972)	(6,620)	
Dockyard Site (PRM009451)	0	0	0	0	0	0	(6,000)	(9,000)	(15,000)	0	0	0	0	0	0	(6,000)	(9,000)	(15,000)	
Pool Vehicles (PCP000451)	0	0	0	(4,667)	(2,333)	(7,000)	0	0	0	0	0	0	0	0	0	(4,667)	(2,333)	(7,000)	
SDF management costs (SUS000451)	0	0	0	0	0	0	0	0	0	0	(6,000)	0	(6,000)	0	0	(6,000)	0	(6,000)	
Contributions from Reserves to 31/03/15																			
Document Management System (ICT000450)	0	0	0	0	0	0	0	0	0	0	2,100	0	2,100	0	0	2,100	0	2,100	
Project Officer (SPS000450)	0	0	0	0	0	0	0	0	0	0	13,392	0	13,392	0	0	13,392	0	13,392	
2nd Wherry (Gleaner) balance (VES000450)	0	0	0	24,000	36,000	60,000	0	0	0	0	0	0	0	0	0	2			

Year	Earmarked Reserves	Property Reserve - National Park	Property Reserve - Navigation	Property Reserve - TOTAL	Plant, Vessels and Equipment Reserve - National Park	Plant, Vessels and Equipment Reserve - Navigation	Plant, Vessels and Equipment Reserve - TOTAL	Premises Reserve - National Park	Premises Reserve - Navigation	Premises Reserve - TOTAL	Other Earmarked Reserves - National Park	Other Earmarked Reserves - Navigation	Other Earmarked Reserves - TOTAL	STEP	PRISMA	Total Earmarked Reserves - National Park	Total Earmarked Reserves - Navigation	GRAND TOTAL Earmarked Reserves
2016/17	<u>Contributions to Reserves to 31/03/17</u>																	
	Vessels and Equipment (VES000451)	0	0	0	(27,600)	(64,400)	(92,000)	0	0	0	0	0	0	0	0	(27,600)	(64,400)	(92,000)
	Vehicles (VEH000451)	0	0	0	(6,600)	(15,400)	(22,000)	0	0	0	0	0	0	0	0	(6,600)	(15,400)	(22,000)
	Mutford Lock (MLK000451)	0	(25,000)	(25,000)	0	0	0	0	0	0	0	0	0	0	0	0	(25,000)	(25,000)
	Mutford Lock Rent (MLK000451)	0	(2,000)	(2,000)	0	0	0	0	0	0	0	0	0	0	0	0	(2,000)	(2,000)
	Launches (LAU000451)	0	0	0	0	(15,000)	(15,000)	0	0	0	0	0	0	0	0	0	(15,000)	(15,000)
	Ranger Vehicles (RAN000451)	0	0	0	(5,200)	(7,800)	(13,000)	0	0	0	0	0	0	0	0	(5,200)	(7,800)	(13,000)
	Dockyard Site (PRM009451)	0	0	0	0	0	0	(9,000)	(21,000)	(30,000)	0	0	0	0	0	(9,000)	(21,000)	(30,000)
	Pool Vehicles (PCP000451)	0	0	0	(9,380)	(4,620)	(14,000)	0	0	0	0	0	0	0	0	(9,380)	(4,620)	(14,000)
	<u>Contributions from Reserves to 31/03/17</u>																	
	Norfolk CC Archaeology SLA (CUL000450)	0	0	0	0	0	0	0	0	0	3,500	0	3,500			3,500	0	3,500
	Replace AP56 EJM - Pool Van (PCP000450)	0	0	0	8,040	3,960	12,000	0	0	0	0	0	0	0	0	8,040	3,960	12,000
	Replace DU11 EFL - Rangers (RAN000450)	0	0	0	10,800	7,200	18,000	0	0	0	0	0	0	0	0	10,800	7,200	18,000
	Replace CM&E AO06 XPF / DU61 NUX (VEH000450)	0	0	0	9,900	23,100	33,000	0	0	0	0	0	0	0	0	9,900	23,100	33,000
		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Forecast Balance 01 April 2017	(41,081)	(383,086)	(424,167)	(22,820)	(306,602)	(329,421)	(110,229)	(118,494)	(228,723)	(403,682)	0	(403,682)	0	0	(577,811)	(808,182)	(1,385,993)
2017/18	<u>Contributions to Reserves to 31/03/18</u>																	
	Vessels and Equipment (VES000451)	0	0	0	(27,600)	(64,400)	(92,000)	0	0	0	0	0	0	0	0	(27,600)	(64,400)	(92,000)
	Vehicles (VEH000451)	0	0	0	(6,600)	(15,400)	(22,000)	0	0	0	0	0	0	0	0	(6,600)	(15,400)	(22,000)
	Mutford Lock (MLK000451)	0	(25,000)	(25,000)	0	0	0	0	0	0	0	0	0	0	0	0	(25,000)	(25,000)
	Mutford Lock Rent (MLK000451)	0	(2,000)	(2,000)	0	0	0	0	0	0	0	0	0	0	0	0	(2,000)	(2,000)
	Launches (LAU000451)	0	0	0	0	(15,000)	(15,000)	0	0	0	0	0	0	0	0	0	(15,000)	(15,000)
	Ranger Vehicles (RAN000451)	0	0	0	(5,200)	(7,800)	(13,000)	0	0	0	0	0	0	0	0	(5,200)	(7,800)	(13,000)
	Dockyard Site (PRM009451)	0	0	0	0	0	0	(9,000)	(21,000)	(30,000)	0	0	0	0	0	(9,000)	(21,000)	(30,000)
	Pool Vehicles (PCP000451)	0	0	0	(9,380)	(4,620)	(14,000)	0	0	0	0	0	0	0	0	(9,380)	(4,620)	(14,000)
	<u>Contributions from Reserves to 31/03/18</u>																	
	Local Plan Inspection	0	0	0	0	0	0	0	0	0	60,000	0	60,000	0	0	60,000	0	60,000
	Norfolk CC Archaeology SLA (CUL000450)	0	0	0	0	0	0	0	0	0	3,500	0	3,500			3,500	0	3,500
	Replace CM&E Van (VEH000450)	0	0	0	3,600	8,400	12,000	0	0	0	0	0	0	0	0	3,600	8,400	12,000
		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Forecast Balance 01 April 2018	(41,081)	(410,086)	(451,167)	(68,000)	(405,422)	(473,421)	(119,229)	(139,494)	(258,723)	(340,182)	0	(340,182)	0	0	(568,491)	(955,002)	(1,523,493)

National Parks UK Commercial Sponsorship Proposal

Report by Chief Executive

Summary: The purpose of this report is to update members on the National Parks UK proposal and seek the Authority's endorsement for the establishment of a new company, called National Park Partnerships Limited, to take forward the joint commercial sponsorship initiative for the fifteen National Parks in the UK.

Recommendation: That the Authority :

- (i) endorses the establishment of a new Company Limited by Guarantee (CLG), 'National Park Partnerships Limited' to oversee the development of commercial sponsorship on behalf of the National Park Authorities and the Broads Authority in the UK;
- (ii) confirms this decision, agrees that the Authority should become a signatory to the Members' Agreement, which binds all 14 of the UK National Park Authorities and the Broads Authority in respect of the new Company Limited by Guarantee;
- (iii) Gives approval for the Authority to sign the agreement with Dartmoor National Park Authority in respect of the equal distribution of licence fees from use of the Britain's Breathing Spaces brand; and
- (iv) Approves the initial investment of £10,000 in the development of a commercial sponsorship company on behalf of the fifteen UK National Parks for which provision has already been made in the 2014/15 budget and makes provision in 2015/16 for the potential need for a second payment of £10,000.

1 Background

- 1.1 Following significant reductions in National Park Grant in recent years, Government is encouraging National Park Authorities¹ (NPAs) in England to look at other sources of income including commercial sponsorship/income from business.
- 1.2 The experience from other national parks seeking commercial sponsorship from business is that it can be time consuming, that sponsors may consider specific projects but are unlikely to contribute to core costs and that there is

¹ References to the UK's National Parks and National Park Authorities includes the Broads and the Broads Authority in this document

greater potential if all NPAs collaborate to make the most of the 'brand' at a national level.

- 1.3 Following the delivery of the Merrell and Airwick sponsorships over recent years, it is recognised that interest in 'UK National Parks Britain's Breathing Spaces' brand is growing. The fifteen Chief Executives of National Parks UK met in January 2014 to consider income generation and sponsorship potential for the UK National Parks. The outcome of these discussions was to take forward a significant proposal on commercial opportunities relating to brand equity, including cash sponsorships. Members have been kept alerted to the progress of these discussions and they have now reached a point where there is a clear proposal for the Authority to consider. £3,000 of income to the Authority from the Airwick relationship has been invested in the proposal and a further £3,000 is being used to create a sensory garden at How Hill.
- 1.4 In June 2014 the Chairs of the National Parks UK considered initial proposals and authorised that additional work be undertaken across a number of work streams to further develop the proposals and had a further update at a video conference on 15 December 2014. The National Parks Minister, Lord de Mauley, is aware of the proposal.
- 1.5 Further development work has been taken forward in five key areas namely:
 - Business Case
 - Business Model & Structure
 - Ethics & Sponsorship Policy
 - Branding & Proposition
 - Packages & Prospectus

2 Business Case

- 2.1 The development of the Business Case has been informed by the work of an external advisor, Matt Keatley, who has worked on commercial sponsorship with a wide variety of organisations, and also by benchmarking levels of sponsorship being achieved by other organisations within the environment/heritage sector both within the UK and internationally.
- 2.2 The income and expenditure budget for the first 5 years shows that the business should be self-funding and generating increasing levels of funding for NPA projects by Year 2 onwards, profits of some £1.5million should be achievable by Year 4.
- 2.3 Total costs in Year 1 would be £114,500. Positive cash balances would be maintained in the first year by the introduction of £120,000 from NPAs, equivalent to £8,000 for each NPA, with a payback on this investment achievable by month 7 of Year 2. It is recommended that to allow a small contingency, each National Park Authority contributes £10,000 in Year 1 and allocates a further £10,000 within their medium term budget plan to allow for further investment in the project to facilitate the future success of the proposal should delays occur in the early years. Additional investment beyond Year 1

will only be recommended if the potential income assumptions remain sound but require more time and hence additional working capital to progress.

2.4 Sensitivity analysis has indicated that the business case is sensitive to a number of factors including:

- The number of sponsors that can be secured and the level of contributions achieved from each sponsor. However, there is a significant safety net between the projected profit levels and the minimum required to cover operational costs.
- The timing of receipts. Should income be significantly delayed beyond the projected timings, there will be a need for increased contributions from NPAs and a delayed payback on the investment.
- Given the projected levels of income, the budget is not particularly sensitive to overhead costs but close monitoring will be essential, particularly in the early years, to validate assumptions. The level of sponsor support costs, referred to as “Marketing Rights Activation” is to a certain extent unknown and close monitoring will be required to ensure that profitability and hence funds available for NPA projects are not limited by a tendency to over service sponsor needs, particularly in the early years.

3 Business Model and Structure

3.1 In considering a suitable Business Model and Structure to take forward a significant growth in commercial sponsorship, as set out in the Business Case, two possible options have been explored:

- Establish a sub group to oversee corporate sponsorship as part of an incorporated National Parks UK (NPUK).
- Establish a separate legal entity, by and on behalf of all NPAs in the UK, to take forward the corporate sponsorship (and potentially wider fundraising work) on behalf of the UK’s National Park Authorities.

3.2 To achieve the ambition it is considered appropriate to establish a new organisation specifically for this purpose. It is preferred to create a structure that is fit for purpose in terms of being able to establish the relationships with sponsors that will be required, to act swiftly and make decisions on behalf of all member National Park Authorities. The current NPUK decision-making process is not always fit-for-purpose in a commercial context due to the private sector’s need for speed, flexibility and responsiveness.

3.3 It is therefore proposed to establish a Company Limited by Guarantee (CLG) called ‘National Park Partnerships Limited’. The legal structure of a CLG is one with which NPAs are familiar. It is the agreed method of incorporation for NPUK and is the current legal structure of National Parks England (NPE).

- 3.4 NPUK will continue with its existing governance framework and work programme (including member induction and training and sharing of best practice), with the new organisation focusing on sponsorship and fund raising.
- 3.5 National Parks UK has taken legal advice on the structure of the new company from solicitors Ward Hathaway. It is proposed the membership of the company will be limited to one representative from each of the fifteen National Park Authorities in the UK. A Board, with a Chair, will be appointed/ recruited to oversee the work of new company. The new company, whilst being owned by NPAs, should be able to work quickly and be business like. It should therefore have the autonomy to make decisions to deliver its business plan, whilst still delivering within the context set by NPAs.
- 3.6 Membership of the Board will be by appointment by the wider membership (i.e. the fifteen UK National Parks). It is proposed that NPA representatives should always be in the majority on the Board and that initially the Board will comprise of seven Members with four NPA and three external members.
- 3.7 A separate Members Agreement is proposed in order to set out the terms of how the members will work together and to list matters requiring the members consent in respect of the operation of the sponsorship company. A copy of the Memorandum and Articles of Association is contained in the Appendix.

4 Branding and Proposition

- 4.1 National Parks in the UK currently use the 'Britain's Breathing Spaces' brand. This brand has featured in both the Merrell and Airwick initiatives and has recently been trademarked by Dartmoor NPA on behalf of all fifteen UK National Parks.
- 4.2 NPUK has previously undertaken work on brand essence. However, a separate piece of work was commissioned to help inform further development of the brand for commercial use. This has concluded that in time a refresh of the brand is appropriate. However it has been agreed that this work should not prevent the proposal from moving forward now.
- 4.3 It is proposed that Dartmoor NPA will grant a licence to the new sponsorship company for the use of the 'Britain's Breathing Spaces' brand for sponsorship purposes and will extract in return a licence fee related to a percentage of sponsorship monies received (currently proposed as 95%). An additional agreement will be required between Dartmoor NPA and the other fourteen NPAs in order to ensure an equal distribution of licence fees from the new company.

5 Ethics and Sponsorship Policy

- 5.1 A draft ethics policy has been prepared which has brought together the existing approaches of a number of National Park Authorities (most notably Loch Lomond and the Trossachs) and a couple of private companies (most notably British Airways).

- 5.2 The key question for NPAs is 'what will or will not be accepted as sponsorship'?. The proposed policy does not aim to exclude any potential sponsors from the outset but rather will seek to consider each sponsorship opportunity on its own merits using an ethical 'check-list' for guidance.

6 Benefits and Implications

- 6.1 Based on projected income and expenditure figures the Broads Authority could receive a net contribution of approximately £15,000 by Year 2 (2015/16) and a contribution of up to £95,000 per annum thereafter if all sponsorship targets are achieved.
- 6.2 It is important to note that agreeing to the national level sponsorship proposals does not hinder the right of individual National Park Authorities to undertake local sponsorships, giving, joint-ventures or any commercial activity of a local nature unless, of course, such activity directly contravenes national level partnership agreements (existing or proposed). Members will be aware of that a Sponsorship Policy was agreed at the last meeting and the Authority is taking forward one particular opportunity.

7 Risks

- 7.1 A risk assessment of the proposal has been undertaken as part of the Business Case. The main risks are:
- Not all 15 NPAs can agree to a suitable structure and framework (*initiative does not move forward*)
 - Insufficient start-up funding to bring company into operation (*company ineffective*)
 - Failure to attract sponsors and thus revenue to meet costs after year 1 (*initial investment lost*)
 - Failure of the company to achieve appropriate or effective marketing rights activation (*loss of sponsors and reputation for delivery*)
 - Commercial sponsors default on payments (*financial loss*)
 - Reputation damage from entering sponsorship alliances which reflect poorly on national park purposes (*loss of public confidence/trust*)
 - NPAs in England, in the absence of the Power of Competence, are relying on implied powers in respect of their statutory purposes to undertake commercial sponsorship activities (*third party legal challenge stalls the initiative*)

8 Timescale and Next Steps

- 8.1 Following approval by the 15 UK NPAs an external expert or agency will be recruited to drive forward this agenda initially under the leadership of NPUK. Some initial discussions have already been held with a number of potential national level sponsors and it is therefore intended to establish the company as soon as possible after agreement in order to be in a position to move

forward these discussions. It is anticipated that this will begin after 15 December 2014 with a 'go live' date in early 2015.

9 Financial Implications

- 9.1 Each of the fifteen authorities is being asked to commit an initial £10,000 to the enterprise with the possibility of an additional £10,000 required in the second year. Given the scale of the potential benefits this cooperative venture with its limited risks seems a worthwhile project. Provision has been made in the 2014/15 budget for the initial payment and it would be prudent to make provision for a potential contribution in the second year in next year's budget.

10 Conclusion

- 10.1 National Parks face an extremely challenging period of sustained budget decline which is severely impacting on the Authority's ability to deliver our core purposes. Having reviewed and evaluated the potential opportunities for commercial sponsorship of National Parks at a UK level it is considered appropriate to support this initiative.

Background papers: None

Author: John Packman
Date of report: 7 January 2015

Broads Plan Objectives: None

Appendices: APPENDIX - Memorandum and Articles of Association

The Companies Act 2006
Private Company Limited by Guarantee

Memorandum of Association
of
XXCompanyNameXX

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company.

Name of each subscriber

Authentication by each subscriber

XXSubscriber1XX
XXSubscriber2XX
XXSubscriber3XX
XXSubscriber4XX
XXSubscriber5XX
XXSubscriber6XX
XXSubscriber7XX
XXSubscriber8XX
XXSubscriber9XX
XXSubscriber10XX

Dated: XXTodayXX

The Companies Act 2006

Private Company Limited by Guarantee

Articles of Association

Of

XXCompanyNameXX

(Adopted on the incorporation of the Company)



Newcastle | Leeds | Manchester

Sandgate House, 102 Quayside, Newcastle upon Tyne NE1 3DX
Tel: +44 (0) 191 204 4000

1. **Defined terms**

1.1. In these Articles the following expressions have the following meanings, unless the context requires otherwise:

"Articles"	the Company's articles of association;
"Associated Company"	in respect of a company: <ul style="list-style-type: none">(a) any body corporate of which that company is a Subsidiary;(b) any company that is a Subsidiary of that company;(c) any company that is a Subsidiary of any body corporate of which the company is also a Subsidiary; and(d) any company which is a trustee of an occupational pensions scheme (as defined by section 235(6) of the Companies Act 2006);
"Bankruptcy"	includes, without limitation, individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
"Chairperson"	has the meaning given in Article 12;
"Chairperson of the Meeting"	has the meaning given in Article 31;
"Companies Acts"	the Companies Acts (as defined in section 2 of the Companies Act 2006), insofar as they apply to the Company;
"Director"	a director for the time being of the Company, and includes any person occupying the position of director, by whatever name called;
"Distribution"	has the meaning given in section 829 of the Companies Act 2006;
"Document"	includes, unless otherwise specified, any document sent or supplied in Electronic Form;
"Electronic Form"	has the meaning given in section 1168 of the Companies Act 2006;
"Independent Director"	Means a Director appointed pursuant to Article 18.1.2 and reference herein to

	"Independent Directors" shall be construed accordingly;
"Member"	has the meaning given in section 112 of the Companies Act 2006;
"National Park Authority Director"	means a Director appointed pursuant to Article 18.1.1 and reference herein to "National Park Authority Directors" shall be construed accordingly;
"Ordinary Resolution"	has the meaning given in section 282 of the Companies Act 2006;
"Participate"	in relation to a Directors' meeting, has the meaning given in Article 10;
"Proxy Notice"	has the meaning given in Article 37;
"Relevant Loss"	any loss or liability which has been or may be incurred by a Relevant Officer in connection with that Director's duties or powers in relation to the Company, any Associated Company, or any pension fund or employees' share scheme of the Company or an Associated Company;
"Relevant Officer"	any director or officer or former director or officer of the Company or an Associated Company but excluding in each case any person engaged by the Company (or the relevant Associated Company) as auditor (whether or not he is also a director or officer of that Company) to the extent that he acts in his capacity as auditor
"Special Resolution"	has the meaning given in section 283 of the Companies Act 2006;
"Subsidiary"	has the meaning given in section 1159 of the Companies Act 2006 (and reference to "Subsidiaries" shall be construed accordingly); and
"Writing"	the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in Electronic Form or otherwise.

1.2. Any reference in these Articles to a "general meeting" means a general meeting of the Company's members duly convened and held in accordance with these Articles and the Companies Act 2006.

1.3. Unless the context otherwise requires, other words or expressions contained in

these Articles bear the same meaning as in the Companies Act 2006 as in force on the date when these Articles become binding on the Company.

- 1.4. No regulations contained in any statute or subordinate legislation, including but not limited to the regulations contained in the Model Articles for Private Companies Limited by Guarantee in Schedule 2 of the Companies (Model Articles) Regulations 2008 (SI 2008/3229), shall apply as regulations or articles of association of the Company.

2. Liability of Members

- 2.1. The liability of the Members is limited to £1, being the amount that each Member undertakes to contribute to the assets of the Company in the event of it being wound up while he is a Member or within one (1) year after he ceases to be a Member, for:

- 2.1.1. payment of the Company's debts and liabilities contracted before he ceases to be a Member;

- 2.1.2. payment of the costs, charges and expenses of winding up; and

- 2.1.3. adjustment of the rights of the contributories among themselves.

3. Directors' general authority

Subject to the Articles, the Directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company.

4. Members' reserve power

The Members may, by Special Resolution, direct the Directors to take, or refrain from taking, specified action. No such Special Resolution invalidates anything which the Directors have done before the passing of the resolution.

5. Directors may delegate

- 5.1. Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Articles:

- 5.1.1. to such person or committee;

- 5.1.2. by such means (including by power of attorney);

- 5.1.3. to such an extent;

- 5.1.4. in relation to such matters or territories; and

- 5.1.5. on such terms and conditions;

as they think fit.

- 5.2. If the Directors so specify, any such delegation may authorise further delegation of the Directors' powers by any person to whom they are delegated.

- 5.3. The Directors may revoke any delegation in whole or part, or alter its terms and

conditions.

6. **Committees**

- 6.1. Subject to Article 5, committees to which the Directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the Articles which govern the taking of decisions by Directors.
- 6.2. The Directors may make rules of procedure for all or any committees, which prevail over rules derived from the Articles if they are not consistent with them.

7. **Directors to take decisions collectively**

The general rule about decision-making by Directors is that any decision of the Directors must be either a majority decision at a meeting or a decision taken in accordance with Article 8.

8. **Unanimous decisions of Directors**

- 8.1. A decision of the Directors is taken in accordance with this Article when all eligible Directors indicate to each other by any means that they share a common view on a matter. Such a decision may take the form of a resolution in Writing, copies of which have been signed by each eligible Director or to which each eligible Director has otherwise indicated agreement in Writing.
- 8.2. References in this Article 8 to eligible Directors are to Directors who would have been entitled to vote on the matter had it been proposed as a resolution at a Directors' meeting.
- 8.3. A decision may not be taken in accordance with this Article 8 if the eligible Directors would not have formed a quorum at such a meeting.

