

AGENDA

20 March 2015

10.00am

	Time	Page
1. To receive apologies for absence and welcome	10.00	
2. Chairman's Announcements		
3. Appointments		
(a) To invite nominations for the Appointment of Interim Chairman of the Authority until the Annual Meeting in July 2015		
(b) Change of Solicitor and Monitoring Officer Report by Head of Governance and Executive Assistant (herewith)		4 – 7
(c) Appointment of the Navigation Committee and Appointment of Two Interim Co-opted Members to the Broads Authority Report by Head of Governance and Executive Assistant (herewith)		8 – 27
4. Introduction of Members and Declarations of Interest		
5. To note whether any items have been proposed as matters of urgent business		
6. Public Question Time To note whether any questions have been raised by members of the public	10.30	28 – 29
Question submitted by Nick South (herewith) Question submitted by Angelika Harris (herewith) Additional Questions submitted by Peter Riches and Statement and Questions submitted by Geldeston Parish Council (herewith)		Additional 2 pages
7. To receive and confirm the minutes of the Broads Authority meeting held on 23 January 2015 (herewith)		30 – 51
8. Summary of Progress/Actions Taken following Decisions of Previous Meetings To note schedule (herewith)		52 – 61

	Time	Page
PRESENTATION		
9. Broads Reed and Sedge Cutting Association Presentation by Richard Starling (Chairman of BRASCA)	10.35	62 – 64
STRATEGY AND POLICY		
10. Stakeholders Action Plan Report by Director of Planning and Resources (herewith)	11.00	65 – 71
11. Strategic Direction Report by Chief Executive (herewith) <i>To include:</i> <i>Progress on Strategic Priorities 2014/15</i>		72 – 80
12. Strategic Priorities 2015/16 Report by Strategy and Projects Officer (herewith)		81 – 83
13. Financial Performance and Direction Report by Head of Finance (herewith) <i>To include:</i> (1) <i>Consolidated Income and Expenditure from 1 April – 31 January 2015</i> (2) Annual Investment Strategy		84 – 100
14. Disposal of Geldeston Woodland Report by Asset Officer (herewith)		101 – 102
15. External Funding Opportunities Report by Head of Strategy and Projects (herewith)		103 – 108
16. Broads Authority Safety Management System External Audit Report by Head of Safety Management (herewith)		109 – 135
GOVERNANCE		
17. Committee Membership and Member Appointments to Outside Bodies Report by Head of Governance and Executive Assistant (herewith)	13.00	136 – 138
REPORTS FOR INFORMATION		
18. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code	13.10	
19. Consultation on the Update to the River Basin		139 – 150

	Time	Page
Management Plan Report by Head of Strategy and Projects (herewith)		
20.	Feedback from Lead Members and those appointed to represent the Authority	
MINUTES TO BE RECEIVED		
21.	To receive minutes of the following meetings:	13.30
	Planning Committee – 9 January 2015 (herewith)	151 – 162
	Planning Committee – 6 February 2015 (herewith)	163 – 177
	Broads Forum – 5 February 2015 (herewith)	178 – 184
	Financial Scrutiny and Audit Committee – 10 February 2015 (herewith)	185 – 194
	Navigation Committee – 26 February 2015 (herewith)	195 – 207
22.	To note the date of the next meeting – Friday 15 May 2015 at 10.00 am at Yare House, 62-64 Thorpe Road, Norwich	
MATTERS FOR DECISION		
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	14.00
24.	To answer any formal questions of which due notice has been given	
25.	Exclusion of the Public The Authority is asked to consider exclusion of the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1 and 3 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 minute of the Navigation Committee meeting held on 26 February 2015	208
27.	Lease of Moorings Report by Head of Planning and Asset Officer (herewith)	209 – 213

Change of Solicitor and Monitoring Officer
Report by Head of Governance and Executive Assistant

Summary:	This report seeks the Authority's formal appointment to the position of Monitoring Officer for the Broads Authority.
Recommendation:	That the Authority approves the appointment of Piero Ionta as the Monitoring Officer for the Broads Authority, with effect from 20 March 2015.