9. **Calling a Directors' meeting**

- 9.1. Any Director may call a Directors' meeting by giving notice of the meeting to the Directors or by authorising the Company secretary (if any) to give such notice.
- 9.2. Notice of any Directors' meeting must indicate:
 - 9.2.1. its proposed date and time;
 - 9.2.2. where it is to take place; and
 - 9.2.3. if it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.
- 9.3. Notice of a Directors' meeting (containing the information set out in Article 9.2) must be given to each Director, but need not be in Writing.
- 9.4. Notice of a Directors' meeting need not be given to Directors who waive their entitlement to notice of that meeting, by giving notice to that effect to the Company not more than seven (7) days after the date on which the meeting is held. Where such notice is given after the meeting has been held, that does not affect the validity of the meeting, or of any business conducted at it.

10. **Participation in Directors' meetings**

- 10.1. Subject to the Articles, Directors "Participate" in a Directors' meeting, or part of a Directors' meeting, when:
- 10.1.1. the meeting has been called and takes place in accordance with the Articles; and
 - 10.1.2. they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- 10.2. In determining whether Directors are participating in a Directors' meeting, it is irrelevant where any Director is or how they communicate with each other.
- 10.3. If all the Directors Participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

11. **Quorum for Directors' meetings**

- 11.1. At a Directors' meeting, unless a quorum is Participating, no proposal is to be voted on, except a proposal to call another meeting.
- 11.2. Subject to Article 11.3, the quorum for Directors' meetings may be fixed from time to time by a decision of the Directors, and unless otherwise fixed shall be:
- 11.2.1. any two (2) National Park Directors; and
 - 11.2.2. one (1) Independent Director.
- 11.3. For the period of 12 months commencing on the date of adoption of these Articles, the quorum for Directors' meetings may be fixed from time to time by a decision of the Directors, and unless otherwise fixed shall be:
- 11.3.1. any three (3) National Park Directors; and
 - 11.3.2. any two (2) Independent Directors.
- 11.4. If the total number of Directors for the time being is less than the quorum required, the Directors must not take any decision other than a decision:
- 11.4.1. to appoint further Directors; or
 - 11.4.2. to call a general meeting so as to enable the Members to appoint further Directors.

12. **Chairing of Directors' meetings**

- 12.1. The Directors may appoint a Director to chair their meetings. The person so appointed for the time being is known as the "Chairperson" and shall, subject to Article 12.2 below, hold such role for a fixed term of four (4) years, following which each Director shall automatically be deemed to have resigned from the position of Chairperson with immediate effect.
- 12.2. The Directors may by way of unanimous decision terminate the Chairperson's appointment at any time.

- 12.3. If the Chairperson is not Participating in a Directors' meeting within ten (10) minutes of the time at which it was to start, the Participating Directors must appoint one of themselves to chair it.

13. **Casting vote at Director's meetings**

- 13.1. If the numbers of votes for and against a proposal at a Director's meeting are equal, the Chairperson or other Director chairing the meeting has a casting vote.
- 13.2. Article 13.1 does not apply if, in accordance with the Articles, the Chairperson or other Director is not to be counted as participating in the decision-making process for quorum or voting purposes.
- 13.3. In the event that the circumstances set out in Article 13.1 arise, the Directors may resolve to appoint a temporary Chairperson for the purposes of exercising the Chairperson's casting vote only.

14. **Directors' interests in transactions and other arrangements**

- 14.1. Subject to sections 177(5) and 177(6) and sections 182(5) and 182(6) of the Companies Act 2006 and provided he has declared the nature and extent of his interest in accordance with the requirements of the Companies Act 2006, a Director who is in any way, whether directly or indirectly, interested in an existing or proposed transaction or arrangement with the Company:
- 14.1.1. may be a party to, or otherwise interested in, any transaction or arrangement with the Company or in which the Company is otherwise (directly or indirectly) interested;
- 14.1.2. shall be an eligible Director for the purposes of any proposed decision of the Directors (or committee of Directors) in respect of such contract or proposed contract in which he is interested;
- 14.1.3. shall be entitled to vote at a meeting of Directors (or of a committee of the Directors) or participate in any unanimous decision, in respect of such contract or proposed contract in which he is interested;
- 14.1.4. may act by himself or his firm in a professional capacity for the Company (otherwise than as auditor) and he or his firm shall be entitled to remuneration for professional services as if he were not a Director;
- 14.1.5. may be a Director or other officer of, or employed by, or a party to a transaction or arrangement with, or otherwise interested in, any body corporate in which the Company is otherwise (directly or indirectly) interested; and
- 14.1.6. shall not, save as he may otherwise agree, be accountable to the Company for any benefit which he (or a person connected with him (as defined in section 252 of the Companies Act 2006) derives from any such contract, transaction or arrangement or from any such office or employment or from any interest in any such body corporate and no such contract, transaction or arrangement shall be liable to be avoided on the grounds of any such interest or benefit nor shall the receipt of any such remuneration or other benefit constitute a breach of his duty under section 176 of the Companies Act 2006.

- 14.2. For the purpose of this Article 14, references to proposed decisions and decision-making processes include any Directors' meeting or part of a Directors' meeting.
- 14.3. Subject to this Article 14, if a question arises at a meeting of Directors or of a committee of Directors as to the right of a Director to Participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the Chairperson whose ruling in relation to any Director other than the Chairperson is to be final and conclusive.
- 14.4. If any question as to the right to Participate in the meeting (or part of the meeting) should arise in respect of the Chairperson, the question is to be decided by a decision of the Directors at that meeting, for which purpose the Chairperson is not to be counted as Participating in the meeting (or that part of the meeting) for voting or quorum purposes.
- 14.5. The Directors may by way of a resolution of the Board (or by way of a written policy approved by a resolution of the Board) from time to time, dis-apply all or part of the provisions of this clause 14, where the Board are of the view that the nature and extent of a Director's interest so declared is (in the sole discretion of the Board and taking into account such matters as it feels relevant) so significant that it would be in the best interests of the Company for such Director to be prevented from doing, or having the benefit of, any or all of the matters described in 14.1.1 to 14.1.6 in relation to that particular conflict of interest.

15. **Directors' conflicts of interest**

- 15.1. For the purposes of section 175 of the Companies Act 2006, the Directors may authorise any matter which:
- 15.1.1. would or could be a breach of a Director's duty under that section; or
 - 15.1.2. could result in a breach of a Director's duty under that section.
- 15.2. For the authorisation of a matter (pursuant to the authority in Article 15.1), to be effective:
- 15.2.1. the matter in question must be proposed for consideration at a Director's meeting, or for the authorisation of the Directors by resolution in Writing, in accordance with Article 8 or in any other way that the Directors may decide;
 - 15.2.2. any quorum requirement at a Director's meeting when the matter is considered must be met without counting the Director in question and any other interested Director (the "Interested Directors"); and
 - 15.2.3. the matter must be agreed without the Interested Directors voting, or would have been agreed if the votes of the Interested Directors had not been counted.
- 15.3. Any matter authorised under Article 15.1 will be subject to any conditions or limitations decided on by the Directors in accordance with Article 15.2. The Directors can decide the conditions or limitations at the time authorisation is given, or later on, and can end at any time. A Director must comply with any obligations the Directors impose on him after a matter has been authorised.

- 15.4. Any matter authorised under Article 15.1 will include any existing or potential conflict of interest which is reasonable to expect will arise out of the authorised matter.
- 15.5. The Director shall not be required to disclose any confidential information obtained in relation to the relevant matter which has been authorised under Article 15.1 (other than through his position as a Director of the Company) to the Company or to use or apply it in performing his duties as a Director if to do so would result in a breach of duty or obligation of confidence owed by him in relation to or in connection with that matter.
- 15.6. Where a matter is authorised in accordance with Article 15.1, the Director will not infringe any duty to the Company by virtue of sections 171 to 177 of the Companies Act 2006 provided he acts in accordance with any terms, limits and conditions imposed in respect of the authorisation.
- 15.7. A Director is not accountable to the Company for any benefit he receives (or a person connected with them receives) as a result of anything the Directors have authorised under Article 15.1. No contract, transaction or arrangement relating to any matter authorised by the Director under Article 15.1 can be set aside because of any Director's interest or benefit.
- 15.8. A Director, notwithstanding his office or the existence of an actual or potential conflict with the interests of the Company, may be a member, director or officer or otherwise employed or engaged by a Member from time to time (a "**Member Interest**") and the Director in question shall be entitled to be counted in the quorum for, and to attend, any meeting or part of a meeting of the Directors or a committee of the Directors of which any matter which is or may be relevant to the Member Interest may be discussed, and to vote on any resolution of the Directors or a committee of the Directors relating to such matter and any board or committee papers relating to such matter shall be provided to the Directors in question at the same time as the other Directors.

16. **Records of decisions to be kept**

The Directors must ensure that the Company keeps a record, in Writing of every unanimous or majority decision taken by the Directors.

17. **Directors' discretion to make further rules**

Subject to the Articles, the Directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to Directors.

18. **Methods of appointing Directors**

- 18.1. The Directors of the Company shall be appointed by way of the following methods:

- 18.1.1. a person nominated and whose appointment is approved by the Members by Ordinary Resolution (each a "**National Park Authority Director**"); or
- 18.1.2. a person recruited through an open recruitment process, such process to be determined and agreed by the Directors from time to time (each

Director so appointed being an "**Independent Director**") and whose appointment is approved by the Members by Ordinary Resolution.

- 18.2. Subject to Article 18.3, the Company shall at all times have at least three (3) and no more than seven (7) Directors of which there shall always be one (1) more National Park Authority Director than the total number of Independent Directors.
- 18.3. During the period of 12 months commencing on the date on which these Articles are adopted, the minimum number of Directors shall be increased to five (5) and the limit on the number of Directors set out in Article 18.2 shall be increased to nine (9) Directors of which there shall always be at least one (1) more National Park Authority Director than the total number of Independent Directors and no more than two (2).
- 18.4. Each Director appointed pursuant to this Article 18 shall, subject to these Articles and the Companies Act, for a fixed term of four (4) years, following which each Director shall automatically be deemed to have resigned with immediate effect.
- 18.5. Any person who has previously served a term of office as a Director shall be eligible for re-appointment as a Director, provided always that no person shall be appointed to the position of Director for a period of more than eight (8) years (in aggregate and whether continuous or not).

19. **Termination of Director's appointment**

- 19.1. A person ceases to be a Director as soon as:
 - 19.1.1. that person ceases to be a Director by virtue of any provision of the Companies Act 2006 or is prohibited from being a Director by law;
 - 19.1.2. a Bankruptcy order is made against that person;
 - 19.1.3. a composition is made with that person's creditors generally in satisfaction of that person's debts;
 - 19.1.4. a registered medical practitioner who is treating that person gives a written opinion to the Company stating that that person has become physically or mentally incapable of acting as a Director and may remain so for more than two (2) months;
 - 19.1.5. notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms; or
 - 19.1.6. that person's term of office expires pursuant to Article 18.4; or
 - 19.1.7. at least two thirds of the Members agree in writing to remove that Director with immediate effect; or
 - 19.1.8. that person fails to attend more than three consecutive meetings of the Directors without the consent of the Directors; or
 - 19.1.9. that person ceases to be an officer, employee or an authorised representative of a Member.

20. **Directors' remuneration**

- 20.1. Directors may undertake any services for the Company that the Directors decide.
- 20.2. Independent Directors (but not National Park Authority Directors) are entitled to such remuneration:
- 20.2.1. as the Members decide by Ordinary Resolution, to the extent such remuneration relates to their services to the Company as an Independent Director; and
 - 20.2.2. as the Directors decide, to the extent such remuneration relates to any other service which they undertake for the Company.
- 20.3. Subject to the Articles, an Independent Director's remuneration may:
- 20.3.1. take any form; and
 - 20.3.2. include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that Independent Director.
- 20.4. Unless the Members (in the circumstances set out in Article 23.2.1) or the Directors (in the circumstances set out in Article 23.2.2) decide otherwise, an Independent Directors' remuneration accrues from day to day and Independent Directors are not accountable to the Company for any remuneration which they receive as Independent Directors or other officers or employees of the Company's Subsidiaries or of any other body corporate in which the Company is interested.

21. **Directors' expenses**

- 21.1. The Company may pay any reasonable expenses which the Directors properly incur in connection with their attendance at:
- 21.1.1. meetings of Directors or committees of Directors;
 - 21.1.2. general meetings; or
 - 21.1.3. separate meetings of the holders of debentures of the Company, or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company.

22. **Secretary**

The Directors may appoint any person who is willing to act as secretary for such term, at such remuneration and upon such conditions as they may think fit and from time to time remove such person and, if the Directors so decide, appoint a replacement in each case by a decision of the Directors.

23. **Applications for Membership**

- 23.1. No person shall become a Member of the Company unless:
- 23.1.1. that person is a duly registered member of [INSERT NAME AND COMPANY NUMBER OF NPUK];

23.1.2. that person has completed an application for membership in a form approved by the Directors; and

23.1.3. the Directors have approved the application.

24. **Termination of Membership**

24.1. A Member may withdraw from membership of the Company by giving thirty (30) days' notice to the Company in Writing.

24.2. Membership is non transferable.

24.3. A person's membership terminates immediately when:

24.3.1. a resolution is passed by the members or creditors of that person, or an order is made by a court or other competent body or person instituting a process that shall lead to that person being wound up and its assets being distributed among that person's creditors, members or other contributors; or

24.3.2. a receiver, administrator or administrative receiver is appointed over the whole or any part of the assets of that person or the making of any arrangement with the creditors of that person for the affairs, business and property of that person to be managed by a supervisor; or

24.3.3. subject to Article 24.4 below, that person ceases to be a duly registered member of [INSERT NAME AND COMPANY NUMBER OF NPUK].

24.4. Article 24.3.3 shall only apply where, and for so long as, the company referred to therein is duly registered as an active company at Companies House.

25. **Distributions**

25.1. Subject to the Companies Act 2006, the Directors may decide to make and pay Distributions to the Members from time to time.

25.2. Where a sum which is a Distribution is payable to a Member, it must be paid by one or more of the following means:

25.2.1. transfer to a bank or building society account specified by the Member either in Writing or as the Directors may otherwise decide;

25.2.2. sending a cheque made payable to the Member by post to the Member at the Member's registered address or as the Directors may otherwise decide; or

25.2.3. any other means of payment as the Directors agree with the Member either in Writing or by such other means as the Directors decide.

26. **No interest on distributions**

26.1. The Company may not pay interest on any Distribution payable to a Member unless otherwise provided by the provisions of another agreement between the Members and the Company.

26.2. All Distributions which are:

- 26.2.1. payable to a Member; and
 - 26.2.2. unclaimed after having been declared or become payable, may be invested or otherwise made use of by the Directors for the benefit of the Company until claimed.
- 26.3. The payment of any Distribution by the Company into a separate account does not make the Company a trustee in respect of it.
- 26.4. If:
- 26.4.1. twelve years have passed from the date on which the Distribution became due for payment; and
 - 26.4.2. the Member in question has not claimed it,
- then that Member is no longer entitled to that sum and it ceases to remain owing by the Company.

27. **Non-cash distributions**

The Company may, by Ordinary Resolution on the recommendation of the Directors, decide to pay all or part of a Distribution payable to a Member by transferring non-cash assets of equivalent value.

28. **Waiver of distributions**

A Member may waive their entitlement to a Distribution payable to it by giving the Company notice in Writing to that effect.

29. **Attendance and speaking at general meetings**

- 29.1. A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.
- 29.2. A person is able to exercise the right to vote at a general meeting when:
 - 29.2.1. that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and
 - 29.2.2. that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- 29.3. The Directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 29.4. In determining attendance at a general meeting, it is immaterial whether any two (2) or more Members attending it are in the same place as each other.
- 29.5. Two (2) or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise

them.

30. **Quorum for general meetings**

30.1. No business other than the appointment of the Chairperson of the Meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum.

30.2. The quorum for a general meeting shall be any [six (6)] Members.

31. **Chairing general meetings**

31.1. If the Directors have appointed a Chairperson, the Chairperson shall chair general meetings if present and willing to do so.

31.2. If the Directors have not appointed a Chairperson, or if the Chairperson is unwilling to chair the meeting or is not present within ten (10) minutes of the time at which a meeting was due to start:

31.2.1. the Directors present; or

31.2.2. (if no Directors are present), the meeting, must appoint a Director or Member to chair the meeting, and the appointment of the Chairperson of the Meeting must be the first business of the meeting.

31.3. The person chairing a meeting in accordance with this Article is referred to as "the Chairperson of the Meeting".

32. **Attendance and speaking by Directors and non-Members**

32.1. Directors may attend and speak at general meetings, whether or not they are Members.

32.2. The Chairperson of the Meeting may permit other persons who are not:

32.2.1. Members of the Company; or

32.2.2. otherwise entitled to exercise the rights of Members in relation to general meetings, to attend and speak at a general meeting.

33. **Adjournment of general meetings**

33.1. If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the Chairperson of the Meeting must adjourn it.

33.2. The Chairperson of the Meeting may adjourn a general meeting at which a quorum is present if:

33.2.1. the meeting consents to an adjournment; or

33.2.2. it appears to the Chairperson of the Meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.

- 33.3. The Chairperson of the Meeting must adjourn a general meeting if directed to do so by the meeting.
- 33.4. When adjourning a general meeting, the Chairperson of the Meeting must:
- 33.4.1. either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the Directors; and
 - 33.4.2. have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- 33.5. If the continuation of an adjourned meeting is to take place more than fourteen (14) days after it was adjourned, the Company must give at least seven (7) clear days' notice of it (that is, excluding the day of the adjourned meeting and the day on which the notice is given):
- 33.5.1. to the same persons to whom notice of the Company's general meetings is required to be given; and
 - 33.5.2. containing the same information which such notice is required to contain.
- 33.6. No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.
34. **Voting: general**
- 34.1. A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the Articles.
- 34.2. On any resolution put to the Members at a general meeting or by way of a written resolution under the procedure set out in the Companies Act 2006 each Member shall have one vote.
35. **Errors and disputes during general meetings**
- 35.1. No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid.
- 35.2. Any such objection must be referred to the Chairperson of the Meeting, whose decision is final.
36. **Poll votes**
- 36.1. A poll on a resolution may be demanded:
- 36.1.1. in advance of the general meeting where it is to be put to the vote; or
 - 36.1.2. at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.
- 36.2. A poll may be demanded by:

- 36.2.1. the Chairperson of the Meeting;
 - 36.2.2. the Directors;
 - 36.2.3. two (2) or more persons having the right to vote on the resolution; or
 - 36.2.4. a person or persons representing not less than one tenth of the total voting rights of all the Members having the right to vote on the resolution.
- 36.3. A demand for a poll may be withdrawn if:
- 36.3.1. the poll has not yet been taken; and
 - 36.3.2. the Chairperson of the Meeting consents to the withdrawal.
- 36.4. Polls must be taken immediately and in such manner as the Chairperson of the Meeting directs.

37. **Content of Proxy Notices**

- 37.1. Proxies may only validly be appointed by a notice in Writing (a "Proxy Notice") which:
- 37.1.1. states the name and address of the Member appointing the proxy;
 - 37.1.2. identifies the person appointed to be that Member's proxy and the general meeting in relation to which that person is appointed;
 - 37.1.3. is signed by or on behalf of the Member appointing the proxy, or is authenticated in such manner as the Directors may determine; and
 - 37.1.4. is delivered to the Company not less than forty eight (48) hours before the time appointed for holding the meeting (or adjourned meeting) at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate.
- 37.2. The Company may require Proxy Notices to be delivered in a particular form, and may specify different forms for different purposes.
- 37.3. Proxy Notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- 37.4. Unless a Proxy Notice indicates otherwise, it must be treated as:
- 37.4.1. allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
 - 37.4.2. appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

38. **Delivery of Proxy Notices**

- 38.1. A person who is entitled to attend, speak or vote (either on a show of hands or on

a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid Proxy Notice has been delivered to the Company by or on behalf of that person.

- 38.2. An appointment under a Proxy Notice may be revoked by delivering to the Company a notice in Writing given by or on behalf of the person by whom or on whose behalf the Proxy Notice was given.
- 38.3. A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.
- 38.4. If a Proxy Notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

39. **Amendments to resolutions**

- 39.1. An Ordinary Resolution to be proposed at a general meeting may be amended by Ordinary Resolution if:
 - 39.1.1. notice of the proposed amendment is given to the Company in Writing by a person entitled to vote at the general meeting at which it is to be proposed not less than forty eight (48) hours before the meeting is to take place (or such later time as the Chairperson of the Meeting may determine); and
 - 39.1.2. the proposed amendment does not, in the reasonable opinion of the Chairperson of the Meeting, materially alter the scope of the resolution.
- 39.2. A Special Resolution to be proposed at a general meeting may be amended by Ordinary Resolution, if:
 - 39.2.1. the Chairperson of the Meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
 - 39.2.2. the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 39.3. If the Chairperson of the Meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the Chairperson's error does not invalidate the vote on that resolution.

40. **Means of communication to be used**

- 40.1. Subject to the Articles, anything sent or supplied by or to the Company under the Articles may be sent or supplied in any way in which the Companies Act 2006 provides for Documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company.
- 40.2. Subject to the Articles, any notice or Document to be sent or supplied to a Director in connection with the taking of decisions by Directors may also be sent or supplied by the means by which that Director has asked to be sent or supplied with such notices or Documents for the time being.
- 40.3. A Director may agree with the Company that notices or Documents sent to that

Director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than forty eight (48) hours.

41. **Company seals**

- 41.1. Any common seal may only be used by the authority of the Directors.
- 41.2. The Directors may decide by what means and in what form any common seal is to be used.
- 41.3. Unless otherwise decided by the Directors, if the Company has a common seal and it is affixed to a Document, the Document must also be signed by at least one (1) authorised person in the presence of a witness who attests the signature.
- 41.4. For the purposes of this Article 41, an authorised person is:
 - 41.4.1. any Director of the Company;
 - 41.4.2. the Company secretary (if any); or
 - 41.4.3. any person authorised by the Directors for the purpose of signing Documents to which the common seal is applied.

42. **No right to inspect accounts and other records**

Except as provided by law or authorised by the Directors or an Ordinary Resolution of the Company, no person is entitled to inspect any of the Company's accounting or other records or Documents merely by virtue of being a Member.

43. **Provision for employees on cessation of business**

The Directors may decide to make provision for the benefit of persons employed or formerly employed by the Company or any of its Subsidiaries (other than a Director or former Director or shadow Director) in connection with the cessation or transfer to any person of the whole or part of the undertaking of the Company or that Subsidiary.

44. **Indemnity**

- 44.1. Without prejudice to any indemnity to which a Relevant Officer is otherwise entitled:
 - 44.1.1. each Relevant Officer shall be indemnified out of the Company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a Relevant Officer:
 - 44.1.1.1. in the actual or purported execution and/or discharge of his duties, or in relation to them; and
 - 44.1.1.2. in relation to the Company's (or any Associated Company's) activities as trustee of an occupational pension scheme (as defined in section 235(6) of the Act),

- 44.1.2. including (in each case) any liability incurred by him in defending any civil or criminal proceedings, subject always to judgment being given in his favour or his acquittal or the proceedings against him being otherwise disposed of without any finding or admission of any material breach of duty on his part or in connection with any application in which the court grants him, in his capacity as a Relevant Officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the Company's (or any Associated Company's) affairs; and
 - 44.1.3. the Company may provide any Relevant Officer with funds to meet expenditure incurred or to be incurred by him in connection with any proceedings or application referred to in Article 47.1.1 and otherwise may take any action to enable any such Relevant Officer to avoid incurring such expenditure.
- 44.2. This Article 47 does not authorise any indemnity which would be prohibited or rendered void by any provision of the Act or by any other provision of law.

45. **Insurance**

The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any Relevant Officer in respect of any Relevant Loss.

Dated

2015

National Park Partnerships Limited

and

Those persons listed at Schedule 1

Members' Agreement

Contents

Clause	Page
1. Interpretation.....	1
2. Business of the Company	4
3. Completion	4
4. Member undertakings	4
5. Distribution Policy	5
6. Termination.....	5
7. Status of this agreement	5
8. No partnership or agency.....	6
9. Confidentiality	6
10. Inadequacy of damages.....	7
11. Notices.....	7
12. Severance	7
13. Variation and waiver	7
14. Assignment and other dealings	8
15. Costs and expenses	8
16. Entire agreement	8
17. Third party rights.....	8
18. Counterparts	9
19. Governing law and jurisdiction	9
Schedule 1 – Parties	10
Schedule 2 – New Articles of Association	12
Schedule 3 - Matters requiring Member Consent	13
Schedule 4 – Trademark.....	1
Schedule 5 – Deed of Adherence.....	1

This Deed is dated

2015

Between

- (1) **National Park Partnerships Limited**, a company limited by guarantee incorporated and registered in England and Wales with company number [INSERT COMPANY NUMBER] of [REGISTERED OFFICE ADDRESS] (the "**Company**"); and
- (2) **Those persons** whose details are listed at Schedule 1 (each a "**Member**" and together the "**Members**").

(each a "**party**" and together the "**parties**")

Background:

- (A) The Company is a company limited by guarantee and the liability of each of the Members is limited to £1.00.
- (B) The Parties have agreed to enter into this agreement for the purpose of regulating the exercise of their rights in relation to the Company and for the purpose of certain commitments set out in this agreement.

NOW IT IS HEREBY AGREED as follows:-

1. **Interpretation**

- 1.1. The following definitions shall apply in this agreement.

"Act"	the Companies Act 2006;
"Articles"	the new articles of association of the Company in the agreed form to be adopted on or prior to Completion, as set out at Schedule 2;
"Board"	the board of directors of the Company as constituted from time to time;
"Business"	the operation of a commercial enterprise to do any such things which are calculated to facilitate, be conducive or incidental to the accomplishment of the Members' statutory purposes as set out in the National Parks and Access to the Countryside Act 1949 and the National Parks (Scotland) Act 2000 (both as amended from time to time) or which are expressly or impliedly permitted functions conferred on the Members by legislation;
"Business Day"	any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;
"Business Plan"	an annual business plan for the Company

	prepared by the Board in respect of the Financial Year to which it relates;
"Completion"	the completion of the transactions in accordance with clause 3;
"Completion Date"	the date hereof or such other date for Completion as may be agreed between the Parties in writing;
"Confidential Information"	information of a confidential nature, the disclosure of which would constitute an actionable breach of confidence, commercially sensitive information, trade secrets and all personal data and sensitive personal data as defined in sections 1 and 2 of the Data Protection Act 1998.
"Deed of Adherence"	a deed of adherence substantially in the form set out in Schedule 5;
"Director"	a director of the Company;
"Distribution"	has the meaning given in section 829 of the Act;
"Electronic form"	has the meaning given in section 1168 of the Act;
"Encumbrance"	any interest or equity of any person (including any right to acquire, option, right of pre-emption, any agreement in respect of voting rights or commitment to give or create voting rights) or any mortgage, charge, pledge, lien, assignment, hypothecation, security, title retention or any other security agreement or arrangement;
"Financial Year"	in relation to the Company, means its accounting reference period, as may be amended from time to time in accordance with the Act;
"Licence"	the agreement granting a perpetual licence of the Trademark to the Company, to be entered into by the Company and Dartmoor National Park Authority on the Completion Date, in agreed form;
"Member"	a person entered into the Company's register of members from time to time (and reference herein to " Members " shall be construed accordingly);
"Member Consent"	Members for the time being not less than 75% of the total number of Members (excluding, where relevant, a Member who is the subject of a particular Member Consent);
"Reserved Matters"	means the matters set out in Schedule 3 (and reference to a " Reserved Matter " herein shall be construed accordingly)
"Trademark"	the trade mark(s) set out in Schedule 4, including

the listed registrations and applications and any registrations which may be granted pursuant to such applications.

- 1.2. Clause, Schedule and paragraph headings do not affect the interpretation of this agreement.
- 1.3. A reference to a clause or a Schedule is a reference to a clause of, or Schedule to, this agreement. A reference to a paragraph is to a paragraph of the relevant Schedule.
- 1.4. A "person" includes a natural person, a corporate or unincorporated body (whether or not having a separate legal personality).
- 1.5. Unless the context otherwise requires, words in the singular include the plural and in the plural include the singular.
- 1.6. Unless the context otherwise requires, a reference to one gender includes a reference to the other genders.
- 1.7. A reference to a particular statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time taking account of any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts and subordinate legislation for the time being in force made under it provided that, as between the parties, no such amendment or re-enactment shall apply for the purposes of this agreement to the extent that it would impose any new or extended obligation, liability or restriction on, or otherwise adversely affect the rights of, any party.
- 1.8. Documents in agreed form are documents in the form agreed by the parties to this agreement and initialled by them or on their behalf for identification.
- 1.9. A reference in this agreement to a document is a reference to the document whether in paper or Electronic Form.
- 1.10. Unless otherwise expressly provided in this agreement, reference to "writing" or "written" includes email but not faxes.
- 1.11. Where the words "include(s)", "including" or "in particular" are used in this agreement, they are deemed to have the words "without limitation" following them.
- 1.12. Any obligation in this agreement on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.13. Where the context permits, "other" and "otherwise" are illustrative and shall not limit the sense of the words preceding them.
- 1.14. References to times of day are, unless the context requires otherwise, to British Standard time and references to a day are to a period of 24 hours running from midnight on the previous day.
- 1.15. Unless the context otherwise requires, words and expressions defined in the Articles shall have the same meaning when used in this agreement.
- 1.16. A reference in this agreement to an English legal term for any action, remedy, method of judicial proceeding, legal document, legal status, court, official or any

legal concept or thing shall, insofar as it relates or applies to Members which are National Park authorities in terms of the National Parks (Scotland) Act 2000, be deemed to include a reference to the equivalent or approximate legal term under Scots law.

- 1.17. A reference in this agreement to a Business Day shall, insofar as it relates or applies to Members which are National Park authorities in terms of the National Parks (Scotland) Act 2000, include a reference to any day (other than a Saturday, Sunday or public holiday in Scotland) on which clearing banks in Glasgow are generally open for business.

2. **Business of the Company**

- 2.1. The business of the Company shall be the Business.
- 2.2. Each Member shall promote (so far as is lawfully and reasonably possible in the exercise of his rights and powers as a Member of the Company) the success of and develop the Business for the benefit of its Members as a whole.

3. **Completion**

- 3.1. Completion shall take place on the Completion Date at the Company's registered office or such other location as the Parties may agree in writing.
- 3.2. At Completion, the Company shall (and each Member shall procure that the Company shall):
 - 3.2.1. each Member shall pay £10,000 (ten thousand pounds sterling) by way of a BACs or electronic transfer to a bank account nominated by the Company for receipt of the same;
 - 3.2.2. adopt the Articles; and
 - 3.2.3. Dartmoor National Park Authority and the Company shall execute the Licence pursuant to which Dartmoor National Park Authority shall grant a licence of the Trademark to the Company in accordance with the terms thereof.
- 3.3. Within the period of six calendar months commencing on the Completion Date, the Company shall (and the Members shall procure that the Company shall) adopt the Business Plan for the Financial Year in which the Company is formed, in agreed form.

4. **Member undertakings**

- 4.1. Each Member shall, for as long as they remain a Member, procure (so far as is lawfully possible in the exercise of their rights and powers as a Member of the Company) that the Company shall not take any of the actions set out in Schedule 3 (the "**Reserved Matters**") without first obtaining Member Consent.
- 4.2. Each Member shall, for as long as they remain a Member, act at all times in good faith in the exercise of their rights and powers as a Member of the Company, to ensure that each Member benefits equally from the Business.

5. **Distribution Policy**

- 5.1. Subject to the requirements of the Act, and unless the parties agree otherwise in relation to any particular Financial Year, the parties shall procure that the Company shall make a cash distribution of at least 95% of the profit of the Company in relation to each Financial Year but after making all necessary, reasonable and prudent provisions and reserves for taxation, as shown in the accounts for that year and having first paid any and all royalty payments payable under the Licence from time to time.
- 5.2. Any cash distribution made by the Company shall be divided amongst the Members in equal proportions.

6. **Termination**

- 6.1. This agreement shall terminate:
- 6.1.1. when a resolution is passed by the members or creditors of the Company, or an order is made by a court or other competent body or person instituting a process that shall lead to the Company being wound up and its assets being distributed among the Company's creditors, members or other contributors; or
 - 6.1.2. the appointment of a receiver, administrator or administrative receiver over the whole or any part of the assets of the Company or the making of any arrangement with the creditors of the Company for the affairs, business and property of the Company to be managed by a supervisor; or
 - 6.1.3. when, as a result of the retirement or removal of Members made in accordance with this agreement or the Articles, only one person remains as a Member of the Company.
- 6.2. Termination of this agreement shall not affect any rights, remedies, obligations or liabilities of any of the parties that have accrued up to the date of termination, including the right to claims damages in respect of any breach of the agreement which existed at or before the date of completion.
- 6.3. Where, following an event referred to in clause 6.1.1, the Company is to be wound up and its assets distributed, the parties shall agree a suitable basis for dealing with the interests and assets of the Company and shall endeavour to ensure that, before dissolution:
- 6.3.1. all existing contracts of the Company are performed to the extent that there are sufficient resources;
 - 6.3.2. the Company shall not enter into any new contractual obligations; and
 - 6.3.3. the Company's assets are distributed as soon as practical.

7. **Status of this agreement**

- 7.1. Each Member shall, to the extent that he is able to do so, exercise his voting rights and other powers of control lawfully available to him to procure that the provisions of this agreement are properly and promptly observed and given full force and effect according to the spirit and intention of the agreement.

7.2. If there is an inconsistency between any of the provisions of this agreement and the provisions of the Articles, the provisions of this agreement shall prevail as between the parties.

7.3. Each Member shall, when necessary, exercise his powers of voting and any other rights and powers lawfully available to him as a Member of the Company to amend, waive or suspend a conflicting provision in the Articles to the extent necessary to permit the Company and its Business to be administered as provided in this agreement.

8. **No partnership or agency**

Nothing in this agreement is intended to, or shall be deemed to, establish any partnership or joint venture between the parties or constitute any party the agent of another party.

9. **Confidentiality**

9.1. The parties acknowledge that each Member is either a public authority under section 84 of the Freedom of Information Act 2000 ("FOIA") or a Scottish public authority under section 73 of the Freedom of Information (Scotland) Act 2002 ("FOISA") and that each Member is subject to either the Environmental Information Regulations 2004 ("EIR") or the Environmental Information (Scotland) Regulations 2004 ("EISR") (the FOIA, FOISA, EIR and EISR together being "Freedom of Information Legislation").

9.2. Each party ("receiving party") receiving Confidential Information of another party ("disclosing party") shall:

9.2.1. treat all Confidential Information belonging to the disclosing party as confidential and safeguard it accordingly;

9.2.2. not disclose any Confidential Information belonging to the disclosing party to any other person without the prior written consent of the disclosing party, except to the extent necessary for the purpose of exercising or performing its rights and obligations under this agreement.

9.3. Clause 9.2 shall not apply to any Confidential Information:

9.3.1. which is or becomes public knowledge (otherwise than by breach of this clause or through act or default on the part of the receiving party or the receiving party's agents or employees);

9.3.2. which the receiving party lawfully obtained from a third party who:

9.3.2.1. lawfully acquired it;

9.3.2.2. did not derive it directly or indirectly from the disclosing party; and

9.3.2.3. is under no obligation restricting its disclosure;

9.3.3. which the receiving party can prove by documentary evidence was developed independently by an agent or employee of the receiving party without access to the disclosing party's Confidential Information; or

9.3.4. which is required or permitted to be disclosed pursuant to a statutory, legal or parliamentary right or obligation placed upon the party making the disclosure, including any requirements for disclosure pursuant to Freedom of Information Legislation, or otherwise in accordance with a court order, or the recommendation, notice or decision of a competent authority.

9.4. The provisions of this clause 9 shall continue following expiry or termination for any reason of this agreement without limit in time.

10. **Inadequacy of damages**

Without prejudice to any other rights or remedies that a party may have, each party acknowledges and agrees that damages alone would not be an adequate remedy for any breach of the terms of clause 9 by that party. Accordingly, each other party shall be entitled to the remedies of injunction, specific performance or other equitable relief for any threatened or actual breach of the terms of clause 9 of this agreement.

11. **Notices**

11.1. A notice given to a party under or in connection with this agreement shall be in writing and shall be delivered by hand or sent by pre-paid first-class post, recorded delivery or special delivery in each case to that party's registered office address (or to such other address as that party may notify to the other party in accordance with this agreement).

11.2. Delivery of a notice is deemed to have taken place (provided that all other requirements in this clause 11 have been satisfied) if delivered by hand, at the time the notice is left at the address, or if sent by post on the second Business Day after posting unless, in each case, such deemed receipt would occur outside business hours (meaning 9.00 am to 5.30 pm Monday to Friday on a day that is not a public holiday in the place of deemed receipt), in which case deemed receipt will occur at 9.00 am on the day when business next starts in the place of deemed receipt (and, for the purposes of this clause 11, all references to time are to local time in the place of receipt).

11.3. This clause 11 does not apply to the service of any proceedings or other documents in any legal action.

12. **Severance**

If any provision or part-provision of this agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this agreement.

13. **Variation and waiver**

13.1. No variation of this agreement shall be effective unless it is in writing and signed by or on behalf of each party for the time being.

13.2. A waiver of any right or remedy under this agreement or by law is only effective if it is given in writing and is signed by the party waiving such right or remedy. Any

such waiver shall apply only to the circumstances for which it is given and shall not be deemed a waiver of any subsequent breach or default.

- 13.3. A failure or delay by any party to exercise any right or remedy provided under this agreement or by law shall not constitute a waiver of that or any other right or remedy, nor shall it prevent or restrict any further exercise of that or any other right or remedy.
- 13.4. No single or partial exercise of any right or remedy provided under this agreement or by law shall prevent or restrict the further exercise of that or any other right or remedy.
- 13.5. A party that waives a right or remedy provided under this agreement or by law in relation to one person, or takes or fails to take any action against that person, does not affect its rights or remedies in relation to any other person.

14. **Assignment and other dealings**

- 14.1. No party shall assign, transfer, mortgage, charge, subcontract, declare a trust over or deal in any other manner with any or all of his rights and obligations under this agreement (or any other document referred to in it) without Member Consent (such consent not to be unreasonably withheld or delayed).
- 14.2. Each party confirms that he is acting on his own behalf and not for the benefit of any other person.

15. **Costs and expenses**

Except as expressly provided in this agreement, each party shall pay its own costs and expenses incurred in connection with the negotiation, preparation and execution of this agreement (and any documents referred to in it).

16. **Entire agreement**

- 16.1. This agreement (together with the documents referred to in it) constitute the entire agreement between the parties and supersede and extinguish all previous discussions, correspondence, negotiations, drafts, agreements, promises, assurances, warranties, representations, arrangements and understandings between them, whether written or oral, relating to their subject matter.
- 16.2. Each party acknowledges that in entering into this agreement (and any documents referred to in it), he does not rely on, and shall have no remedies in respect of, any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this agreement or those documents.
- 16.3. Nothing in this clause shall limit or exclude any liability for fraud.

17. **Third party rights**

- 17.1. A person who is not a party to this agreement shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this agreement.
- 17.2. The rights of the parties to terminate, rescind or agree any variation, waiver or settlement under this agreement are not subject to the consent of any other person.

18. **Counterparts**

- 18.1. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.
- 18.2. No counterpart shall be effective until each party has executed at least one counterpart.

19. **Governing law and jurisdiction**

- 19.1. This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
- 19.2. Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this agreement or its subject matter or formation (including non-contractual disputes or claims).

This deed has been entered into on the date stated at the beginning of it.

Schedule 1 – Parties

Name of Member	Member's Principal Office Address
Brecon Beacons National Park Authority	Plas y Ffynnon Cambrian Way Brecon LD3 7HP
The Broads Authority	Yare House 62-64 Thorpe Road Norwich NR1 1RY
The Cairngorms National Park Authority	14 The Square Grantown on Spey PH26 3HG
Dartmoor National Park Authority	Parke Bovey Tracey Newton Abbot Devon TQ13 9JQ
Exmoor National Park Authority	Exmoor House, Dulverton, Somerset, TA22 9HL
Lake District National Park Authority	Murley Moss Oxenholme Road Kendal LA9 7RL
Loch Lomond and The Trossachs National Park Authority	Loch Lomond & The Trossachs National Park Headquarters Carrochan Carrochan Road Balloch G83 8EG
New Forest National Park Authority	New Forest National Park Authority Lymington Town Hall Avenue Road Lymington SO41 9ZG
Northumberland National Park Authority	Eastburn, South Park, Hexham, Northumberland NE46 1BS

North York Moors National Park Authority	The Old Vicarage, Bondgate, Helmsley, York, North Yorkshire YO62 5BP
Peak District National Park Authority	Aldern House, Baslow Road, Bakewell, Derbyshire DE45 1AE
Pembrokeshire Coast National Park Authority	National Park Offices Llanion Park Pembroke Dock Pembrokeshire SA72 6DY
Snowdonia National Park Authority	National Park Office Penrhyndeudraeth Gwynedd LL48 6LF
South Downs National Park Authority	South Downs Centre North Street Midhurst West Sussex GU29 9DH
Yorkshire Dales National Park Authority	Yoredale Bainbridge Leyburn North Yorkshire DL8 3EL

Schedule 2 – New Articles of Association

Schedule 3 - Matters requiring Member Consent

1. Except as provided in clause 7.3, vary in any respect its Articles.
2. Permit the registration of any person as a Member of the Company other than in accordance with this agreement or the Articles.
3. Alter the name of the Company or registered office of the Company.
4. Change the nature of its Business or enter into any new business which is neither ancillary nor incidental to the Business.
5. Adopt or amend its Business Plan in respect of each Financial Year.
6. Enter into any arrangement, contract or transaction:
 - 6.1. which is outside the normal course of the Business; or
 - 6.2. which is otherwise than on arm's length terms.
7. Create or grant any Encumbrance over the whole or any part of the Business, its undertaking or assets from time to time.
8. Incur any borrowings from time to time other than from its bankers in the ordinary and usual course of business, or issue any loan capital.
9. Make any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or grant any credit (other than in the normal course of trading) or give any guarantee (other than in the normal course of trading) or indemnity.
10. Amalgamate or merge with any other company or business undertaking, form or acquire any subsidiary, directly or indirectly acquire shares in any other company or directly or indirectly participate in any partnership or joint venture.
11. Pass any resolution for its winding up or present any petition for its administration (unless it has become insolvent).

Schedule 4 – Trademark

Country	Mark	Registration No.	Date of Registration	Classes
United Kingdom	Britain's Breathing Spaces	UK00003034874	01 August 2014	3, 4, 5, 11, 25, 28, 30, 41.
EU	Britain's Breathing Spaces	EU012428884	7 May 2014	3, 4, 5, 11, 25, 28, 30, 41.

Schedule 5 – Deed of Adherence

THIS DEED OF ADHERENCE is made the [] day of [] by [] of [] (hereinafter called the "**Covenantor**")

SUPPLEMENTAL to a members' agreement dated [] and made between [] (the "**Members' Agreement**")

WITNESSETH as follows:

1. The Covenantor hereby confirms that [he] [it] has been supplied with a copy of the Members' Agreement and hereby covenants with each of the parties to the Members' Agreement from time to time to observe, perform and be bound by all the terms of the Members' Agreement which are capable of applying to the Covenantor and which have not been performed at the date hereof to the intent and effect that the Covenantor shall be deemed with effect from the date on which the Covenantor is registered as a member of the Company to be a party to the Members' Agreement and to be a Member (as defined in the Members' Agreement).
2. This Deed shall be governed by and construed in accordance with the laws of England and Wales.

EXECUTED as a deed the day and year first before written.

SIGNED AS A DEED (but not
delivered until the date hereof)
[NAME OF COMPANY] acting by a
director in the presence of:-

)
)
.....
Director

Witness Signature:

Witness Name:

Address:

Occupation:

**THE SEAL of Brecon Beacons
National Park Authority** was
hereunto affixed in the presence
of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of The Broads
Authorirty** was hereunto affixed in
the presence of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of The Cairngorms
National Park Authority** was
hereunto affixed in the presence
of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of Dartmoor National
Park Authority** was hereunto
affixed in the presence of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of Exmoor National
Park Authority** was hereunto
affixed in the presence of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of Lake District
National Park Authority** was
hereunto affixed in the presence
of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of Loch Lomond and
The Trossachs National Park
Authority** was hereunto affixed in
the presence of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

**THE SEAL of New Forest
National Park Authority** was
hereunto affixed in the presence
of:-

)
)
)

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of Northumberland)
National Park Authority was)
hereunto affixed in the presence)
of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of North York Moors)
National Park Authority was)
hereunto affixed in the presence)
of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of Peak District)
National Park Authority was)
hereunto affixed in the presence)
of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of Pembrokeshire)
Coast National Park Authority)
was hereunto affixed in the)
presence of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of Snowdonia)
National Park Authority was)
hereunto affixed in the presence)
of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of South Downs)
National Park Authority was)
hereunto affixed in the presence)

of:-

.....

[INSERT NAME], a duly authorised
signatory.

THE SEAL of Yorkshire Dales)
National Park Authority was)
hereunto affixed in the presence)
of:-

.....

[INSERT NAME], a duly authorised
signatory.

Sediment Management Plan: Draft Dredging Programme 2015/16
Report by Senior Waterways and Recreation Officer

Summary: This report provides members with details of the Authority's most recent assessment of priority dredging sites and the proposed dredging programme for 2015/16. Members' comments are welcomed.

Recommendation: That members note the contents of the report.

1 Background

- 1.1 Members will recall that in May 2014 the Broads Authority supported the adoption of a new methodology for assessing waterway specification compliance and prioritising future dredging operations. At that time the results from a number of post dredge hydrographic survey were still awaited and officers undertook to bring a further report to the Authority once these survey results had been assessed setting out the priority sites for future dredging operations and a proposed dredging programme for the year 2015/16.
- 1.2 This report provides members with a summary of the most up to date analysis of hydrographic survey data available and also takes account of a number of minor adjustments to mean high water levels in relation to Ordnance Datum.