1 Introduction

- 1.1 The Authority must, under section 5 of the Local Government and Housing Act, appoint a Monitoring Officer.
- 1.2 The Monitoring Officer is a statutory post and as with other statutory posts such as the Chief Executive, this appointment must be confirmed by the full Authority.
- 1.3 The role of Monitoring Officer has been filled by Victoria McNeill, of Nplaw since March 2010. Following the creation of the post of Solicitor and Monitoring Officer, Mr Piero Ionta was appointed and began in post as of 2 February 2015.

2 Role of the Monitoring Officer

- 2.1 The requirement to appoint a Monitoring Officer, and the functions of the Monitoring Officer are set out in section 5 of the Local Government and Housing Act 1989 (LGHA 1989), as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- 2.2 The Authority is required to designate one of its officers as a 'monitoring officer' and 'to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed'. The Monitoring Officer may be the head of an authority's paid service, but cannot be its chief finance officer.
- 2.3 The duties of the Monitoring Officer include:
 - Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration.

- To be responsible for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of Members.
- To be responsible for the operation of the Authority's "constitution".
- A requirement to appoint a deputy Monitoring Officer.

2.4 The first two duties are specific statutory requirements; the remainder flow from them.

2.5 A fuller specification of the Monitoring Officer role is set out at Appendix 1 to this report.

3 Conclusion

3.1 The Authority is requested to confirm the appointment of Piero Ionta as the Monitoring Officer to the Broads Authority.

Background papers: None

Author: John Organ
Date of report: 23 February 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Functions of the Monitoring Officer

APPENDIX 1

Functions of the Monitoring Officer

The Monitoring Officer would be expected to deliver functions as outlined in the schedule below:

	Working with relevant officers of the Authority the Monitoring Officer will:	Source of requirement:
1.	Report to the Authority on contraventions or likely contraventions of any enactment or rule of law	Section 5 LGHA 1989
2.	Report to the Authority any maladministration or injustice where the Ombudsman has carried out an investigation	Section 5 LGHA 1989
3.	Report to the Authority on resources required to carry out functions	Section 5 LGHA 1989
4.	Appoint a Deputy Monitoring officer	Section 5 LGHA 1989
5.	Arrange for members to sign the undertaking to abide by the Code of Conduct before taking up their appointment with the Authority	Accepted authority practice
6.	Arrange for members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming aware of any new interest or change in any interest registered	Members Code of Conduct
7.	Arrange for members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming a member of the Authority	Section 30 Localism Act 2011 and Members Code of Conduct
8.	Maintain the register of gifts and hospitality and register of members interests	Section 29 of the Localism Act 2011 and Members Code of Conduct
9.	Provide advice to Members on the Code of Conduct	Accepted authority practice
10.	Provide advice to the Financial Scrutiny and Audit Committee on the standards framework and its application	Accepted authority practice
11.	Investigate and report on allegations of misconduct under the Code of Conduct	Accepted authority practice

	Working with relevant officers of the Authority the Monitoring Officer will:	Source of requirement:
12.	Appoint a person to investigate and report on allegations of misconduct under the Code of Conduct	Accepted authority practice
13.	Arrange relevant hearing to consider reports from the Monitoring Officer, or other Investigating Officer, on allegations of misconduct by a member	Accepted authority practice
14.	Promote and maintain high standards of conduct through support to the Financial Scrutiny and Audit Committee	Chapter 7 – Standards Localism Act 2011
15.	Make payments of compensation for maladministration	Section 92 LGA 2000
16.	Provide Advice to members on vires issues, maladministration, probity and policy framework, financial impropriety and budget issues in consultation with the Chief Finance Officer where appropriate	DCLG guidance
17.	Investigate complaints against a member not covered by the Code of Conduct	Accepted authority practice

Appointments to the Navigation Committee and Appointment of Two Co-opted Members to the Broads Authority
Report by Head of Governance and Executive Assistant

Summary: This report outlines the process which has been used in making appointments to the Navigation Committee in accordance with section 9 of the Norfolk and Suffolk Broad Act 1988, and sets out the recommendations of the selection panel and results of the subsequent consultation process.