2 Waterway Specification Compliance Summary

- 2.1 Table 1 summarises the waterway specification compliance assessment which has been used to inform future dredging priorities and the proposed dredging programme for 2015/16.

Table 1

*	Non Compliant Volume m ³	Economically Dredgable Volume m ³	% Non compliant (SA)	% Eco Dredgable (SA)
River Ant	144,668	101,613	52.72	19.97
River Bure	242,047	199,689	29.21	14.60
River Chet	11,953	10,019	38.26	22.64
River Thurne	423,548	276,075	80.09	35.26
River Waveney	79,447	65,949	8.16	4.44
River Yare	135,874	115,605	13.89	6.95
TOTAL	1,037,540.56	768,951.68	32.32	14.72

3 Future Dredging Programme

- 3.1 Analysis of the hydrographic survey data enables a detailed assessment of the dredging requirements in individual management units to be undertaken to the extent that precise areas and quantities of economically removable sediment can be identified.
- 3.2 However, Waterway Specification Compliance is not the sole deciding factor in determining where dredging operations should be programmed. Issues such as availability of disposal sites, the level and type of boat use in particular areas, the cost of sediment removal per cubic metre and unresolved safety incidents are also considered by officers in developing the future dredging programme.
- 3.3 Having modelled the most up to date hydrographic survey data officers have identified an initial list of priority sites for dredging operations in the coming years and this is shown at Table 2.

Table 2 Initial List of Priority Sites

Management Unit	% Non-Compliant (SA)	% Economically Dredgable	Economically Dredgable Volume m ³
Slaughterhouse Yard to Bure Mouth	72	48	19,182
Ant Barton Broad to Ludham Bridge	67	26	17,008
Mautby Marsh Mill to Slaughterhouse Yard	57	42	63,131
Barton Broad	51	9	12,023
Heigham Sound	84	39	9,511
Haddiscoe Cut	45	30	22,096
Hickling Broad (channel)	99	45	23,750
Limekiln Dyke	69	54	3,325
Coltishall Common to Juby's farm	64	34	15,564
Catfield Dyke	80	72	4,769
Total m ³			190,359

- 3.4 While being led by an analysis of the modelled survey data and consideration of the other factors mentioned at paragraph 3.2 such as level of use more localised issues identified by experience, information received from users and physical sounding are also taken into account when formulating the annual dredging programme. The identification of reuse and disposal options for dredged sediment also dictates when individual management units can be programmed. Table 3 sets out the proposed dredging programme for the financial year 2015/6.

Table 3 Proposed Dredging Programme for 2015/16

Dredge Area	Estimated volume (m³)
River Bure Three Mile House to Marina Keys	10,000
River Bure Acle bridge to Stokesby	7,000
Oulton Broad	10,000
River Ant Limekiln Dyke	3,500
River Yare Berney Arms to Seven Mile House	5,000
River Yare Whitlingham Bends	4,500
Upper Thurne Hickling Broad (Phase 1)	5,000
Upper Thurne Catfield Dyke	5,000
TOTAL	50,000

4 Conclusions

- 4.1 As can be seen from Table 3 the proposed dredging programme for 2015/16 will achieve the Authority's target of removing 50,000m³ and start to deal with some of the priority sites identified in Table 2. The ongoing programme of hydrographic survey and modelling will continue to progressively update this information. During 2015 post dredge surveys will be undertaken and incorporated and recent survey data from the River Yare and River Wensum will be modelled. This report was considered by the Navigation Committee at its meeting on 11 December. Members welcomed the report, supported the proposed priority sites for dredging and the programme for 2015/16. Members' comments are welcomed.

Background papers: Nil

Author: Adrian Clarke
Date of report: 8 January 2015

Broads Plan Objectives: NA1

Appendices: None

Climate Change Adaptation Plan
Report by Head of Strategy and Projects

Summary: The report outlines progress made with the Climate Change Adaptation Plan and provides a draft for Members to consider whether it should be sent out for wider consultation. The draft provided is for a simplified version of the plan suitable for all with a more technically detailed plan being developed to be sent to Defra in due course. The draft has been discussed with key partners and provides a partnership position.

Recommendation:

Members are asked to support the draft plan and to agree:

- (i) that the plan should be sent out to key stakeholders for their comments;
- (ii) that using the responses received to refine the draft plan as necessary and create a final version for consideration later in the year; and
- (iii) that using the responses received to also refine the more technical version of the Plan ready for submission to Defra in the spring.

1 Background

- 1.1 Members will remember the Broads Climate Change Adaptation Panel was established in 2009 as a way of coordinating the approach of the key agencies to adaptation planning for climate change in the Broads. The Panel oversaw the development of a Preliminary Draft Adaptation Approach for the Broads that was sent to Defra in 2011 as part of the Adaptation Reporting Powers process and used to help create the National Adaptation Plan.
- 1.2 The Plan was preliminary as the Authority supported the Panel in its view that further discussion was needed with a wider set of stakeholders to determine the details. This process was discussed over the following year and it was agreed to undertake some deliberative engagement in 2013 under the Broads⁰ Community banner with the prime target groups being parish councils, farmers and landowners, tourism businesses and young adults. With climate change at that time being low on the political agenda, economic challenges dominating thinking and the uncertainty and complexity of the climate projections not making it easy for many to address the issue, engagement was limited. It was agreed therefore to try a different approach.

- 1.3 The approach then centred on creating a plan with sufficient content to help people react to the ideas and actions being proposed for addressing climate change. As the Preliminary Draft Plan was reviewed by officers a new approach was adopted making use of a concept called 'Climate Smart' used to excellent effect by the National Wildlife Federation in the USA. The creation of the Broads Climate Change Adaptation Plan and its consultation were chosen as a Strategic Objective for the current year.
- 1.4 The timetable for the Strategic Objective slipped to enable the revised approach to be tested with the Panel and key partners but it is now possible to share a draft of the non-technical plan that it is proposed to use for wider consultation.

2 Next Steps

- 2.1 The draft document is attached as Appendix 1. It has been deliberately kept short and seeks to use language that will be understood by all. It is proposed that the final version for consultation is enhanced through the addition of some pictures /images and simple design to make it as engaging as possible. This would suggest a consultation period from late February for a period of six weeks. This also allows time for any initial comments from Members to be incorporated.
- 2.2 The document reflects the thinking of the core partners on the Panel on the best approach for the Broads and would require reasoned argument to alter. This means the consultation process would be best directed at relevant organisations (although any members of the public would be welcome to respond), and seek to gain responses to a series of questions about the structure and how understandable the document is, and whether the ideas expressed would be useful to their organisation. Appendix 2 lists the likely consultation bodies.
- 2.3 As part of the consultation process time would be taken to present the Plan to the Broads Forum (which has always been used as a way of keeping the development process open and transparent), the Broads Local Access Forum, Navigation Committee and any other relevant formal bodies with an interest in the Broads and water management. There would be an open offer to also attend relevant meetings to facilitate discussion around the document using the supporting materials developed for the Broads⁰Community.
- 2.4 Any responses received will be reviewed and used to inform any necessary revisions to the document and to the larger, technical plan that will be sent to Defra.
- 2.5 There will often be mixed views about when we need to act to adapt to a changing climate. Most projections suggest that it will be some decades before the alterations are really felt although the last 18 months has certainly been party to a wide set of unusual weather conditions which have tested society's ability to cope. As many of the adaptation options would require significant funding or changes to decision making processes which will take

time, the Panel's conclusion is that the process of planning ahead needs to be tackled sooner rather than later. The adaptation plan is therefore seen as a mechanism to stimulate debate and help people prepare for the changing environment in a cost effective way.

Background papers: Preliminary Draft Broads Climate Change Adaptation Plan can be found at: <http://www.broads-authority.gov.uk/looking-after/climate-change> along with other background material

Broads Plan Objectives: CC1-4

Author: Simon Hooton

Date of Report: 5 January 2015

List of Appendices: APPENDIX1: Draft (non-technical) Broads Climate Change Adaptation Plan – 'The changing Broads... climate smart planning in the Broads'

APPENDIX 2: Consultation list

Appendix 1 *This could be just a web link to save having 12 pages of appendix but would it be read?*

Climate Change Adaptation Plan – Non technical version (draft text 31/12/14-
–to be redesigned as a 12-page booklet with illustrations)

Title of document:

The changing Broads...

Climate-smart planning in the Broads

Introduction

The Norfolk and Suffolk Broads is an ever changing landscape, shaped over centuries by nature and people. Rich in wetland habitats and with 200km of open water and winding rivers, it is recognised and valued for its wildlife, heritage and recreational importance. Its low-lying nature and closeness to the East coast makes the Broads particularly vulnerable to the impacts of climate change and sea level rise. These impacts are likely to become increasingly significant as we move through the century. **The changing Broads...** looks at the impacts of climate change and sea level rise on this special area and suggests a way forward. It summarises the more detailed **Broads Climate Change Adaptation Plan** produced for Government as part of the Adaptation Reporting process. If we want the best for the Broads and for all who live, work and play here it makes sense to start planning now. This document is produced to help stimulate thinking and progress the process of seeing how the area can be more resilient and plan to cope with the changing environment. Get involved and help agree the best action to take to build a resilient future for this special area.

Join the

BROADS
°COMMUNITY

Broads Climate Change Adaptation Partnership

Broads Authority, Environment Agency, Natural England,
National Farmers Union, University of East Anglia and local
authorities *insert logos?* .

How is our climate changing?

Climate science has been evolving for decades, using evidence from the past and computer modelling to project what is likely to happen in the future. While climate predictions are extremely complex with many variables to be considered, modelling results are coming closer together.

Based on probable projections, over the coming 50 years the Broads is likely to see:

- * Hotter, drier summers with more cloud-free days and future *average* temperatures closer to current *maximum* temperatures. Extreme precipitation still possible
- * Slightly wetter, warmer winters with rainfall in more intense bursts
- * Streams and the sea getting warmer, with associated changes in wildlife and water make up
- * More extremes in the intensity and frequency of rainfall and storms, and possibly heatwaves and drought. These could coincide with surge tide events, creating still higher flood levels

Sea level is already rising due to land settlement. In addition, the expansion of water as it warms up suggests that sea level will be 30-40cm higher by the end of the century. If climate 'tipping points' are reached, suddenly enabling lots of polar ice to melt, sea levels could be much higher.

How will these changes affect the Broads?

The Broads is a unique and internationally important wetland, a living and working landscape shaped and nurtured by its inhabitants since at least Roman times. A member of the UK National Parks family, the Broads is designated for its landscape, nature conservation and cultural features, and is a popular visitor destination.

In Table 1 below, we have assessed the likely climate impacts on the Broads, focusing in particular on these **special qualities** that define the area's character and value:

1. Rivers and open water bodies ('broads')
2. Fens, reed beds and wet woodlands
3. Grazing marshes and ditches
4. Estuary and coast
5. Navigable, lock-free waterways
6. Farmland
7. Abundant wildlife
8. Historic structures, especially mills
9. Countryside access on land and water
10. Tranquillity, wildness and 'big skies'

Table 1

Climate variable	Likely impacts in the Broads	Impacting on these special qualities									
		1	2	3	4	5	6	7	8	9	10
Hotter drier summers	Lack of water for abstraction and the environment	x	x	x		x	x	x	x		x
	Lack of water reducing flushing of system - more pollutants	x	x	x	x		x	x			
	Changes in species mix and growth	x	x	x	x	x	x	x	x	x	x
	Changes in tourism patterns and visitor numbers	x	x					x		x	x
	Drying of ground and materials affecting historic environment and landscape character			x			x		x		
	Intense precipitation periods	x	x	x	x	x	x	x	x		
Warmer wetter winters	Less die-off of pests and diseases	x		x	x		x				
	Higher peak and resting water levels possible	x	x	x	x	x	x	x	x	x	
	Changes in species mix and growth	x	x	x	x	x	x	x	x	x	
	Changes in tourism patterns and visitor numbers	x	x				x	x		x	x
Sea level rise	Flooding of land primarily through overtopping or breach	x	x	x	x	x	x	x	x	x	x
	Increasing salinity in predominantly freshwater system	x	x	x	x		x	x	x		
	Changes to other water levels (including indirect)	x	x	x	x	x	x	x	x	x	x
Extreme events (e.g. storms, heatwaves)	Sediment washed off land into waterways	x	x		x	x	x	x	x		
	(Flash) Flooding of land and infrastructure more likely	x	x	x	x		x	x	x		x
	Tidal surges created by weather systems and high tides	x	x	x	x	x	x	x		x	x
	The cumulative effects of unusual weather patterns putting coping strategies under stress						x	x			

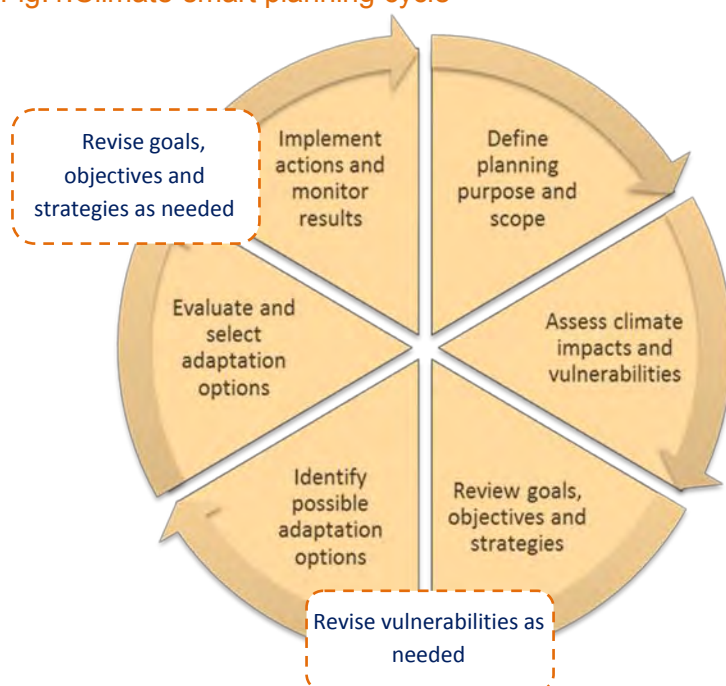
How can we respond?

With the impacts of climate change and sea level rise in mind, what can we do about it? To help develop our responses, we are suggesting a 'climate-smart' approach. In simple terms, this is about adding a layer of 'climate-smart thinking' to our management planning, strategy and actions. It can be done at a small, local site level (such as a farm, tourist attraction or nature reserve) or a large organisational level (such as an angling strategy, species recovery plan, or policy development).

Climate-smart principles seek to:

- * Sustain our natural environment and the multiple benefits it provides for people and nature
- * Understand how climate change might affect our goals, objectives and management choices as they may need to be modified to be realistic
- * Focus on future possibilities rather than trying to retain the past
- * Be flexible to cope with the uncertain nature of climate projections
- * Address climate impacts and uncertainties alongside other pressures
- * Consider what to do locally within the context of the broader landscape
- * Reduce greenhouse gas emissions
- * Avoid adaptation that actually makes (other) things worse
- * Improve evidence and understanding

Fig.1.Climate-smart planning cycle¹



Common responses to change are shown in Table 2. Alongside these, we can also consider management change (altering the way we do things), technological or constructional change (altering the way things are built or bringing in new technology) or relocation (moving something, or recreating something similar elsewhere).

¹ Adapted from 'Climate-Smart Conservation: Putting Adaptation Principles into Practice' (National Wildlife Federation, 2014)

Table 2

Responses to change	Example - <i>Flood risk and footpath maintenance</i>	Considerations
Resist change and seek to make alterations that keep things the same	<i>Raise height of riverside wall to stop footpath flooding</i>	<i>Uses known techniques. May be costly. Diverted flood water could cause problems elsewhere.</i>
Accept change and make no alterations	<i>Accept that riverside footpath will sometimes be flooded and unusable</i>	<i>Could use low cost warning signage. May need review of risk assessment and public acceptability.</i>
Accept change and make alterations to get the best from the situation	<i>Install lengths of boardwalk to lift path above most flood levels in locations where impact is significant</i>	<i>Could be costly but may buy time to plan and fund alternative solutions.</i>
Accept change and alter goals, objectives or strategies	<i>Close existing footpath if flooding is happening regularly; replace with route away from flood risk or change recreation objectives in that area.</i>	<i>Assess what frequency of flooding justifies route closure and whether alternatives exist. Could be most sustainable long-term solution.</i>

This is a fairly simple example and there are likely to be some very difficult and complex decisions ahead. This is why planning now for the longer-term future is so essential. The closer we can get to consensus solutions will mean the choices made are better suited to all. This will help minimise unjust solutions and may require necessary 'losers' to be compensated in some way.

Many adaptation choices will require time to gain necessary agreements or changes in practice or policy, or to gather more evidence about what may be technically, socially, environmentally and economically possible or acceptable. Having said that, there may be 'low regret' actions we could take now that would still keep options open for the future. The more we plan ahead and understand the implications the easier it will be to remain sufficiently flexible to deal with the actual conditions being felt.

Being climate-smart in the Broads

Following on from Table 1, Table 3 below suggests some possible adaptation options and low regret actions, with a rough indication of the level of cost and challenge to implement them. These and other options and actions would need to be considered in detail within the climate-smart planning cycle and principles.

Table 3

(Cost and challenge: 1=lower end of range, 5=higher end of range)

Climate event	Significant climate impacts & vulnerabilities	Possible adaptation options	Indicative Cost	Challenge	Low regret actions
Hotter drier summers	Lack of water for abstraction and the environment – lack of water to flush system	* Alter abstraction licensing or processes.	2	2	a. Review abstraction licencing to seek sustainable solutions for environment and users. b. Promote grants to create farm reservoirs and processes to hold back water c. Improve monitoring to understand sources and flows of pollutants.
		* Hold back water – holistic water management	2	2	
		* Reduce levels of nutrients/pollutants.	3	3	
	Changes in species mix and growth	* Change species management.	1	2	a. Review site management plans and change goals or management as appropriate. b. Pilot experimental conservation techniques. c. Assess potential for and trial re-location of key habitats
		* Greater control of water levels.	2	1	
		* Relocate to where conditions are suitable	3	4	
	Changes in tourism patterns and visitor numbers	* Market forces to determine response.	1	2	a. Develop tourism vision to steer future investment b. Promote mechanism for growth/development to contribute to conservation management.
		* Identify sites vulnerable to disturbance and invest in better visitor management	1	2	
	Drying of ground and materials affecting historic environment and landscape character	* Revise site water management.	2	2	a. Historic environment agencies to identify main risks and provide guidance within planning system. b. Develop scheme to record asset details to monitor change and create legacy if asset lost.
		* Proactive protection of structures/assets.	3	3	
		* More recording to retain knowledge.	1	1	
	Intense precipitation periods	* Improve temporary water management structures	3	3	a. Improve water infiltration rate of land (rural and urban) b. Increase amount of buffer land to protect water courses and
		* Improve holding capacity of land	2	2	

Climate event	Significant climate impacts & vulnerabilities	Possible adaptation options	Indicative Cost	Challenges	Low regret actions
					vulnerable areas.
Warmer wetter winters	Less die-off of pest and diseases	* Breed for disease resistance.	3	3	a. Improve risk assessments and plan ahead. b. Reduce other stresses so greater ability to resist disease /pests. c. Monitor for natural resistance within species.
		* Modify management practices.	1	2	
		* Minimise other threats to help keep healthy populations.	2	2	
	Higher peak and resting water levels possible	* Increase scope and height of flood defences.	4	2	a. Model river levels taking into account worst case climate impacts to assess issues. b. Identify impacts on bridges of higher water levels. Review what other facilities might need to alter.
		* Allow higher water levels generally.	2	3	
		* Alter navigation infrastructure.	3	3	
	Changes in species mix and growth	* Modify management processes.	1	2	a. Review site management plans and change goals or management as appropriate.
		* Revise site objectives.	1	1	
		* Alter water control.	2	2	
	Changes in tourism patterns and visitor numbers	* Allow market forces to determine response.	2	2	a. Develop vision for tourism industry. b. Enable contributions from growth to help site management.
		* Plan for growth in tourism season.	1	1	
		* Increase investment in visitor management.	2	2	
Sea level rise	Flooding of land, primarily through overtopping or breach	* Strengthen coastal defences.	4	4	a. Further studies on implementation of Shoreline Management Plans. b. Share case studies on relocation costs. c. Raise awareness of vulnerable people to adaptation options.
		* Install localised site specific protection.	3	3	
		* Realignment schemes.	3	3	
		* Relocate vital assets.	4	5	
	Increasing salinity in	* Introduce salt barriers.	5	4	a. High level financial and technical review of

Climate event	Significant climate impacts & vulnerabilities	Possible adaptation options	Indicative Cost	ve Challen	Low regret actions	
	predominantly freshwater system	* Review objectives to accommodate more salty conditions.	2	4	b. Continue to investigate new technological options to protect from saline intrusion. c. Review site management plans (and legislative constraints) for Natura2000 sites.	
		* Modify management practices.	2	2		
	Changes to other water levels (including indirect)	* Create overspill areas to accommodate excess.	3	3	a. Develop solutions to problems with landowners, particularly through catchment approaches/ Water Framework Directive. b. Review Local Plan policies.	
		* Localised defence structures to maintain levels.	3	3		
		* Move vulnerable habitats/historic buildings to new locations.	4	4		
		* Review objectives to allow higher water levels.	2	2		
		* Consider realignment of existing barriers	3	3	a. Build in sufficient room for change in all new designations and/or coastal defence schemes b. Identify potential areas for new coastal habitat so land managers can consider if that option is viable in future planning	
	Squeeze of marine habitats against barriers	* Create new areas of coastal habitat to compensate loss elsewhere	3	3		
	Extreme events	Sediment washed off land into waterways	* Site management to minimise sediment loss.	2	2	a. Use Water Framework Directive to implement multiple benefit projects. b. Provide advice on funding support through Catchment Management Plans.
			* Proactive management of waterways and infrastructure to create sediment buffers.	3	2	
(Flash) Flooding of land and infrastructure		* Increase scope and height of defences.	3	3	a. Integrate Catchment Flood Management Plans and Surface Water Management	
		* Develop temporary flood areas.	3	2		

Climate event	Significant climate impacts & vulnerabilities	Possible adaptation options	Indicative Cost	Challenges	Low regret actions
	more likely	* Increase opportunities to hold water upstream and improve percolation into the ground.	2	2	a. Plans to identify priority locations for action. b. Develop best practice advice for 'holding up' water in catchment.
		* Improve advance warning and advice.	1	1	c. Develop new funding routes to improve water management
	Tidal surges created by weather systems and high tides	* Build potential surge extremes into modelling and adapt Shoreline Management Plans accordingly	4	4	a. Review existing tidal surge data and model possible impacts with recent extremes built in to identify vulnerabilities
	The cumulative effects of unusual weather patterns putting coping strategies under stress	* Build in contingency to cope with extremes.	1	3	a. Develop advice for home owners and site managers on localised best practice to cope with changing weather extremes. b. Make vulnerable wildlife and heritage sites more robust and resilient including lessening other stresses.
		* Review current goals and objectives to cope better.	1	2	
		* Improve awareness of risks and best practice responses.	1	1	

Managing flood risk in the Broads

Managing water resources is obviously central to the Broads wetland environment. With 95% of the executive area lying within the floodplain and the proximity to the coast, flood risk is a major issue. As a starting point for debate, we have made a high level assessment for managing this risk.

What is the scope?

- * To identify flood risk adaptation options for the Broads within the wider context of the rivers catchment, coast, and urban and rural surrounds
- * To evaluate adaptation options against desired goals, objectives and strategies

What are the impacts and vulnerabilities?

The impacts of climate change and sea level rise include:

- * The sea overtopping or breaching defences and/or surging up the rivers
- * Squeeze of coastal habitat as it becomes eroded by the sea and cannot move past existing barriers
- * Excessive rain, which may also be held back by the tide, overtopping and breaching defences
- * Ground and surface water flooding

These impacts will bring risks of: Flooding threats to life, property and infrastructure; pollutants and excess nutrients, sediments and salinity; coastal habitat squeeze; and changes in the mix and growth of species. Extreme weather events in combination (such as

storms, high tides and heavy rainfall) may affect coping regimes (such as existing flood walls).



Fig.2. Broads Executive Area (in grey) and wider catchment

© Environment Agency. Broads Authority © Crown copyright and database right 2014. Ordnance Survey Licence number 100021573

What are our current goals, objectives and strategies?

The Broads Plan (2011) sets out a long-term aim for the Broads in response to climate change and sea level rise. It states that “All of the key agencies believe that the Broads will remain a special area, retaining its wildlife and heritage importance and continuing to offer extensive recreation and socio-economic opportunities. Longer-term aspirations and decisions will be informed by robust evidence and wide ranging debate on the most appropriate management options”.

This aim was supported in 2014 by a resolution from the Broads Authority that:

(Tidal) surges pose a critical threat for both Broads’ communities and the protection of the very precious freshwater ecology that makes the Broads so special. We recognise the considerable amount of investment made in flood protection and stress the importance of preventing salt water and saline intrusion. (Broads Authority, January 2014)

The Environment Agency manages flood risk from main rivers, estuaries and the sea, and is responsible for river and tidal flood defences. County Councils are Lead Local Flood Authorities, managing flood risk from surface water, ordinary watercourses and groundwater, and Internal Drainage Boards manage land drainage in lowland areas.

Currently, 13km of frontline sea defences between Eccles and Winterton protect the Broads from flooding directly from the North Sea, as part of the Kelling to Lowestoft Shoreline Management Plan. There is a ‘hold the line’ policy approach to maintaining the beaches and existing sea defence structures along this frontage. By later in this century this becomes conditional depending on the climate experienced. It is therefore vital to continue with the evidence gathering to monitor and predict conditions. It is recognised that other management approaches will have to be considered if the ‘hold the line’ position becomes unsustainable. Further inland, the Broadland Flood Alleviation Project 2001-21 is strengthening and maintaining existing flood defences and making new provisions for undefended communities in the Broads.

There is great emphasis on a managed approach and each time a managed approach is put off, the likelihood of an unmanaged change increases.

What are our adaptation options?

As a starting point, we have looked at seven possible adaptation responses to flood risk.

Table 4

Response to change	Change management	Change technology	Relocate	No action
Resist change, make alterations to keep things same		1		
Accept change, make no alterations				2
Accept change, make alterations to get best from situation	3	4	5	
Accept change, alter goals/strategies/objectives	6	7		

	Possible adaptation options	Considerations
1	Make incremental additions to existing flood protection as conditions dictate. May be achieved through management change, but more likely to require technological/built solutions to maintain current situation.	May appear a lower cost option but as each incremental cost is added it can become high cost over time. This can mask the underlying increase in risks and be a false economy. Many experts believe a 'business as usual' approach would not provide the necessary risk management. Changing conditions may create very technical challenges and require increasingly complex solutions. Potential for increasing inequality as poor and small communities receive less favourable solutions.
2	Accept there will be increased fresh and salt water flooding leading to (slow) change of freshwater habitat to brackish and saline, coastal habitat squeeze, increased impacts and constraints to riverside economy and recreation. Minimise threat to life and property through advanced warning systems.	Unlikely to be an acceptable option to local people, visitors and, to a certain degree, current legislation. Dwells on unmanaged change.
3	Find new places to direct excess water (making space for water), perhaps in 'downstream' locations and/or less populated areas. Increased flood protection at local level (such as around individual properties, small settlements or very valuable land) by individuals/communities or through public bodies. Promote holistic water management trying to use freshwater excess to minimise potential for drought impacts.	Likely to be medium cost; would require new uses for land to retain economic viability; could enhance some services (e.g. wildlife, recreational opportunities); and could be gradually introduced as conditions altered. Holistic water management could bring multiple benefits but would require new governance processes to be created/emerge. Likely to create significant challenges for freshwater habitats seeing a gradual

		move towards brackish and salty conditions.
4	Increase protection through construction of rigid defences. This may be localised raising of flood walls, strengthening of sluices and bridges, etc., but may also include more significant protection through provision of barrier(s) to prevent sea inundation. While raised barriers keep flood water out, the water has to go somewhere. This suggests that over time the defences will have to increase in coverage and potentially in height and strength.	<p>Likely to be high cost; may require high quality modelling and widespread forward planning to ensure problems not transferred elsewhere; likely to provide feeling of greater security for area and people; could be tackled incrementally (topping up as needed), although to get wide protection extensive work might be needed.</p> <p>Multiple benefits might accrue from barrier approach but there are technical challenges to ensure all processes continue appropriately (e.g. passage of boats; getting balance right to allow brackish areas to remain as such) and high financial burdens.</p>
5	Seek to relocate features unable to cope with changing conditions: Move upstream, to higher ground or away from area of risk completely. Some elements would become impossible over time, e.g. boat passage under low bridges.	Likely to be medium to high cost, take a long time to happen and be very challenging for certain habitats. It would also create challenging governance issues.
6	Accept that new conditions will prevail and current goals and objectives need to change. This is likely to relate primarily to managing the land/water in a different way for different outcomes.	Likely to be low to medium cost. By accepting there are inevitable climate impacts that make original goals difficult, new goals can take clear account of the changing climate, allowing a simpler approach to coping and so reducing costs and technical challenges.
7	Technological changes may be directed mostly at human infrastructure (health, education, nutrition) and properties. Instead of seeking to protect riverside properties, repeated flooding could be accepted with the objective to minimise the time spent out of action and the resources wasted in dealing with the aftermath. At this stage options may seem limited and innovation and fresh approaches would be needed.	Likely to be low to medium cost. By accepting there are inevitable climate impacts that make original goals difficult, new goals can take clear account of the changing climate, allowing a simpler approach to coping and so reducing costs and technical challenges.

Evaluating the options

We would clearly need more information and discussion to evaluate these options fully. However, this simple analysis suggests that option 2 would be unacceptable, and that the high cost and technically challenging options can be improved. Revising our current goals or policies may have merit, provided adaptation actions for one requirement would not worsen impacts on something of equal or greater value. Short-term actions to retain the existing special features of the Broads may be preferable, where these would not have unacceptable costs or adverse knock-on effects.

Our conclusion is to seek to retain the freshwater elements of the Broads for the time being, in line with current policy. At the same time, we need to apply 'climate-smart' thinking to planning and major investment, and improve our knowledge about adaptation choices that could balance costs and benefits, and retain the Broads as a special place – although we may have to accept that one or more of the special qualities may not be the same.

The previous research on engineered barriers needs to be revisited to understand the technical and financial options relating to current modelling. If there are feasible solutions, seeking the finance and permissions will take time: If the solutions are not practicable or affordable effort can be directed at alternatives instead. Piloting short-term 'low regret' projects will help inform longer-term approaches and identifying what data needs to be collected to improve understanding would be helpful.

What happens next?

This document is a summary of the **Broads Climate Change Adaptation Plan**, which will be submitted to Government in May 2015 to inform the UK National Adaptation Programme.

What you can do

- * Give us your views on this report (and/or the draft full Broads Climate Change Adaptation Plan which can be found at [xxxxxxx](#)). This will help us refine the documents and present an approach that is well supported.
- * Get involved in the climate adaptation debate – share thoughts, ideas and practical suggestions through the Broads ^oCommunity
- * Contact the Broads Climate Change Partnership to find out how the Partnership can support you in developing your own approach.

What we will do

Subject to the response to this draft document, the Broads Climate Change Partnership will continue to develop the climate-smart approach for the Broads. Over the next 2 years, we will:

- * Listen to, and work with, organisations and local communities to develop climate-smart planning, strategy and action.
- * Develop material that will help people consider climate projections and how they might impact on them and improve progress towards building resilience and adaptive planning.
- * Explore actions to collaboratively tackle flood risk management across a wide area through evolving integrated policy, identifying new funding sources and processes and sharing the responsibilities for the risk.
- * Build evidence and understanding of climate impacts and adaptation options
- * Share good practice and signpost help and support
- * Implement and monitor 'low regret' adaptation actions

- * Incorporate a climate-smart approach in the Broads Plan, following its review in 2015/16.
- * Promote and encourage a climate-smart approach in appropriate partner plans and strategies

Contact

- Visit: www.broads-authority.gov.uk/xxxxxxxxxx
- Write to: Broads Community, c/o Broads Authority, 62-64 Thorpe Road, Norwich NR1 1RY
- Telephone: Simon Hooton on 01603 756025
- Email: Broadscommunity@broads-authority.gov.uk



Join the debate

This list is not exhaustive and is subject to change but forms the basis for consultation
(BF) = represented on Broads Forum

Boating/Water Based Recreation

- Amateur Rowing Association (BF)
- British Canoe Union (BF)
- British Water Ski Federation (BF)
- Broads Angling Strategy Group (BF)
- Oulton Broad Watersports Centre (BF)
- East Anglian Waterways Association (BF)
- Eastern Rivers Ski Club (BF)
- Eastern Rowing Council (BF)
- Inland Waterways Association (BF)
- Norfolk and Suffolk Boating Association (BF)
- Norfolk Anglers Conservation Association (BF)
- Oulton Broad Users Community Enterprise (BF)
- Residential Boat Owners Association
- Royal Yachting Association (BF)
- Sailing, rowing and canoe clubs
- Sport England (BF)
- Yare Users Association (BF)

Land Based Recreation

- British Horse Society, Norfolk Branch (BF)
- Broads Local Access Forum (BF)
- East Anglian Trail Riders Association (BF)
- Gt Yarmouth Port Company Ltd
- Ramblers Association (BF)
- SUSTRANS (BF)

Commercial / Business

- British Marine Federation (BF)
- Broads Hire Boat Federation (BF)
- Broads Tourism (BF)
- Norfolk and Suffolk Pleasure Boat Owners Association (BF)
- Norfolk Chamber of Commerce & Industry
- Norfolk Tourism (BF)
- Suffolk Chamber of Commerce & Industry
- VisitNorwich Ltd (BF)

Wildlife and Conservation

- British Trust for Ornithology
- BTCV (BF)
- Butterfly Conservation
- Forestry Commission
- Friends of the Earth (BF)
- Norfolk & Norwich Naturalists' Society
- Norfolk Geodiversity Partnership
- Norfolk Wildlife Trust (BF)
- Norwich Fringe Project
- RSPB (BF)
- Suffolk Geodiversity Partnership
- Suffolk Wildlife Trust (BF)

Farming/Landowning / drainage & flood mgt

- Association of Inland Drainage Authorities (BF)
- British Association for Shooting and Conservation (BF)
- Broadland Environmental Services Ltd
- Broads Reed and Sedge Cutters Association (BF)
- Country Landowners and Business Association (BF)
- National Farmers Union (BF)
- Farm Conservation /Farming & Wildlife Advisory Group

Education

- Barton Turf Activities Centre (BF)
- Easton College (BF)
- Horstead Centre (BF)
- How Hill Trust (BF)
- Museum of the Broads (BF)
- Nancy Oldfield Trust (BF)
- Norfolk Schools Sailing Association (BF)
- Norwich City College (BF)

Cultural Heritage/Landscape

- CPRE
- English Heritage
- National Trust (BF)
- Norfolk Archaeological Trust (BF)
- Norfolk Coast Partnership AONB
- Norfolk Heritage Fleet Trust (BF)

- Norfolk Landscape Archaeology
- Norfolk Mills and Pumps Trust (BF)
- Norfolk Wherry Trust (BF)
- Norwich Rivers Heritage Group
- Suffolk Archaeological Service
- Suffolk Coast & Heaths AONB
- Wherry Yacht Charter Charitable Trust (BF)

Local charities

- Broads Charitable Trust
- Broads Society (BF)
- Ted Ellis Trust and Wheatfen Partnership
- Whitlingham Charitable Trust

Utilities/infrastructure

- Anglian Water
- Essex & Suffolk Water
- Water Management Alliance

Government/NPAs

- Association of National Park Authorities
- Campaign for National Parks
- County Councils
- District / Borough/ City Councils
- Environment Agency
- Local Strategic/Community Partnerships
- Members of European Parliament
- Members of Parliament
- Natural England
- Parish and Town Councils
- Ward councillors

Social/community/misc

- Arts Council England (East)
- BA staff and volunteers
- Police authorities
- Primary Care Trusts
- Racial equality groups
- Relevant working groups

Please be mindful of the Data Protection Act when using personal details.

Data Protection Act 1998

Personal details are protected under the Data Protection Act and may be used only where they are readily available to the public online or elsewhere. The Authority has a consultation database on Y:Drive. When contacting people on the database, it is suggested that you include a DPA statement such as:

Your contact details are held on the Authority's consultation database. These details are held in confidence and used for Broads Authority consultations and related purposes only, and will not be made available to any third parties. Please let us know if your details are incorrect or if you wish them to be removed from the database.

Freedom of Information Act 2000

The Authority complies with the Freedom of Information Act 2000, which promotes greater openness by public bodies. It gives a general right of access to all types of recorded information held by public bodies, sets out exemptions from that right, and places a number of obligations on public bodies.

**Making the Acle Neighbourhood Plan part of the Development Plan for the
Broads Authority**
Report by Planning Policy Officer

Summary:	On 8 January the referendum for the Acle Neighbourhood Plan was held. 299 residents voted in favour of the Plan and 53 against. A <u>majority 'yes' vote of 85%</u> . The turnout represented 16.29% of the electorate.
Recommendation:	To make the Acle Neighbourhood Plan part of the Development Plan/Local Plan for the Broads Authority.

1 Introduction

- 1.1 Acle Parish Council was identified as the qualifying body and the parish of Acle was designated as a Neighbourhood Area in June 2013, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 1.2 Acle Parish Council developed a neighbourhood plan with its local community and submitted it to Broadland District Council and the Broads Authority. The submitted version of the plan was publicised and comments were invited from the public and stakeholders. The consultation period ran from 14 July to 25 August 2014.
- 1.3 Broadland District Council appointed independent Examiner Rosemary Kidd, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 1.4 The Examiner concluded that, subject to the modifications proposed in her report, the plan meets the 'basic conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004, and should proceed to a Referendum.
- 1.5 A referendum was held on 8 January 2015, where 85 per cent of those who voted were in favour of the plan¹.

¹ 299 residents voted in favour of the Plan and 53 against. So this represents a majority 'yes' vote of 85%. The turnout represented 16.29% of the electorate. Please see Appendix A for the declaration of the result of the poll.

- 1.6 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. Broadland District Council and the Broads Authority are not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). However it is not considered that the plan is in breach of this legislation.

2 Financial Implications

- 2.1 Adoption of the Neighbourhood Plan requires a small amount of officer time in order to publicise the fact that the Plan forms part of the criteria for determining planning applications within the parish.
- 2.2 Planners will have to consider the document alongside existing Local Plan documents when determining planning applications within Acle Neighbourhood Area. However, this will form part of the existing process in determining applications and should not require extra resources.

3 Conclusion

- 3.1 The independent Examiner found that, subject to the modifications proposed in her report, the plan meets the basic conditions and other requirements prescribed by the relevant legislation.
- 3.2 The referendum held on the 8 January 2015 met the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012. Greater than 50 per cent of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
- 3.3 Accordingly it is recommended that the Acle Neighbourhood Plan is made part of the Development Plan/Local Plan for the BA.
- 3.4 Broadland Council and the BA will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

4 Links of Relevance

- 4.1 The Inspector's Report: http://www.broadland.gov.uk/PDF/Acle_NDP_-_Examiners_Report2.pdf
- 4.2 The BA's Acle Neighbourhood Plan webpage: <http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning/acle>
- 4.3 Broadland District Council's Neighbourhood Plan webpage: http://www.broadland.gov.uk/housing_and_planning/6136.asp

Background papers:	None
Author:	Natalie Beal
Date of report:	9 January 2015
Broads Plan Objectives:	None
Appendices:	APPENDIX A - Declaration of Result of Poll

DECLARATION OF RESULT

ACLE NEIGHBOURHOOD PLANNING REFERENDUM

8TH JANUARY 2015

I, the undersigned, being the Counting Officer at the Neighbourhood Planning Referendum for the Acle area held on the 8th day of January 2015, do hereby give notice that the number of votes recorded at the said Referendum is as follows:

QUESTION IN REFERENDUM	
Do you want Broadland District Council and the Broads Authority to use the Neighbourhood Plan for Acle area to help it decide planning applications in the neighbourhood area?	
Number of votes cast in favour of a 'YES'	299
Number of votes cast in favour of a 'NO'	53

The number of ballot papers rejected was as follows:	
a) want of official mark	
b) voting for more than one answer	
c) writing or mark by which the voter/proxy could be indentified	
d) unmarked or void for uncertainty	
Total	0

The total number of votes recorded represented 16.29 % of the registered electors (eligible electorate 2160)

And I do hereby declare that more than half of those voting have voted **in favour** of the Acle Neighbourhood Plan

Philip Kirby
Counting Officer

Date **8 January 2015**

Printed and published by the Counting Officer, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Norwich
NR7 0DU

Timetable of Meetings 2015/16
Report by Head of Governance and Executive Assistant

Summary: This report proposes a timetable of meetings for the period July 2015 to July 2016.

Recommendations:

- (i) To approve the timetable of meetings as set out in Appendix 1.
- (ii) To note the New Members' Induction date set for 23 April 2015.

1 Introduction

- 1.1 A report setting out a proposed timetable of meetings for the following committee year is considered by members at this time of year. This report sets out a draft timetable which is attached at Appendix 1. The new timetable runs until the annual meeting in July 2016.
- 1.2 In the draft timetable, particular factors relating to each committee have been taken into account to facilitate meetings for the full Authority (6), Planning Committee (13), Planning Committee site visits (13), Navigation Committee (6), Financial Scrutiny and Audit Committee (3), Broads Forum (4) and Local Access Forum (4). In particular, the need to schedule a Planning Committee meeting every four weeks and the need to schedule a meeting of the Authority in September to consider the end of year accounts provides a rhythm which the other meeting dates need to conform with. The dates for public holidays have also been taken into consideration when drafting this timetable. The draft timetable has been circulated to the Chairs and Vice Chairs of the Authority and its committees and their views have been taken into account in preparing the new programme. The programme is very similar to the previous years' timetables, which have worked well.
- 1.3 In April, there will have been a number of new members appointed to the Broads Authority including Navigation Committee co-opted members. In accordance with the Broads Authority Members' Development Strategy, an induction for members should commence as soon as a member is appointed to the Broads Authority. It is proposed to set a Members' Induction date on the morning of 23 April 2015, prior to the already scheduled Navigation Committee.
- 1.4 Provision will be made in the 2015/16 and 2016/17 budgets to accommodate the travelling and subsistence costs for members.

Background papers:	Nil
Author:	John Organ
Date of Report:	13 January 2015
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Committee Timetable 2015/16

DRAFT Committee Timetable 2015/16

	2015								2016							
	Day	Time	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Planning	Fri	10.00 am	24	21	11	9	6	4	8	5	4	1/29	27	24	22	19
Planning Cttee Site Visit *	Fri	10.00 am	17	7		2/23	27	18	29	19		15	20	10	15	5
Broads Forum	Thurs	2.00 pm	30				5			4		28			28	
Local Access Forum	Wed	2.00 pm			9			9			2			8		
Navigation Committee	Thurs	1.00 pm			3	22		10		25		21		2		
Financial Scrutiny and Audit Committee	Tues	2.00 pm	7		22					9					5	
BROADS AUTHORITY	FRI	10.00 am	10		25		20		22		18		13		8	
Member Development Day																
New Members Induction Day	Wed															

Bank Holidays	29 August 2015; 2 and 30 May 2016
Good Friday	25 March 2016
Easter Monday	28 March 2016
National Parks UK New Members Induction Courses	22-24 September 2015 Pembrokeshire Coast 19-21 January 2016 Dartmoor 20-22 September 2016 North York Moors

NB: Local Government Election 2016 will be held on 5 May

* Scheduled dates if required

Chief Executive Report

Summary: This report summarises the current position in respect of a number of important projects and events. Members are asked to note the report and in particular this match funding commitment for the bid to the Department for Transport

1 Bridges Update

Contact Officer/Broads Plan Objective: Angie Leeper/ NA5

- 1.1 Trowse Bridge – Following unsuccessful testing that took place on 28-29 September 2014, Network Rail inform us that they now believe that the lifting equipment will need to be replaced. Currently we are not aware of any plans or timing regarding the required future works. After consideration of our request, Network Rail feels they are unable to offer any further manual opening times.
- 1.2 Consultation Document - Anglia: Route Study, Long Term Planning Process. This document currently out for consultation sets out the strategic vision for the future of the network over the next thirty years. This Route Study is amongst the first of a new generation of studies which will go on to inform choices for funders in the years from 2019 to 2024, as well as to set out how future growth in the very long-term to 2043 could be accommodated. The public consultation of this Draft for Consultation closes on 3rd February 2015.
- 1.3 A link to the consultation document can be found here.
<http://www.networkrailmediacentre.co.uk/imagelibrary/downloadmedia.ashx?MediaDetailsID=8378&%3BSizeId=-1>
- 1.4 The Broads Authority were not made aware of this document or given advanced notice of this documents release and its important reference to Trowse Bridge (Page 84). The Chief Executive has consequently raised this and other issues in a letter to Richard Schofield, Route Managing Director, Anglia. A high level liaison meeting between the organisations took place on 5 December 2014.
- 1.5 Potential issues and the content of a response to the consultation were discussed at the Navigation Committee. The Broads Authority officers have subsequently attended a meeting regarding the consultation on the 7 January 2015 although no further information has been received regarding the potential issues regarding Trowse Bridge.