Recommendations: That the Authority

- (i) accepts the recommendations of the Selection Panel and appoints the individuals named in paragraph 3.1 of the report as Co-opted members to the Navigation Committee until the Authority's Meeting in March 2019;
- (ii) appoints Mr Alan Goodchild and Mr Michael Whitaker to the Authority until 15 May 2015; and
- (iii) supports the suggestion that the appointment process be reviewed on the lines outlined below and that in due course a further report on the matter be prepared; and
- (iv) determines whether the future appointment of the two co-opted members in May 2015 to the Authority is for a term that is equal to the co-opted term of appointment, or whether this should be for a period of one year.

1 Introduction

- 1.1 Members will be aware that, at its meeting on 25 January 2008, the Broads Authority adopted a set of principles and processes for the appointment of members to the Navigation Committee from June 2008 onwards.
- 1.2 The Authority agreed that the principles of merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality should guide the process.
- 1.3 At its meeting on 20 September 2013, the Authority agreed to invite Mr John Edmonds to chair the Selection Panel again, that the term for the 2015 appointments be for four years until March 2019, and that the maximum aggregated term for co-opted members would be eight years. This report sets out how this process has been implemented, and provides the recommendations of the Selection Panel.

2 Process

- 2.1 An advert was placed on the Authority's website, with a closing date of 11 December 2014. An advert was also placed in the Eastern Daily Press on 20 November 2014 and within the Broadsheet sent to all toll payers in October 2014. At the same time a letter was sent to over 30 organisations, in accordance with paragraph 9 of the Norfolk and Suffolk Broads Act, inviting them to submit nominations for the appropriate categories. A list of the organisations which were consulted is included at Appendix 1.
- 2.2 A total of 29 applications were received by the closing date. These were scrutinised by the Selection Panel comprising:
- Mr John Edmonds, Chairman;
 - Dr Stephen Johnson, Chairman of the Broads Authority;
 - Prof Richard Card, Chairman of the Norfolk and Suffolk Boating Association; and
 - Mr Alan Morgan, representing the British Marine Federation.
- 2.3 The Selection Panel decided to invite 13 candidates to attend for interview. Interviews were held over two days, on 15 and 16 January 2015, and included a short presentation by each candidate. The recommendations of the interview panel are set out in paragraph 3 below. The Authority agreed that, in accordance with the provisions in the 1988 Norfolk and Suffolk Broads Act, the views of both the Navigation Committee and consultee interest groups should be sought on these recommendations, prior to a final decision being taken by the Broads Authority at its meeting on 20 March 2015.

3 Recommended Appointments

- 3.1 After due consideration, the Selection Panel agreed to recommend that the following candidates be appointed to the Navigation Committee (where appropriate, reference is made to their nominating body/bodies):

Category A: After consultation with bodies representing the owners of pleasure craft available for hire or reward (two members).

- James Knight (nominated by the BHBF and BMF)
- Michael Whitaker (nominated by the BHBF and BMF)

Category B: After consultation with bodies representing nationally the owners of private pleasure craft (one member).

- Nicky Talbot (nominated by the NSBA and RYA)

Category C: After consultation with bodies representing the owners of private pleasure craft which use any part of the Broads (one member).

- Brian Wilkins (nominated by the NSBA and RYA)

Category D: After consultation with bodies representing persons who are likely to be required to pay ship, passenger or goods dues (two members).

- Linda Aspland
- William Dickson

Category E: After consultation with bodies representing other users of the navigation area (one member).

- Max Heron (nominated by British Rowing and the Eastern Region Rowing Council)

Group F: After consultation with the Great Yarmouth Port Authority (one member).