2 Cycling Ambition in National Parks: Request for Funding - Three Rivers Way - Hoveton to Horning

Contact Officer/Broads Plan Objective: Adrian Clarke/ TR1.1

- 2.1 Members will recall that in early 2014 the Authority, in partnership with Norfolk County Council, applied for funding from the Department for Transport (DfT) for Cycling Ambition Grant in National Parks to fund the development of the first section of the proposed 3 Rivers Way cycle route linking Wroxham/Hoveton and Horning. Unfortunately that application was unsuccessful but late in 2014 the DfT recovered a portion of the funding that was previously allocated to another bidder as they were unable to deliver the scheme for which they had been allocated funding within the required timescales. On 15 December 2014 the DfT invited the Broads Authority and Norfolk County Council to reapply for funding for the 3 Rivers Way project and officers have since been working with Norfolk County Council on a revised bid for submission to the DfT by the new deadline of 14 January 2015.
- 2.2 The revised bid covers the construction of the route which is on existing highway land adjacent to the A1062, associated signage, safety features and links to new cycle hire opportunities at Wroxham/Hoveton. The total cost of the scheme is £1.02m and the Broads Authority is being asked to contribute £65k to the match funding element of the scheme. Members had previously agreed to this element of funding when the scheme was last submitted for consideration in 2014. In view of the opportunity to draw down the significant funding on offer a bid has been submitted to the DfT and an announcement is expected by the end of January. If the bid is successful it would be possible to cover the required contribution to the match funding from the Planning Delivery Grant reserve.

3 National Park Grant

Contact Officer/ Broads Plan Objective: John Packman/ Multiple

- 3.1 The Authority normally receives news of its National Park Grant for the following year before Christmas. This year we have been informed that the decision is likely to be made by Ministers towards the end of January.

Background papers:	None
Author:	John Packman
Date of report:	5 January 2015
Broads Plan Objectives:	NA5/ TR1.1
Appendices:	None

Broads Forum

Minutes of the meeting held on 6 November 2014

Please note these draft minutes will be reviewed by the Broads Forum at its next meeting on 5 February 2015 and may be subject to amendments prior to being confirmed

Present:

Dr Keith Bacon in the Chair

Mr Andrew Alston	Mr Brian Holt	Mr Simon Partridge
Mr Brian Barker	Mr Peter Horsfield	Mr Bryan Read
Mr Ashley Cato	Mr Peter Jermy	Mr Richard Starling
Mr Michael Flett	Mr John Lurkins	Mr Charles Swan
Mr Martin George	Mr Peter Medhurst	Mr John Tibbenham
Mr Tony Gibbons	Mr Philip Pearson	Mr Anthony Wright

In Attendance:

Mr S Birtles – Head of Safety Management
Mr W Burchnall – Projects Manager
Ms E Guds – Administrative Officer
Mr S Hooton – Head of Strategy and Projects
Ms A Kelly – Senior Ecologist
Ms L Marsden – Landscape Officer
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive

2/1 Apologies

Apologies for absence were received from Ms Barbara Greasley, Ms Katie Lawrence, Mr Julian Barnwell, Mr Martyn Davey, Mr Robin Godber and Mr John Carr.

The Chairman welcomed everyone to the meeting including John Tibbenham as a new member replacing Mike Evans who was now his substitute, and Mr Peter Horsfield substituting for Robin Godber.

He also mentioned that the Broads Society now has two members, George Martin and Robin Godber, with Peter Horsfield as the substitute

Those present introduced themselves.

2/2 Chairman's announcements

The Chairman referred to Item 2/15 stating that in accordance with the Openness of the Local Government Bodies Regulations 2014 which came into effect on 6 August 2014, members of the public would be able to take photographs, film and audio-record the proceedings, and report on all public meetings as long as they did not make oral commentary during the meeting. He advised that arrangements would be made to ensure that members of the public who objected to being filmed would not be included in any filming shots.

The Chairman reported on the Broads Authority meetings of 26 September 2014 and the issues discussed including:

- (1) Procedure regarding a vacancy within the Navigation Committee
- (2) Branding
- (3) Hoveton Great Broad
- (4) Strategic Direction
- (5) Governance of the Authority
- (6) Financial Report
- (7) Planning – the planning committee was reviewed and the outcome was that they are performing well
- (8) Local Governance Openness
- (9) Strategic Partnership

2/3 To receive and confirm the minutes of the meeting held on 31 July 2014

The minutes of the meeting held on 31 July 2014 were confirmed as a correct record and signed by the Chairman subject to the following amendment:

- *Minute 4/10 Broad Reed and Sedge Cutting Association. Title and Para 1: Cutting Association should read Cutters Association*

2/4 Public Question Time

No questions had been raised by members of the public.

2/5 Summary of progress/actions/response taken following discussions at previous meetings

A report summarising the progress of current issues was received.

The Chief Executive informed the members that the decision about abstraction at Catfield Fen was still awaited and planning on a workshop on fen hydrology was therefore on hold. It is likely the 'minded to' decision on the abstraction licence will be made by the middle of November.

Regarding the waste collection issue the Chief Executive updated the members that the Broads Authority as landowners would need to be involved in collecting waste from one or two sites and that a waste management strategy would be generated by the Authority for 2015.

In response to a question from Michael Flett as to whether the BESL site at Ludham Bridge could be used as a car park the Chief Executive responded that he was not aware of any proposals but that future plans for the Ludham Bridge area were currently being discussed with the Environment Agency .

2/6 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.

Members were informed that The Broads missed out on becoming a national park in the initial phase in the 1950s because of the sheer complexity and a concern about cost. The 1988 Act established an organisation which looks after The Broads and gave The Broads the same status as a National Park.

The Chief Executive emphasised that the proposal only related to the branding of The Broads and did 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 therefore remain of equal priority. The Chief Executive further stressed the point that the name change would purely be for promotional reasons without any hidden agenda.

Tony Gibbons mentioned that The Broads was different to one big park accessible everywhere and open to everyone like they have in the USA and therefore might not be perceived as a national park. The Chief Executive responded that National Parks in the UK, including the Lake District and Pembrokeshire Coast were not widely accessible because they were primarily privately owned and not owned by the state as in the USA.

While the Chief Executive pointed out that tourism was very important to the local economy with the term National Park potentially helping retain existing and attracting new visitors, several members believed that too much emphasis was put on tourism.

Richard Starling (RS) in particular believed the impact of tourism on the economy is not that substantial as tourism primarily creates low paid, seasonal and part-time jobs. He also believed that as UK taxes were higher than abroad becoming a National Park would not attract extra visitors. Brian Barker added that as tourism was only accountable for 14% of income coming to Norfolk it would be more important for the Authority to concentrate on other types of industry which would bring in more income.

The Chief Executive responded that using the term National Park could have financial benefits to the Broads and that the impact of tourism spends would be much wider than just the tourist economy.

Peter Horsfield mentioned that he did not believe the Broads Authority should decide for areas which were outside The Broads executive area to which the Chief Executive responded that the success/benefits of using the term National Park would not be delivered mainly by the Broads Authority but by businesses such as Hoseasons and Richardsons and could be beneficial for the wider catchment rather than just the Executive Area.

While some members did not see any issue with the name change as the Authority had set out the legal advice in the consultation document others said they would feel more comfortable if Defra could put this in writing.

John Lurkins (JL) mentioned that attracting visitors to waterways should not just be to benefit the hire boat companies, but should also advantage the boat building industry and did not believe a name change to National Park would do that.

Andrew Alston (AA) commented that the Authority should consider all three of its purposes as a National Park equally and remain central to all discussions. He also considered that, for this concept to be successful, the Authority would need support from local residents.

Philip Pearson said that changing to a National Park would be beneficial for moving forward with joined partnerships and projects and therefore it would be important not just to look locally but to keep the bigger picture in mind, despite some of the conflicts involved.

An informal show of hands for the Chairman to help him gauge how to report back to the Broads Authority indicated that the majority of members (13 v 5) supported the proposed use of the term Broads National Park for branding purposes.

The Chairman agreed to circulate the views of the Forum to its members for comment, prior to these being forwarded to the Broads Authority as the Forum's response to the consultation.

2/7 Water, Mills and Marshes: The Broads Landscape Partnership Bid

Members of the Committee received a report which highlighted the key aspirations of the Broads Landscape Partnership bid which in addition to undertaking conservation work to mills and biodiversity enhancements for the area, would reconnect communities with their local landscape, skills training, and improve and make available more information about the history of the area for use in educational projects and interpretation.

The Chairman commented that he would like to see the Landscape Partnership Bid area extended to the north of Acle so half a dozen interesting windmills would be included in the project. The Project Manager responded that they would look into this but that getting support from landowners remained a big issue.

The Head of Strategy & Projects responded to a question from Andrew Alston (AA) that in order to obtain realistic targets around engagement the Authority was talking to other successful Landscape Partnership bids to ensure figures used were measureable and achievable.

Members noted the report.

2/8 Initial Consultation on the Draft Strategic Priorities for 2015/16

The Broads Plan 2011 sets out the main themes, objectives and priorities for the area and sets the framework for the Authority's activities. Members received a report which sought to identify the important areas of work they would like to see addressed as part of the Authority's Strategic Priorities for 2015/16.

One of these areas was to deliver partnership projects to improve the chemical and biological condition of water bodies.

RS and Martin George (MG) mentioned that the water quality and the chemical constitution in the water was improving and that members of the public should be made aware of this, although the amount of sediment in the rivers remained a problem.

MG continued that instead of just treating the symptoms the Authority would need to look at the cause of the problem and therefore to reduce erosion on the banks it might be useful to revive boat design research in respect of wave creation for instance by using water jets instead of propellers as this would produce less disturbance of the sediment.

Other areas which were highlighted were Development of the Landscape Partnership Project, Promotion of the Broads and working with Broads Tourism on the development of a new Broads Tourism Strategy.

Members welcomed the prioritising of Hickling Broad in the Draft.

2/9 Broads Authority Act 2009 Provisions: Temporary Closure of Waterways

Members were informed that an approach to the temporary closure of the waterways provision in the 1988 Act was being developed in order to enable the Authority to close the waterways temporarily. This related to circumstances as defined in the Act such as a large recreational event e.g. a regatta.

They were made aware that the approach allows the users some protection in that the duration of the closure must be minimised and alternative provision for the passage of vessels must be considered.

RS asked the Broads Authority to ensure that those participating in any review of staithes were aware of the provisions under Section 10 of the Broads Authority Act 2009 and Section 25 of the 1988 Act and that Parish Councils were fully consulted as to the location and rights of use of the Parish Staithes

for which they were responsible together with local landowners who own the private staithes.

Members noted the report and welcomed the proposal.

2/10 Agri- Environment Schemes, Rural Payments and Assessment of Current Intention of Grazing Marsh Farmers in Response to some of These Changes

Members received a report which summarised the current changes in the European Union's Common Agricultural Policy and the 2015 changes in the UK's Rural Development Programme, including agri-environment payments.

Members received a presentation from Mike Edwards (Natural England) in which he explained how the Countryside Stewardship Scheme, previously known as NELMS, and run by Defra, was a new design which integrated all the previous schemes and made payments to farmers and land managers to improve the natural beauty and diversity of the countryside. The scheme delivered multiple outcomes with their main objective being biodiversity and water management across the whole landscape.

Members were informed that the aim for The Broads was to maintain, restore and create priority habitats like coastal and flood plain grazing marsh, and associated ditches, lowland fens and reed beds.

It was then mentioned that The Broads had particular issues with nitrates, phosphates, sediments and pesticides in the Bure, Waveney and Yare and that organisations that advised landowners should consider options and capital works that would address these issues.

Finally it was highlighted that the Countryside Stewardship Scheme provided advice and guidance with advice provision depending on whether it was Higher or Middle Tier.

In reference to the mention of the scheme delivering sustainable land management, RS was unconvinced the scheme would make a significant difference to sustainable management, as from his experience often the management was not truly sustainable or not undertaken in the way intended.

Members were also informed by the Senior Ecologist that a questionnaire and analysis was commissioned by the Broads Authority to investigate marsh farmers' views and intentions in response to some of the policy and programme changes and their impacts within the grazing marsh environment. Although only a low sample size (12% of marsh farmers) the survey was interesting, with the main outcome that farmers were choosing to maintain marshes as low input with low returns involving limited ploughing.

AA asked whether flood plains were to be connected to the river under new Countryside Stewardship (CS) and whether a saleable reed was to be a condition of reed bed management options under CS as currently many floodplains are not connected to the river. In response Mike Edwards replied that the agri-environment prescriptions scheme did not go into detail of water

management at each site but that this was agreed between the landowner and site managers.

The Senior Ecologist recognised the point AA made that fertilizer needed to go where it was required and not just disappear in the ditches (and therefore it was essential to use best practice to achieve this) and that farmers were responding to global changes in commodity prices meaning that the decision making process for farmers can be ever changing

Members noted the report.

2/11 Chief Executive's Report

The Chief Executive presented his report, which summarised the current position of improvements to the A47, Hoveton Great Broad, Navigation Committee Appointment Process Update and Openness of Local Government Bodies Regulations 2014.

Regarding access to Hoveton Great Broad MG believed it would be a big mistake to renovate and open it up to navigation as this would be harmful for the ecology. The Chairman explained that Hoveton Great Broad would not necessarily be opened up completely but that greater public access was needed within the proposed scheme.

The Chief Executive referred members to the report to the recent Navigation Committee which indicated that tidal waters do not automatically have a right of navigation. He added that the issue at Hoveton Great Broads was that if large amounts of public money are proposed to be spent on a privately owned site, particularly in a National Park, there needed to be an appropriate level of public benefit.

Members noted the report.

2/12 Parish Issues

Mooring rates

JL mentioned that Langley Parish Council had threatened to start charging rates for mooring and believed that toll payers may need to fight this. The Chief Executive responded that he would look into this and circulate a note to the Forum's members but that it was likely these were business rates which the council would have to apply if they were charging for mooring.

2/13 Current Issues

When asked to comment on how water-skiing on Breydon Water would impact on conservation issues the Chief Executive responded that given the very low level of activity with only three people using the area for waterskiing last year the impact on bird wildlife was extremely low.

2/14 To note whether any items have been proposed as items of urgent business

No items were proposed as items of urgent business.

2/15 Matters for Chairman to raise at next Broads Authority meeting

The Chairman would report to the Broads Authority meeting on the various issues discussed by the Forum, and in particular the members' view on branding.

2/16 Matters to be discussed at the next meeting

JL recommended that it would be useful to discuss the charge of mooring rates which might be introduced by Langley Parish Council.

2/17 Date of Next Meeting

To note that the date of the next meeting will be Thursday 5 February 2015 at 2.00pm at Yare House, 62-64 Thorpe Road, Norwich.

The meeting concluded at 4.55 pm

Chairman

Broads Authority
Planning Committee

Minutes of the meeting held on 7 November 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermany
Miss S Blane	Mrs L Hempsall
Mrs J Brociek-Coulton	Dr J S Johnson
Prof J Burgess	Mr P Ollier
Mr N Dixon	Mr R Stevens
Mr C Gould	

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Mr S Hooton – Head of Strategy and Projects
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Planning
Ms K Wood – Planning Officer

Members of the Public in attendance who spoke:

**BA/2014/0297/FUL Compartment 9: Left bank of the River Bure
between Thurne Mouth and Acle Bridge, Ashby-w-Oby**

Jeremy Halls BESL	On behalf of applicant (Environment Agency)
-------------------	---

BA/2014/00336/HOUSEH Landfall, 8 Anchor Street, Coltishall

Mr Peter Cobb/Jonathan Burton	Applicant and Agent
Mr Philip Atkinson	Lanpro on behalf of Objectors Mr and Mrs Smith (neighbour)
Mr Alan Mallett	District Ward Member.

BA/2014/0307/FUL H E Hipperson Ltd, Gillingham

Mr Simon Sparrow	Applicant
------------------	-----------

5/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from: Mr John Timewell and Mr Peter Warner.

5/2 Declarations of Interest

Members indicated that they had no declarations of pecuniary interests other than those already registered and those set out in Appendix 1.

5/3 Minutes: 10 October 2014

The minutes of the meeting held on 10 October 2014 were agreed as a correct record and signed by the Chairman.

5/4 Points of Information Arising from the Minutes

David Matless Lecture in the Julian Centre at UEA

The Chairman reported that David Matless had provided an extremely interesting lecture on 3 November 2014 at the UEA on Nature and Landscape as one of the events to mark the 25th Anniversary of the Broads Authority being set up. The event had been well attended.

5/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

5/6 Chairman's Announcements and Introduction to Public Speaking

(1) Dates for Members to note: BA Planning Policy – Shaping the Broads Local Plan – 5 December 2014

The Chairman reminded members that there would be a workshop for all members of the Authority on Friday 5 December 2014 following the Planning Committee meeting. The aim was to give members the opportunity to help shape the Broads Local Plan in its early stages. All members had received an email and asked to respond as to their intention to attend as soon as possible.

(2) **Public Speaking and Openness of Local Government Regulations**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. The Chairman also asked if any member of the public intended to record or film the proceedings and if so whether there was any member of public who did not wish to be filmed.

5/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests for deferral had been received.

5/8 Applications for Planning Permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decision.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) **BA/2014/0297/FUL Compartment 9: Left bank of the River Bure between Thurne Mouth and Acle Bridge, Ashby-w-Oby**

Removal of piling along the river's edge, and re-grading of the edge and the original bank along the left (eastern) bank of the River Bure between Thurne Mouth and Acle Bridge

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application for the removal of a total of 1,532 meters of piling in five areas along the eastern bank of the River Bure between Thurne Mouth and Acle Bridge. This was now no longer used for flood defence purposes since the majority of flood defence works within this compartment 9 were now completed. The proposal to remove the piling was as a result of the planning condition imposed on the original permission granted for those works. The application also included re-grading of the original flood bank and installation of temporary channel markers in place. He explained that the techniques to be used would be similar to those used elsewhere. He emphasised that the existing private and short stay moorings including those owned by the Authority would be retained.

The Planning Officer drew attention to the consultation comments received, particularly those of the Navigation Committee which had supported the application provided appropriate planning conditions relating to erosion monitoring, channel marking and timing of works

were attached to any planning permission. He reported that Natural England had reported that it was satisfied with the proposals but nothing officially had been received in writing as yet.

In providing a detailed assessment of the proposals against the relevant core strategy and development management policies as well as the NPPF, the Planning Officer particularly took account of the reservations raised by the Boating Associations in relation to the navigation Issues. The Planning Officer concluded that the scheme was acceptable and recommended for approval subject to conditions.

In response to a member's concerns relating to use of netting in the area which had caused problems elsewhere, Mr Halls, on behalf of BESL confirmed that netting had only been used in areas of significant erosion. BESL in association with Authority rangers would ensure that any remaining obtrusive structures or objects would be removed and this would require underwater survey.

Members welcomed the proposal and concurred with the Officer's assessment. The piling to be removed was no longer required for flood defence purposes. The pile removal would not increase flood risk in the compartments or elsewhere in the area. It was considered that with the imposition of planning conditions; navigation, recreation, ecological, highway, amenity and other interests could be protected

RESOLVED unanimously

that the application be approved subject to the receipt of formal comments from Natural England and conditions as outlined within the report together with an additional condition requiring an underwater survey post removal of the piling to ensure obtrusive artefacts were removed. The permission to be accompanied by an Informative referring to the Memorandum of Understanding between the Broads Authority and the Environment Agency 2003, the Water Resources Act 1991 and flood defence consent.

The proposal would meet the key tests of development plan policy, particularly Policies CS1, CS2, CS3, CS4, CS15 of the adopted Core Strategy and Policies DP1, DP13 and DP29 of the Development Management DPD and would be consistent with NPPF advice.

- (2) **BA/2014/0336/HOUSEH Landfall, 8 Anchor Street, Coltishall**
Resubmission of BA/2013/0313/FUL to remove existing conservatory and provide first floor extension / side extension
Applicant: Mr P Cobb

The Planning Assistant provided a detailed presentation on the proposal for the removal of an existing conservatory and to provide a first floor extension and side extension in its place to form a cross-wing arrangement. It was intended that the materials to be used would

match the existing to include concrete tiles and matching brickwork on the ground floor with the first floor being of timber cladding.

The Planning Assistant drew members' attention to the consultation responses received particularly those expressing concern about the adverse impacts on landscape, Conservation Area and listed buildings, the proximity to existing dwellings and amenity of adjoining occupiers. Since the writing of the report, further consultations had been received from the Broads Society which had not objected (letter circulated).

The Planning Assistant provided photographs to illustrate the proximity of the Grade II Curtilage Listed Building of Old Maltings with views from that property to Landfall. She explained that planning permission had been granted in 1989 to the Old Maltings for an extension adjacent to Landfall part of which had been constructed. Extant permission existed for the remaining conservatory with glass roof, not yet built. The owners had submitted results of a light survey contending that the application before members would result in loss of light to certain parts of the Old Maltings.

Having provided a detailed assessment of the proposals, taking account of the main issues in relation to the design, impact on the Conservation Area and listed building, amenity and trees (notably the copper beech tree,) the Planning Assistant concluded that whilst the objections were appreciated, on balance, the application was acceptable and an appropriate type of development. Although it was appreciated that the relationship with the Curtilage Listed building would change, it was not considered that the listed building or amenity of the occupiers would be detrimentally affected as to justify a refusal. It was considered that the extension would relate far better to the predominant scale and form of dwellings along Anchor Street and within the Coltishall Conservation Area. The recommendation was for approval subject to conditions including a tree protection plan.

Mr Atkinson, on behalf of the objectors expressed deep concerns on the basis that he considered the application to be flawed due to factual inaccuracies and that it had not been properly assessed in relation to rights to light. He provided members with diagrams of the potential light restrictions based on assessments undertaken in line with BRE Good Practice Guidance. He considered that the 25 degree test had not been met. He therefore requested that the application be deferred in order to make the appropriate assessments concerning the impact of the proposed development on the neighbour. The proposal would affect the views into the habitable room of the conservatory which had extant planning permission but had not yet been built. He considered that the impact of the proposal on the Old Maltings would be significant and impact on the sunlight to that property.

Members commented that Mr Atkinson seemed to have mixed up his points of the compass and was confusing north and south.

Mr Burton on behalf of the applicant commented that Anchor street had evolved as an area of mixed development. The existing 1960s bungalow did little to enhance the area and the way in which the proposal had been designed was to provide a more agreeable development harmonious to the setting. It was significantly different to the previous application which had been withdrawn and realigned to minimise the impact on the listed building. He explained that the conifer trees at about 3.5metres to 2metres high, which originally formed part of the boundary between the Old Maltings and Landfall had been removed at the request of the owners of Old Maltings and replaced temporarily by a 2 metre high fence in order to provide privacy.

Mr Mallett the Ward Member commented that he considered there to be a serious matter of procedure. He contended that the first he had been made aware of the application was from a phone call from a fellow District member and from only receiving notification within the last week that the application was to be considered at this planning committee meeting. The Parish Council seemed also to be unaware of the application and therefore there had been insufficient time for either to provide an adequate assessment or comment.

The Case Officer confirmed that consultation letters had been sent out to the Local Member and the Parish Council on 7 October. In addition all ward members would have received the weekly list of validated applications. However, given that there was doubt about whether these notifications had been received, Members considered that the application should be deferred. In addition, it was suggested that due to the complex relationship between the two buildings and the difficulty in appreciating his relationship just in plan form, it would be appropriate for Members to undertake a site visit.

It was RESOLVED by 7 votes to 2

- (i) that the application be deferred to enable the Parish Council and Ward Member sufficient time to provide any comments on the proposal and for issues raised by the objectors to be considered further; and

by 6 votes to 2

- (ii) that the Committee have a site visit to clarify a number of issues raised by the objectors. The site visit to take place on Friday 28 November 2014 at 10.00am in order to gain a full appreciation of the site and examine the proposals in the context of the Conservation Area and the Grade II Listed properties.

- (3) **BA/2014/0307/FUL H E Hipperson Ltd, Gillingham, Beccles**
Change of use of mooring from leisure to residential
Applicant: Mr Simon Sparrow

The Planning Officer provided a detailed presentation of the proposal for the change of use of one mooring plot currently used for leisure to be used as residential mooring in order for the new owners/managers to live on their barge which is on the site of a long established boatyard providing a range of boating and visitor facilities. The 17m mooring was off the main navigation within a mooring basin and was used in association with the wider boatyard use.

The Planning Officer explained that no objections to the application had been received but it was before members on the basis that it was a departure from policy.

The Planning Officer provided an assessment of the application. In particular it was assessed under the criteria within Policy DP25 for Residential Moorings. On this basis with reference to criteria (b) to (i) relating to change of use of moorings, the application was considered acceptable. However, with reference to criteria (a), the application did not fall within or adjacent to a development boundary and was therefore in conflict with this specific criterion. However, with the reduction in the number of development boundaries in the Site Specifics DPD to only 4, the fact that these had been reduced on flood risk grounds, the fact that the site was in a sustainable location with sufficient appropriate facilities and services available nearby, it complied with every other element of Policy DP25 and the general policy support for encouraging residential moorings in suitable locations, it was considered acceptable. In conclusion, it was not considered that there would be an adverse impact on the use of the site as a boatyard, biodiversity, access, navigation safety, flood risk, neighbouring amenity or wider character of the area. Whilst the proposal represented a departure from criteria (a) of policy DP25 it was considered that the conflict with criteria (a) of the policy was outweighed by the specific circumstances of this site and type of departure and therefore the proposals was acceptable despite the departure from policy. The application was recommended for approval.

Some members expressed concern that by granting permission for a residential mooring this could set a precedent for unrestricted residential mooring use and they would not wish to see a proliferation of residential boats in this area. They considered that either a personal condition be imposed or that permission be conditional on association with the operation of the boatyard. Officers clarified that this would then need to be assessed against Policy DP26. The applicant had not specifically applied for permission on the basis that it was necessary or essential to be resident on site for the operation of the business. The boatyard had been managed as such without a resident on site for many years. Policy DP25 related to residential moorings. Policy DP26

related to the operation of boatyards. If members considered that policy DP26 was the appropriate policy against which the application should be assessed, this would not require advertising the application as a departure from policy. However, Members were advised that they would be approving an application under this policy without any justification having been put forward by the applicant.

Mr Gould proposed, duly seconded by Mrs Hempsall, that a condition should be imposed on any approval to restrict the use of the mooring for residential use in association with the running of the boatyard only. This was agreed by 10 votes to 1.

On this basis Members considered that the application could be considered under the criteria of Policy DP26 and as such would not be a departure from policy. It was

RESOLVED by 11 votes to 1

that the application be approved subject to conditions as outlined within the Committee report together with an additional condition restricting the use of the residential mooring in association with the use of the boatyard. In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with the NPPF and Policies CS1 of the Core Strategy (2007) and Policies DP11, DP12, DP20, and DP28 of the Development Management Policies DPD (2011). The proposal is considered to be in accordance with Policy DP26 and therefore does not require being re-advertised as a departure from policy.

5/9 Annual Monitoring Report

The Committee received the Annual Monitoring Report from the Planning Policy Officer for the financial year 2013/14.

RESOLVED

that the Annual Monitoring Report be noted, welcomed and endorsed and be placed on the Future Planning pages of the Authority's website

5/10 Acle Neighbourhood Plan: Inspector's Report

The Committee received a report from the Planning Policy Officer outlining the recommendations from the Inspector on the Acle Neighbourhood Plan.

The member appointed by Broadland District Council informed the Committee that Broadland District had approved the Neighbourhood Plan for a referendum.

It was clarified that with regard to the Acle Bridge Area there were no specific plans to improve the area but that this was a supportive contextual policy.

RESOLVED

that the Broads Authority accepts and endorses the proposed changes to the Neighbourhood Plan as set out in the Inspector's Report and supports the Plan to go forward to referendum.

5/11 Salhouse Neighbourhood Plan Designating Salhouse as a Neighbourhood Area

The Committee received a report from the Planning Policy Officer briefly summarising the comments received during the 6 week consultation period on the whole of Salhouse Parish becoming a Neighbourhood Area in order to produce a Neighbourhood Plan. Since the writing of the report an additional representation had been received from a resident concerned about the inclusion of a particular site and suggesting a boundary change. The site fell outside the Broads Authority's area. The parish council would be discussing the matter on 10 November and Broadland District Council subsequently assessing the objection. Therefore members considered that it would be inappropriate to approve designation until this matter had been fully assessed.

RESOLVED

- (i) that the comments received be noted; and
- (ii) that, subject to the Parish Council and Broadland District Council assessing and coming to a conclusion on the objection, the Chairman of the Authority's Planning Committee in consultation with the Director of Planning and Resources be delegated to approve the whole of the Salhouse Parish being designated as a Neighbourhood Area as the first step in the process of preparing a Neighbourhood Plan.

5/12 Consultation Documents Update and Proposed Responses Norwich City Council: Affordable Housing Supplementary Planning Document (SPD)

The Committee received a report from the Planning Policy Officer on the publication by Norwich City Council of its Affordable Housing Supplementary Planning Document which would provide further detail to support the adopted *Joint Core Strategy* Policy 4 (JCS4) and the Development Management Policies Plan Policy DM33, which was due to come into force in late 2014. The SPD would form part of the new local plan for the city which set out policies and proposals to guide development and change in Norwich until 2026. As the Authority sought guidance in respect of housing policy from its adjoining Districts, this was important when considering affordable housing. The policies would be taken into account when the Authority was required to make decisions within the area.

Members welcomed and endorsed the proposed comments.

RESOLVED

that the proposed consultation response together with the comments made be endorsed.

5/13 Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan 2014 – 2019

The Committee received a report from the Head of Strategy and Projects, advising it of the contents of the Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan for 2014 – 2019. This was produced by the Norfolk Coast Partnership which managed the area and consisted of relevant local authorities with other public sector agencies including Natural England. It was noted that the plan built upon the previous five year period plan, and was designed as a framework for all the organisations involved in it, similar to the Authority's approach to its own Broads Plan. Although there was only a small section of the Authority's area which came within the AONB area it was appropriate to be included in association with the duty to cooperate. The Planning committee on behalf of the Authority was requested to consider the document and formally adopt it.

Members considered that the AONB Management Plan was consistent with and did not appear to be in conflict with the aim and objectives of the Broads Authority or the Broads Plan, in many cases was complementary and would be useful with regard to the review of the Broads Plan 2011.

RESOLVED

- (i) that the report be noted and it be
- (ii) RECOMMENDED to the Broads Authority

that the Norfolk Coast AONB Management Plan 2014 – 2019 be adopted.

5/14 Consultation on Sustainable Urban Drainage Systems (SUDS)

The Committee received a report by the Head of Planning on the Government's consultation document relating to Sustainable Urban Drainage Systems (SUDS). Following consultation in 2013, the proposals for dealing with drainage had been revised. The closing date for consultation was 24 October 2014 and therefore officers had responded on the Authority's behalf. Members noted that the revised proposals were significantly reduced in both scale and complexity compared to the former proposal to establish and administer separate SUDS Approval Body (SAB)s. The revised proposals were intended to build on the existing planning system and planning guidance provided to LPAs and Developers on SUDS based on the National Standards and Specified Criteria published in early 2014. The precise details were not set out in the consultation and Officers had provided a number of key questions and issues which needed to be addressed. It was noted that there would be

significant operation issues to be addressed if the objectives were to be achieved. The proposed implementation timetable of Spring 2015 would be challenging to meet.

RESOLVED

that the consultation response be noted and endorsed.

5/15 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since May 2013 as set out in Appendix 1 to the report. Members noted the decision by the Planning Inspector on the Enforcement Appeal relating to Thorpe Island which was part allowed and part dismissed. Members noted that the Authority's legal and planning case had been accepted. The Inspector had considered that the area would be appropriate for the mooring of 25 boats within the marina and therefore planning permission had been granted for these but this was dependent on the fulfilment of a number of conditions within a limited timescale of three months from the date of the decision (20 October). Compliance was required by 20 January 2015 and Officers had provided the landowner with guidance.

RESOLVED

that the report be noted.

5/16 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. In particular the Head of Planning reported that in accordance with the Committee's decision on 10 October (Minute No 4/9(iii), direct action had been undertaken on the land at Thurlton and the fence had now been removed.

Members congratulated officers on the successful outcome.

RESOLVED

that the report be noted.

5/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 29 September 2014 to 27 October 2014.

RESOLVED

that the report be noted.

5/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 5 December 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a Member Workshop to help frame policies for the new Broads Local Plan.

Today's session would be followed by a meeting of the Member Working Group the Heritage Asset Review Group.

The meeting concluded at 12.25pm

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning** 7 November 2014

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Lana Hemsall	5/10	Acle Neighbourhood Plan (Member of Broadland District Council)

Broads Authority
Planning Committee

Minutes of the meeting held on 5 December 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermany
Miss S Blane	Mrs L Hemsall
Mrs J Brociek-Coulton	Dr J S Johnson
Prof J Burgess	Mr P Ollier
Mr N Dixon	Mr P Warner
Mr C Gould	

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning
Ms C Whitaker – Trainee Solicitor with NPLaw as observer

Members of the Public in attendance who spoke:

BA/2014/00336/HOUSEH Landfall, 8 Anchor Street, Coltishall

Mr Peter Cobb/Jonathan Burton	Applicant and Agent
Mr Michael Lane	On behalf of Objectors Mr and Mrs Smith (neighbour)
Mr Alan Mallett	District Ward Member.

BA/2014/0369/COND Silver Dawn, Woodlands, Horning

Mr Nick Barrett	Applicant
Mr Nick Murrells	Objector – resident of Broadhaven
Mrs Barbara McGoun	District Ward Member

6/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public including Catherine Whitaker– trainee Solicitor, Nplaw, as an observer.

Apologies were received from: Mr R Stevens and Mr J Timewell

6/2 Declarations of Interest

Members indicated that they had no declarations of pecuniary interests other than those already registered.

6/3 Minutes: 7 November 2014

The minutes of the meeting held on 7 November 2014 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

Minute 5/11 Salhouse Neighbourhood Plan Designating Salhouse as a Neighbourhood Area

The Chairman reported that following consideration of the objection to the boundary by the Parish Council and Broadland District Council it had been agreed that the whole of the Salhouse Parish be designated as a Neighbourhood area with the boundary as originally proposed.

6/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

6/6 Chairman's Announcements and Introduction to Public Speaking

(1) Dates for Members to note: BA Planning Policy – Shaping the Broads Local Plan – 5 December 2014

The Chairman reminded members that there would be a workshop for all members of the Authority following this Planning Committee meeting to provide an understanding of Planning Policy and to give them the opportunity to help formulate and contribute to the first stages of the Broads Local Plan.

(2) Public Speaking and Openness of Local Government Regulations

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. The Chairman also asked if any member of the public intended to record or film the proceedings and if so whether there was any

member of public who did not wish to be filmed. A member of the public indicated that he would be recording one particular item but there would not be any filming.

6/7 Requests to Defer Applications and /or Vary the Order of the Agenda

A request for application BA/2014/0307/COND Silver Dawn Woodlands Way, Horning to be deferred for a site visit had been received from solicitors acting on behalf of the neighbour objecting to the application. This would be taken into account when the Committee came to consider the application at Agenda Item 6/8(2).

6/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2014/0336/HOUSEH Landfall, 8 Anchor Street, Coltishall**
Resubmission of BA/2013/0313/FUL to remove existing conservatory and provide first floor extension / side extension
Applicant: Mr P Cobb

The Planning Assistant referred to Minute 5/8(2) and in accordance with that decision members had had the opportunity of visiting the site of the application on 28 November 2014, a note of which had been circulated. In addition, the Parish Council and District Council Member had been re-consulted and representatives had also attended the site visit.

The Planning Assistant provided a very detailed presentation of the proposal for the removal of the existing conservatory and replacement with a first floor extension and side extension to form a cross-wing arrangement. She provided photographs from various vantage points to illustrate the context of the site, the proximity to the existing neighbour dwellings including the Grade II Listed Buildings and Curtilage Listed Building of the Old Maltings, which had originally been part of the Maltings and referred to the extant planning permission granted in 1989 for extensions to the latter. She drew attention to the copper beech tree within the roadside curtilage of the application site as well as the cypress tree in the riverside curtilage, explaining that Conservation Area consent had been given to remove the leylandii trees on the boundary as well as two more trees from the site. The leylandii hedge had been removed but the large cypress tree had not.

Although the applicant had indicated he did not wish to remove it, this could not be guaranteed since it had consent for removal and this could not be revoked as it was part of a wider consent which had been implemented. If planning permission was granted, it could be retained with a Section 106 Agreement or a TPO. However, given the tree species, the latter mechanism was not considered appropriate.

The Planning Assistant drew members' attention to the consultation responses received since the last meeting. The Broads Society had no objection; neither did the Parish Council subject to a landscaping scheme.

In providing the detailed assessment of the proposals, the Planning Assistant referred to the Light Assessment provided by the objectors. On this issue according to the Building Research Establishment Guidance, if the angle of light was above 25° this was considered to be sub-optimal and required assessing. The existing situation provided a 28° angle; the proposed building would reduce this angle to 26° and therefore it did not automatically follow that there would be loss of daylight. It was therefore considered that although the effect on amenity was a material consideration this would not, in the Planning Assistant's view be significant to justify refusal.

The Planning Assistant concluded that the principle of the proposal was acceptable, the design was an improvement on the original and more acceptable in terms of the Coltishall Conservation area and the Listed Buildings would remain dominant; the existing distance of the building with the boundary would be maintained and although there would be some obscuring of the public view of The Old Maltings this would not be significant. Although the objections were appreciated, and there would be some effect on the neighbour amenity, it was not considered that this would be so detrimental as to justify a refusal. The recommendation was for approval subject to conditions with the addition of a landscaping scheme including a tree protection plan since privacy could be compromised by the removal of the cypress tree.

Mr Michael Lane, Counsel - East Anglian Chambers on behalf of the objectors Mr and Mrs Smith of Old Maltings spoke to the summary he had provided for the Committee commenting that the application site was highly visible from the roadside and riverside within the important cultural asset of Coltishall and deserved a high degree of protection from inappropriate development. He considered that the proposals would result in a more conspicuous building using material very different to the properties on either side. He questioned the officer's assessment of the proposal particularly in relation to criteria (d) and (f) of Policy DP4 and considered the officer's conclusions regarding compliance with Policy DP5 were unsustainable. He considered that Policy CS5 should have been taken into account in the assessment but had been ignored and if it had been considered would militate against the application. In conclusion he commented that the Old Maltings

would suffer loss of amenity, particularly by way of both the overlooking and overshadowing. With reference to the Broads Society's consultation, he commented that the applicant was a member of one of its major sub-committees and therefore no reference should be made to the Society's comments.

Mr Burton on behalf of the applicant, Mr Cobb commented that Landfall was a 1960s property of little architectural value with limited attractive appeal or contribution to the riverside setting. The aim of the proposal was to create a dwelling which would do more justice to the area. In taking account of the objections, adjustments had been made in the preparation of the plans to minimise the impact on the Old Maltings and the applicant had negotiated with the planning officers throughout the process to make those adjustments. He drew attention to the view diagrams and referred to the diagrams provided by Lanpro on behalf of the objectors which he considered contained incorrect measurements. He commented that the existing trees on the application site blocked most of the views into the garden of the Old Maltings and that sitting on the proposed balcony would not have a significant effect. The gardens did not afford privacy since they were visible from the river and would be open to observation most days. He urged members to support the Planning Officer's recommendation.

Mr Mallett, the Local District Member commented that having now received all the relevant information, attended the site visit and seen the technical information his main concern was the balcony aspect of the proposal. Although he recognised that there were side walls to the balcony, he considered the balcony would afford an undesirable level of overlooking and impact on the amenity of the neighbour. In reference to the existing cypress tree, he commented that should this be removed there would be significantly greater overlooking of the Old Maltings and even with the imposition of a landscaping scheme this would take a considerable time to develop to afford acceptable screening.

In terms of the assessment, the Historic Environment Manager confirmed that in his view the proposed design was acceptable and the Policies CS5 and DP5 referred to by Mr Lane required to be assessed in line with the NPPF, the relevant paragraph being 132, since this superseded the development of these policies and was more stringent. The application had been assessed in line with the NPPF criteria. He was of the view that the proposal would not result in any demonstrable harm to the curtilage Listed Building or to the Conservation Area. There would be an impact but he was satisfied that the Listed Buildings would remain dominant from the roadside, and these together with the Old Maltings would remain dominant from the riverside. He therefore concluded that there would be no demonstrable harm to the heritage assets. Although the proposal would impact on the bungalow, it was considered that it would be in line with the other properties in the area,

would enhance the Conservation Area and he fully supported the recommendation.

The Chairman supported by a number of members commented that having visited the site and listened to all the comments, he was of the view that the proposed design, scale and materials of the extension would be an improvement in the Conservation Area as it would introduce a gable and improve the appearance of the property in the context of Anchor Street. In addition it was not considered that the copper beech tree would be adversely affected. The main concerns were that of neighbour amenity in particular the issues of the impact of light and privacy. With regard to light it was considered that there would be a slight improvement. In addition, when the conservatory, which had extant planning permission, was built, this would also have an effect on the light into the kitchen of the Old Maltings. The main cause of concern was that of privacy, not just of the impact on the conservatory not yet built but on the sitting area within the garden of the Old Maltings. Some of that impact was reduced by the Lawson Cypress. If this was removed there would need to be landscaping appropriate to the circumstances. In addition members were aware that the issue of privacy was compromised by the river traffic albeit transient in nature. It was considered that it would be very difficult to predict the use of the balcony and assess the impact. In conclusion, the Chairman proposed to accept the application subject to a landscaping scheme and the possibility of retaining the coniferous tree. The motion was seconded by Dr Johnson.

Some members took an opposing view about the design expressing uneasiness about the height, scale and massing of the proposal and the impact on the visual setting of the Maltings and Conservation Area seen from Anchor Street. On balance they were not convinced it was an acceptable form of development for the area or persuaded that Policy DP4 and DP5 had been properly assessed, commenting that it was also a matter of judgement and subjectivity. The privacy issue was of major concern and the views of the Local District Member were accepted.

In view of the concerns expressed by members relating to privacy and impact on amenity, the Applicant confirmed that he was prepared to enter into a Section 106 Agreement to retain the Lawson Cypress and for a condition relating to a Landscape scheme.

On being put to the vote, it was

RESOLVED by 9 votes to 3

that the application be approved subject to conditions as outlined within the report and an additional condition for a Landscaping Scheme and a Section 106 Agreement to retain the Lawson Cypress. The proposal is considered acceptable in accordance with Policies DP2, DP4, DP5 and

DP28 of the adopted Development Management Policies (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework.

(2) **BA/2014/0307/COND Silver Dawn, Woodlands Way, Horning**

The Planning Assistant provided a detailed presentation of the proposal for the variation of a condition on application BA/2012/0056/FUL, which was granted planning permission for a replacement dwelling and new car port following a Committee site visit. The condition in question required precise details of external materials to be agreed prior to commencement and these were submitted and approved in July 2013. Unfortunately, the pre-weathered zinc roof covering installed this summer was found not to be in accordance with the agreed sample materials as it had been supplied by a different manufacturer. There was therefore a difference in colour and surface finish. The present application sought to regularise the situation and retain the roof material.

Since the report was written no further responses had been received but a letter from the Solicitor on behalf of the neighbour objector Mr Nick Murrells had been sent to all members requesting a deferral for a site visit in order for members to view first-hand the visual impact of the material being used.

The Planning Assistant showed photographs some of which had been provided by the objector between August and November 2014 to illustrate the reflection from the roofing material. In addition a small sample of the material approved and that which had been used were circulated.

In providing the assessment, the Planning Assistant commented that the retrospective nature and breach of condition was disappointing and regrettable, however, this together with how the material came to be used were not material considerations for determination. It was acknowledged that the material did provide a greater reflection and was more visible and also had an adverse effect on the amenity of the neighbouring occupiers. However, this depended on the time of day, the weather conditions and the season. It was also not possible to quantify how or when the material might change or weather. The use of pre-weathered zinc was acceptable and as such was in accordance with Policy DP4, DP28 and HOR4. Therefore on balance, it was not considered that this was unacceptable and the application was recommended for approval.

Mr Murrells, objector and resident of Broadhaven commented that the condition the Committee imposed was that the material should be dull, non-reflective and pre-weathered to mitigate any form of reflective glare. The material used was intolerable to himself and his family and impeded on the use and movement within his own home. He was able

to provide a large sample of the galvanised zinc sheet which had been approved and a sample of the material that had been installed on Silver Dawn. These were held under the lights to illustrate the impact of light on each. He emphasised that health and safety issues needed to be considered, especially given his personal circumstances of being wheelchair bound. He urged the Committee to ensure that the condition relating to the original roofing material agreed be upheld. Mr Murrells provided some supplementary information to the Committee members including photographs, and also a letter referring to the roofing materials and their differences from Metal Line, metal roof fabricators and installers.

Mr Barrett, the applicant commented that it was regrettable that the pre-weathered zinc used was not the same as that which had been agreed. He acknowledged that a mistake had been made. He was expecting to install a pre-weathered zinc and this is what had been delivered. He was not aware that it was significantly different until a large part of the roof had been installed. If he was to have the material treated in any way, this could affect the guarantee. With reference to some of the photographs provided he considered that some were misrepresentations. From the information from the manufacturer of the material he had used, he was of the understanding that the sheen on the material would dull down in time but he could not be sure when this would be. He confirmed he had not had sight of the letter provided by Mr Murrells nor had he been afforded the opportunity to address its contents and may wish to seek his own advice.

Mrs McGoun the Local District member spoke on behalf of Mr Murrells and his family emphasising that it was established beyond doubt that the roofing material installed was totally different from that which had been approved. As such it created tremendous problems and discomfort for Mr Murrells throughout the year. Given that officers had accepted that there was glare, she could not understand why the recommendation was for approval. She urged members not to accept the recommendation in the interests of Human Rights. If they wished to agree, the application should be deferred for a site visit on a sunny day.

In discussions, some members were inclined not to accept the current application on the basis of the impact on the neighbour. In addition the effect of the different materials was very different and it was also unclear as to the weathering properties and possible time taken to reduce the shine. Members were able to see the samples of the materials and they considered that this was very helpful. In response to the request from the objector's solicitor that the application should be deferred for a site visit, Members considered that this would not provide any additional information as they would only be able to gauge the impact in the weather conditions on that particular day and therefore this was rejected.