- Alan Goodchild

4 Consultation Process

- 4.1 As already indicated, the views of both the Navigation Committee and consultee interest groups have been sought on the recommendations of the selection panel.
- 4.2 With regard to the consultee interest groups, responses have been received from eight groups. These are set out at Appendix 2 together with proposed responses.
- 4.3 At its meeting on 26 February 2015 the Navigation Committee considered the recommendations of the Selection Panel. Concerns were expressed about Category D, where the Selection Panel had recommended the appointment of candidates who had not been nominated and did not have a commercial background. It was made clear that there was no requirement for the Selection Panel to only recommend candidates who had been nominated. Clarification was provided by the Solicitor and Monitoring Officer that all toll payers came under the Category D status and therefore the process was considered to be legally sound. The Navigation Committee recommended that the Selection Panel's recommendations for appointment be supported by 10 votes to 1.
- 4.4 At the meeting of the Navigation Committee on 26 February 2015, the Chief Executive identified that the 1988 Act placed constraints on the application process which were not entirely helpful and were no longer appropriate. He suggested that the appointment process could be improved. Following discussions with the Broads Hire Boat Federation and the Norfolk and Suffolk Boating Association he proposed a review of the appointments process that could look creatively at a range of possible improvements within the confines of the Act and the Government's guidance, to make refinements whilst

ensuring it continues to be an open and transparent arrangement that toll payers can have confidence in. The review could consider matters such as:

- (i) How the five categories of appointment set out in the Act are interpreted;
- (ii) Whether the appointments should be phased;
- (iii) The timing of the consultation with the Navigation Committee; and
- (iv) Whether a useful input to the process could be feedback from the Chairman of the Navigation Committee on the contribution made by Members during their first term of office. Currently Members of the Broads Authority have a Member Development Appraisal with the Chair of the Authority.

The Committee supported a review of the appointment process. One Member suggested that consideration of how casual vacancies to the Navigation Committee were dealt with should be added to the list. The Committee asked that a report on the proposed review be brought to a future meeting for consideration.

5 Summary of Appointment Process

- 5.1 The overall standard of the applications was high. It was therefore a challenging task for the Selection Panel to reduce the 29 applications to a shortlist of just 13 and then selecting just eight candidates.
- 5.2 Both the shortlisting and the interview process were thorough and robust, and were designed to ensure that all the candidates were given equal opportunity. This was enhanced by the fact that two members of the Selection Panel were from outside the area; the Chair of the Selection Panel and the representative from the British Marine Federation.
- 5.3 Overall the process has been considered to be extremely successful, and one which will provide the Authority with a strong, committed, knowledgeable and challenging Navigation Committee over the next four years.

6 Appointment of Two Co-opted Members to the Broads Authority

- 6.1 The current two co-opted members of the Navigation Committee appointed to the Authority will cease their term on 20 March 2015. It is therefore necessary to appoint two co-opted members to the Authority on 20 March 2015. These appointments will be for an interim period until the Broads Authority meeting on 15 May 2015, to allow the newly constituted Navigation Committee to recommend the appointment of two co-opted members to the Authority at the 23 April 2015 Navigation Committee meeting; which may involve a recommendation to continue the appointments. These arrangements will facilitate continued appointments to the Authority, whilst enabling good governance in allowing the constituted Navigation Committee to recommend the appointment of the two co-opted members. At its meeting on 26 February 2015, the Navigation Committee recommended that Mr Alan Goodchild and Mr Michael Whitaker be appointed to the Broads Authority.

- 6.2 Consideration also needs to be given as to whether the future appointment of the two co-opted members to the Authority is for a term that is equal to the co-opted term of appointment, or whether this should be for a period of one year; to be recommended by the Navigation Committee each April and appointed by the Authority each May. The Navigation Committee's view on the appointment term was sought on 26 February 2015 with the Committee recommending that the term of appointment of the two co-opted members to the Broads Authority should be annually.

Background papers: Nil

Author: John Organ
Date of report: 5 March 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – List of Organisations Consulted
APPENDIX 2 – Consultation Responses Received

APPENDIX 1

List of organisations to be consulted on the appointments to the Navigation Committee and the relevant paragraph under Section 9 of the 1988 Norfolk and Suffolk Broads Act