However, Members were mindful that the objector had provided evidence to support his case at a very late point in proceedings and therefore as the applicant had not had the opportunity to examine this or respond, it was considered that it would be inappropriate to determine the application at this stage. It was proposed that the application be deferred on this basis which would also enable the applicant to investigate ways in which the roof could be treated to reduce the glare if possible.

The motion was seconded and

RESOLVED by 10 votes with one against

- (i) that the application be deferred to enable the applicant to have sight of the letter circulated by the objectors concerning the materials used for the roof and to give him reasonable opportunity to consider and respond as well as investigate further the possibilities of reducing the impact and weathering properties of the “proposed” materials subject of the retrospective application.
- (ii) that a site visit was not necessary as it might not provide any additional information.

(3) **BA/2014/0407/FUL Pound End and Hoveton Marshes, Horning Road, Hoveton**

New vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End; landing stage, boardwalk and viewing platform at Hoveton Great Broad; and temporary dewatering lagoon

Applicant: Natural England

The Planning Assistant provided a brief presentation of the recently submitted planning application from Natural England relating to the access arrangements to the Hoveton Great Broad as part of the lake restoration project, part of which was given planning approval (BA/2014/0248/FUL) subject to conditions in September 2014.

Due to the level of public interest in the lake restoration project and the desire to improve public access, it was proposed to undertake a site visit in order to provide members with a full understanding of the site. The scheduled site visit date was 30 January. However, in order to give officers sufficient time to provide any additional information prior to the Planning Committee meeting in February, it was proposed that this be held on 16 January 2015. Eight members indicated that they would be available.

RESOLVED

that Members undertake a site visit on Friday 16 January 2015 starting at 10.00am in order to provide a full understanding of the location and features of the application site and the details of the proposal prior to the application being considered by the Planning Committee in February 2015.

6/9 Enforcement of Planning control: Enforcement item for consideration: Staithe N' Willow, Horning

The Committee received a report concerning the erection of 2 metre high fencing without the benefit of the required planning approval and the felling of trees in a Conservation Area at Staithe N'Willow, Horning. Despite negotiations, visits and correspondence since November 2013, a site visit on 29 October 2014 showed no action had been taken to comply with any of the Authority's requests to either remove or reduce the height of the fencing or implement a planting scheme. Given the prominence of the property and its location within the Conservation Area, the height, design and material used in the construction of the fencing were considered important to the character of the vicinity, and what had been installed was inappropriate and contrary to Local Plan Policy. (DP28).

However, a site visit at the beginning of December revealed that work had now been carried out with some of the panels reduced and a hedge planted. It was apparent that the compromise solution negotiated with the landowner had been implemented and therefore compliance with that had been achieved. If members were satisfied with the compromise solution, enforcement action would not be necessary.

Members considered that the compromise solution was acceptable, provided the 2 metre high fence was removed by 31 October 2015, once the hedge was on the way to being established.

RESOLVED by 11 votes with 1 abstention

that the compromise solution to seek compliance was acceptable subject to the removal of the 2 metre high fence by 31 October 2015.

6/10 Heritage Asset Review Group – 7 November 2014

The Committee received the notes from the Heritage Asset Review Group meeting held on 7 November 2014.

RESOLVED

that the report be noted.

6/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. In particular the Head of Planning reported on the progress since the appeal decision in relation to Thorpe Island.

Planning Contravention Notices had been issued and responses had been received from some boat owners. In the meantime, a Section 73 application had been received from the landowner to vary 19 of the 20 of the Inspectors' appeal decision on the basis that the Inspector had gone beyond his powers and their imposition was unlawful. Officers' view was that the application hinged on the legality of the Inspector's decision and therefore should be a matter for challenge in the High Courts

The Authority also received notice of a legal challenge to the Inspector's decision which was received by the Authority on 2 December 2014. The deadline for such a challenge was 1 December 2014 and had been served in the Courts on 28 November 2014. Although this was between the landowner and the Inspector, the Authority was an interested party and had 21 days to acknowledge service.

There were other breaches on the site and how to proceed on these would be discussed between officers and legal advisers. Members noted that any costs incurred by the Authority could be unpredictable at this stage but members would be kept updated on progress.

With regards to the other breaches on the site, although individually they were considered relatively minor, cumulatively they had an impact on the amenity of other residents. Members considered that investigations should continue and the matters pursued. It was noted that the breaches in relation to moorings could be dealt with by Norwich City Council under adverse possession procedures.

RESOLVED

that the report be noted and officers continue to give regular updates.

6/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 27 October 2014 to 24 November 2014.

RESOLVED

that the report be noted.

6/13 Circular 28/83 Publication by Local Authorities of Information about the Handling of Planning Applications

The Committee received a report setting out the development control statistics for the quarter ending 30 September 2014. There were one or two discrepancies which were being investigated.

RESOLVED

that the report be noted.

6/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 9 January 2015 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 13.25pm

CHAIRMAN

Broads Authority

Special Meeting of Financial Scrutiny and Audit Committee

Minutes of the special meeting held on 21 November 2014

Please note these draft minutes will be reviewed by the Financial Scrutiny and Audit Committee at its next meeting on 10 February 2015 and may be subject to amendments prior to being confirmed

Present:

Mr G McGregor – Chair

Mr D Broad
Prof J A Burgess
Mr P Dixon
Dr J S Johnson

In Attendance:

Mr T Adam – Head of Finance
Steve Birtles – Head of Safety Management
Ms E Guds – Administrative Officer
Ms A Long – Director of Planning and Resources
Mr J W Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive

3/1 Apologies for Absence

Apologies for absence were received from Mr P Durrant.

3/2 Matters of Urgent Business

An urgent matter regarding Local Government Pay Award was raised which will be addressed later on the agenda under item 3/10.

3/3 Declarations of Interests

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

3/4 Public Question Time

No question had been raised by members of the public.

3/5 To consider any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972

There were no further items of business which the Chairman decided should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act.

3/6 To answer any formal questions of which due notice have been given

There were no formal questions of which due notice had been given.

3/7 Date of the next meeting

The next meeting of the Committee would be held on Tuesday 10 February 2015 at 2.00 pm at Yare House, 62-64 Thorpe Road, Norwich

3/8 Exclusion of the Public

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 Paragraph 1 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.

3/9 Provision for Ill-health Retirement

Members received a report which provides details of an anticipated ill-health retirement arising from Hand Arm Vibration Syndrome (HAVS), and seeks members' views on the appropriateness of making a payment as part of a settlement agreement with the member of staff affected.

RESOLVED

that the Committee endorsed the finalisation of a settlement agreement including settlement payment.

3/10 Local Government Pay Award 2014/15 to 2015/16

Members received a report which provided an update on the outcomes of the Local Government pay negotiations for 2014/15 and 2015/16. It also sought members' endorsement that such awards should be applied to all executive salaries in the intervening years between the formal more in-depth review of executive salaries conducted by the Broads Authority.

It was explained to the members that The National Joint Council (NJC) had reached an agreement which provided for a 2.2% pay award for the period 1 January 2015 to 31 March 2016 with no backdating and a one-off non-consolidated payment in December 2014 and April 2015 for all staff on salary

points 5 to 49. As the Chief Executive and the Directors were above the NJC salary 49 cut-off point, they would not be receiving such one-off payment.

Members were informed that the Chief Executive had authorised the NJC pay awards to be applied to the basic pay scale for Directors to maintain the baseline comparator.

RESOLVED

that the Committee:

- (i) notes the outcome of the 2014/15 pay negotiations;
- (ii) agrees that the agreed non-consolidated payment be made in full in December 2014 rather than split between December 2014 and April 2015 for staff between salary points 26 and 49;
- (iii) agrees that the non-consolidated payment is not applied to the Chief Executive or Directors, being above salary point 49;
- (iv) agrees that national pay awards be applied to the salary of the Chief Executive, in line with the approach adopted for Directors, to mitigate the impact of any pay "lag" with the national park comparator group arising between the formal reviews.

The meeting concluded at 3.55 pm

CHAIRMAN

Declaration of Interests

Committee: Financial Scrutiny and Audit Committee

Date of Meeting: 21 November 2014

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Pecuniary Interest ✓
D Broad		Toll payer; Chairman of Navigation Committee; Great Yarmouth Port Consultative Committee	

Broads Authority

Broads Local Access Forum

Minutes of the meeting held on 3 December 2014

Please note these draft minutes will be reviewed by the Broads Local Access Forum at its next meeting on 4 March 2015 and may be subject to amendments prior to being confirmed

Present:

Dr Keith Bacon (Chairman)

Mr David Broad
Ms Liz Brooks
Mr Robin Buxton
Mr Mike Flett
Mr Alec Hartley
Mrs Jo Parmenter

Mr Stephen Read
Mr Gary Simons
Mr Charles Swan
Mr Hugh Taylor
Mr Ray Walpole

In Attendance

Mr Kelvin Allen – Broads Authority Member
Mr Will Burchnall – Projects Manager
Ms Lottie Carlton - Administrative Officer
Mr Adrian Clarke – Senior Waterways and Recreation Officer (SWRO)
Mr Mark King – Waterways and Recreation Officer (WRO)
Mrs Andrea Long – Director of Planning and Resources

Also In Attendance

Mr Russell Wilson – Senior Trails Officer, Norfolk County Council

2/1 To receive apologies for absence

Apologies for absence were received from Mr Patrick Hacon, Mrs Hattie Llewelyn-Davies, Mr George Saunders and Mr Chris Yardley.

2/2 To receive and confirm the minutes of the meeting held on 10 Sept 2014

The minutes of the meeting held on 10 Sept June 2014 were confirmed as a correct record, subject to the addition of 'carriage drivers' in section 1/4 and signed by the Chairman.

2/3 To receive any points of information arising from the minutes

(1) **Minute 1/3 (1) Update on Waveney River Centre Ferry**

Regarding cyclists, it was noted that there was potential to include access from Oulton Broad station to the Waveney River Centre and ferry under the Heritage Lottery Fund bid (item 4). Talks were also in progress with Suffolk Wildlife Trust regarding opening access from the station to Carlton Marshes.

(2) **Minute 1/3 (3): Staithes – Current information and role of Staithes Management**

The Chairman and SWRO had met with Tom Williamson and, subject to a costed brief, there was potential for a project going forward. It was noted that work on staithes could be useful to the Wensum River Corridor Strategy.

(3) **Minute 1/3 (4): Hoveton Great Broad Restoration Project**

The second part of the Hoveton Great Broad Restoration Project planning application, for canoe access, had been submitted. The Planning Committee would be undertaking a site visit to look at the proposed structures for the application including canoe launch slipways, car park and boardwalks. The application would only consider structures not access issues, but the Broads Authority had indicated a view that there was insufficient public access for the amount of public money being spent on the project and would be having further discussions with the landowner as a result.

(4) **Minute 1/3 (6): Integrated Access Strategy Projects Update**

Re-piling of 700km length of mooring assets, suggested in the Mooring Strategy, had been accepted by the Broads Authority. This included a reduction at Thorpe River Green and Hoveton viaduct. Since then two Broads Authority moorings had closed at Boundary Farm, Thurne and Thurne Mouth, Thurne due to the landowner not wishing to renew the lease. Further discussions were taking place with the landowner and stakeholders regarding the future of this area.

(5) **Minute 1/3 (7): Norwich City Council River Corridor Strategy**

A confidential paper was tabled by Alec Hartley highlighting progress of the Wensum River Parkway. Further additions included pre development planning consultations currently ongoing for the Utilities Site and the Ferry Boat Inn (where 42 flats were proposed). The walkway between Carrow Bridge and Trowse Swing Bridge would eventually be opened as a new section of the Wensum River Parkway. The first meeting of the partnership was taking place on 04 December 2014 and it was hoped to publish the strategy in autumn 2015 with the action plan due in Oct/Nov 2015. Some CIL money had already been committed to certain projects.

(6) **Minute 1/4: Review of BLAF membership**

Tony Howes had resigned his membership of BLAF; unfortunately clashes with other meeting had created difficulties with attendance. He was thanked for his work over the last 10 years. It was noted that there was a gap in angling representation following Nick Larkin leaving two years ago. Mr Kelvin Allen agreed to assist with finding a replacement representative for this

activity. Urban fishing and connections with the Wensum River Parkway were of particular interest currently.

(7) **Minute 1/6: Norfolk County Council Update**

Highways had been invited to the BLAF meeting but couldn't attend.

(8) **Minute 1/7: Sale of Geldeston Woodland and Marsh**

The deadline was in March regarding the potential sale of Geldeston Woodland and Marsh. The River Waveney Trust had expressed interest as had a private individual.

(9) **Minute 1/11 (1):**

A final meeting had taken place with the landowner at Ludham to agree the scope of work required on his land. The Broads Authority's Operations team were scheduled to undertake the work after Christmas ready for completion by spring 2015. It was intended to include a guided walk in the Outdoors Festival. It was confirmed that any change of use of the IDB used compound to a car park for visitors/walkers would need planning permission. Pre-application advice would be useful.

(10) **Minute 1/11 (2):**

There had not been any progress since the completion of a habitat regulation assessment. BA was chasing Natural England about this. It was noted that although BESL were supposed to cut the path north of How Hill this was very overgrown. The SWRO agreed to investigate this problem with BESL.

2/4 Broads Heritage Lottery Fund bid

Mr Will Burchnall, Projects Manager for the Broads Authority, gave a presentation on the Broads Heritage Lottery Fund bid.

Following a large stakeholder meeting at Acle in April, further work had produced a revised project outline and a proposed area for the Landscape Partnership Scheme bid. The first Project Board meeting had taken place (currently education was underrepresented on the Board). Newsletters were keeping stakeholders up to date with progress. Submission of potential projects was taking place with a 2nd January deadline. Submission to HLF was due on the 1st June 2015. A final decision would be known by the end of October 2015.

Comments and answers to questions arose as follows:

- The latest map included more of the Waveney Valley and some upland. It stopped at Wainford Sluice.
- Although a sizeable part of the project area was within Suffolk it had been difficult to get representation for Suffolk on the Board. Mr Hugh Taylor offered to pursue this.

- It was noted that the total bid would be for £2.5million, with cash and in-kind requirements from stakeholders. 20 – 30 projects were envisaged.
- The Broads Authority had committed £150k towards the project over the next 3 years, other partners would decide on their inputs, whether cash or in-kind.
- The first round application required exact costing for the development stage and outline costing for the delivery stage.
- The maximum grant for any one project had not been set yet. Some smaller projects could potentially link into a larger umbrella project. More would be clear once all stakeholder project submissions had been received.
- A link to information and the Project Initiation Documents had been circulated to stakeholders.
- Criteria for projects included interacting with local communities, skills training and education, heritage structures and biodiversity.
- Project submissions would be collated prior to the next Project Board meeting on the 5th February 2015. Links to these would be provided in the next newsletter.
- Newsletters would be circulated to parish and district councils. Grant money would be set aside within the scheme for smaller projects that parishes could apply to.
- Breaking New Ground's access route along the river Chet had been discussed regarding links to proposed projects for the HLF bid.
- Reedham archaeology was under researched. Mrs Jo Parmenter agreed to put together information on a PID form for Mr Will Burchnell.
- Links between Yarmouth, Berney, Breydon were being included in some of the joint BA/Norfolk County Council PIDs being developed. Signage from Yarmouth station was included in this.
- Demonstrations/training could take place in urban areas.

2/5 East of England Local Access Forum Regional Meeting

Unfortunately Mr George Saunders was unavailable to update members and this item would therefore be deferred to the next meeting.

2/6 Rights of Way changes in the draft Deregulation Bill

The SWRO gave presentations updating members on the Rights of Way changes in the draft Deregulation Bill.

Members were reminded that a consultation response had been submitted on behalf of BLAF.

Powers to authorise structures on RoW, other than stock control, had been included in minister's proposals.

A presumption to divert RoW away from mechanised industry had been included. Although this worked easily for farmers who owned the land surrounding the industry concerned, it was not so easy when the surrounding land was privately owned by a third party.

Public footpath orders: a more stringent requirement for long term use and guidelines on what were relevant grounds for appeal were included. The SWRO would review these and report back to members.

Bridleways were protected from downgrading in the draft Bill.

Changes to public path orders: irrelevant objections could now be disregarded.

The SWRO summarised that generally the Bill aimed to tighten up procedures and reduce costs (e.g. there would no longer be a requirement to publish notices ads in local newspapers).

The SWRO agreed to produce a follow up report to BLAF.

Comments and answers to questions arose as follows:

- Further clarity was required regarding when BLAF would be asked to be involved and which sections involved a power rather than a duty.
- It was noted that the Broads Authority's position was not to deal with Public Rights of Way as this was a County Council issue, but rather to concentrate on Permissive Paths.
- Diversion extensions for housing developments came under the Town and Country Planning Act. The developer is required to put a case forward for extinction or diversion of any footpaths to the Planning Authority.

2/7 Norfolk County Council update

Mr Russell Wilson, Senior Trails Officer, Norfolk County Council gave an update to BLAF members.

A link was required from urban areas to the countryside. Norfolk LAF and Broads LAF cooperation would assist with this and a joint meeting was suggested. Potential agenda items to include: Coastal Access, HLF bid, Explore More Coast, Circular routes from the coast inland, Mapping work.

Cycling improvements along the Acle Straight was raised. It was also noted that a cycle route proposal, inland from Yarmouth, was being included in the HLF bid.

It was noted from surveys that 80% of footpath users preferred circular walks and 20% linear routes.

An indicative route had been identified for the new Broadland Way from Rackheath,

maps had been produced and £15k of CIL funding from Broadland District Council secured. Opportunities and threats were being explored for this route. Following this investigations would be made into linking to the Green Link Route and Marriott's Way.

2/8 Accessible Britain Challenge

The Government had produced an Accessible Britain Challenge (ABC) aimed at encouraging communities to be inclusive and accessible. The SWRO and WRO would be undertaking a Broads disabled access audit using the information, guidance and online tool kit provided by the ABC.

The Wensum Riverside Parkway access audit had been completed and could also be used as guidance for a Broads- wide audit.

BLAF members were asked to provide the SWRO with comments on particular areas to look at within the Broads access audit.

It was noted that George Saunders was undertaking an access audit for Norfolk County Council's Trails. Boudicca Way had been completed and the Wherryman's Way would be undertaken next.

Once the Broads audit had been completed Network Rail would be contacted regarding potential access issues at rail crossings e.g. altering the height of telephones, but safety issues were likely to remain their priority.

An issue was highlighted at Valentines Meadow where fencing and kissing gates had been put in by the Broads Authority; these were restricting access. The SWRO agreed to visit the site and investigate this issue further.

2/9 Broads Forum Update

Items discussed at the last Broads Forum meeting had included the National Park branding consultation. It was noted that this was for promotional reasons only and not a legal change of formal name or status of the Broads Authority and that the three purposes remained of equal importance.

The HLF bid had been discussed.

Draft strategic priorities for the Broads Authority were identified and discussed. Links to the HLF bid were advised.

The Forum declared opposition to the amount of public money that was proposed to be spent on Hoveton Great Broad. They viewed the amount of public access linked to the project as insufficient.

2/10 Cycling Delivery Plan consultation

The report outlined the response that had been submitted on behalf of BLAF to the Cycling Delivery Plan consultation that had occurred between meetings.

The Government was committed to a 'cycling revolution' to match efforts having taken place in London to similar efforts in the country as a whole.

It was planned to deal with major strategic plans for cycling networks/facilities.

Local authorities were being asked to register interest for priority funding linked to help and advice for delivery. It wasn't clear if National Park Authorities should apply separately or jointly with Highways Authorities.

Norfolk County Council would be considering the offer via their Committee schedule starting in January 2015.

There was a need to provide safe routes for cyclists around the Broads off main roads and to link this access with being able to take bikes on buses/trains.

The Integrated Access Strategy had identified the lack of provision regarding cycling in the Broads linked to access into the area via public transport and would be progressing this area of work once the canoe trails had been completed. Capital funding could come from the Cycling Delivery Plan, however a steer was needed on the scope regarding application criteria for National Parks and Local Authorities.

The following cycling route ideas/proposals were put forward:

- More quiet lanes routes in the Broads were needed similar to those starting from BeWilderwood and those near the Paston Way.
- There was potential for ferry provision benefitting cyclists at (1) Bungalow Lane, Thorpe; (2) Pontoon bought to run a boat into Norwich from Whitlingham; (3) Cary's Meadow Dyke – Thorpe River Green to Whitlingham Country Park and other areas.
- Abellio had provided storage for 400 bikes at Norwich train station. This Dutch company had not recognised differences in Dutch and English cycling provision and had been surprised these had not been used more. There was potential to link with their aspirations for cycling access.
- Signage/links for cycling access from hub urban areas into the Broads was being included within the HLF bid.
- Cycle hire was being looked at via the Broads Authority visitor hub at Whitlingham.

2/11 Ordnance Survey Maps – Other Routes of Public Access

'Other Public Access' was highlighted on ordnance survey mapping keys as green dots. There were several examples of these in the Broads including: Dilham Broad Lane and several near Horning Common, Ludham Blind Lane to Limes House and Yarmouth north from Bure Park.

Discussion followed regarding the nature of such access and how these linked to historical changes, private tracks and other reasons.

The SWRO and WRO were meeting officials from Ordnance Survey and agreed to ask how these 'other public access' routes were classified.

Mr Russell Wilson agreed to organise site visits and a meeting with the Definitive Map Team, Highways.

2/12 To receive any other items of urgent business

- (1) A potential problem with a proposed re-routing of a public footpath along the river bank at Cess Staithe, Martham was raised. A map was circulated that highlighted the potential route change would cut off public access to the river bank from Cess Road. As a result of the proposals, access to angling could also be compromised. The site had also been identified as a potential canoe portage site by Rangers. Consultations on the proposals were opening and BLAF and the Broads Authority had asked to be included. The SWRO agreed to investigate the potential of a site visit within the consultation period and circulate information to members if this were possible.
- (2) Regarding the National Park branding consultation that Broads Authority had open until the 31st December 2014, BLAF members agreed to respond individually on behalf of their representative organisations rather than submitting a BLAF response.
- (3) A request was made to include a Wensum Forum in the Broads Community Forum schedule. It was noted that these forums were currently under review by Broads Authority regarding format and venues and this request would be forwarded for consideration in the review.
- (4) Network Rail's proposal for a non-raising bridge at Trowse Bridge would block off the historical port of Norwich. Mitigating proposals and facilities provision would be an essential part of any such scheme. The proposal was against everything the Wensum River Parkway was working towards. The SWRO and Mr David Broad agreed to bring an update report to BLAF.
- (5) It was noted that there had been no progress on the harbour revision order. The SWRO agreed to investigate this issue and report back to members.

2/13 To note the date of the next meeting

It was noted that the next meeting was scheduled to take place on Wednesday 04 March 2014 at 2pm.

The meeting concluded at 4.59 p.m.

Chairman

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 Hemsall	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 50,000m³ 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 50,000m³ 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 staithes was likely to be undertaken with a view to compiling a Staithes 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 50,000m³ 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

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 11 December 2014

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
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