Anglers Trust (E)
 Association of Freight Transport (D)
 British Canoe Union (B)
 British Marine Federation (A, D)
 British Marine Federation – East Anglia (D)
 British Rowing (B)
 British Waterski (B)
 Broads Angling Strategy Group (E)
 Broads Canoe Hire Association (A)
 Broads Hire Boat Federation (A, D)
 Broads Reed and Sedge Cutters Association (D, E)
 Canoe England (E)
 Chamber of Shipping (D)
 East Anglian Waterways Association (C)
 Eastern Region Rowing Council (C, D)
 Eastern Rivers Ski Club (C, D)
 Great Yarmouth Port Authority (F)
 Great Yarmouth Port Users Association (D)
 Hickling Windsurfers (E)
 Hoseasons Holidays Ltd (A, D)
 Inland Waterways Association (B)
 Inland Waterways Association – Eastern Region (C, D)
 National Association of Boat Owners (B)
 Norfolk Anglers Conservation Association (E)
 Norfolk and Suffolk Anglers' Consultative Council (E)
 Norfolk and Suffolk Boating Association (C, D)
 Norfolk and Suffolk Pleasure Boat Owners Association (A, D)
 Norfolk Broads Day Boat Owners Association (A)
 Passenger Boat Association (D)
 Royal Yachting Association (B, D)
 Sport England (E)
 Suffolk County Amalgamated Angling Association (E)
 Transport on Water Association (D)
 UK Windsurf Association (E)

Categories:

A = such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;

B = such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;

C = such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;

D = such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate;

E = such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and

F = after consultation with the Great Yarmouth Port Authority.

Comments from Consultative Bodies

Consultative Body Comment	Proposed Response
<p>British Marine Federation</p> <p>Thank you for your letter dated 23 January, confirming the individuals that have been recommended for appointment to sit on the Broads Authority Navigation Committee and for the opportunity to comment on those proposed appointments.</p> <p>The BMF were pleased to contribute to the selection process and play an active part on the interview panel. However, I would welcome clarification on one aspect of the selection process and the roles of those appointed, with particular reference to “Category D”.</p> <p>The BMF and a number of other commercial organisations were invited to put forward the names of individuals we believed were suitable to represent the interests of that category. As was the case with all other categories, those who were nominated by a consultative organisation (commercial or not) have been recommended to represent that sector on the Navigation Committee, however, this does not appear to be the case under “Category D”, for those paying ship, passenger or goods dues.</p> <p>The BMF would welcome clarification as to how and why a private individual, who has not been nominated by a consultative organisation and without links to these commercial groups, is able to sit and represent businesses which fall under “Category D”.</p>	<p>Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that “two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate”.</p> <p>Broads Authority is a “harbour authority” for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of “ship, passenger and goods dues”, Section 57 <u>of the Harbours Act 1964 states:</u></p> <p>“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any eligible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and

<p>The BMF would also welcome further clarification on how these private individuals if appointed to the Navigation Committee, will represent and communicate the interests of organisations that do pay ship, passenger or goods dues.</p> <p>I hope that you will be able to provide clarity on these points in advance of the Navigation Committee's meeting on the 26 February.</p>	<p>(c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);</p> <p>Section 57 <u>of the Harbours Act 1964 further states:</u></p> <p>“charges” includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964, and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p> <p>The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:</p> <ul style="list-style-type: none"> (a) supplying the consultee with sufficient information to enable it to tender helpful advice; (b) giving sufficient time to the consultee to enable that to be done; (c) making sufficient time to consider the response to consultation. <p>Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.</p> <p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made</p>
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	<p>when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p> <p>Navigation Committee members are also expected to be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities and part of the member development programme in the past has been to provide opportunities for members to accrue a better understanding of commercial boating activities to allow them to be aware of the issues when debating matters. It is anticipated that these opportunities will continue to be offered going forward which should allow all members of the Navigation Committee (and indeed the Authority) to have a wide understanding of navigation issues from different sectors and provide the interaction to allow the sectors to be able to approach members on issues that concern them.</p>
<p>British Marine Federation – East Anglia</p> <p>Following your letter dated 23 January, confirming the individuals that have been recommended for appointment to Navigation Committee, we would welcome some clarification on the selection of those appointed with particular reference to 'Category D'.</p> <p>BMF East Anglia whom I represent as well as a number of other commercial organisations were invited to put forward the names of individuals we believed were suitable to represent the interests of that category. As was the case with all other categories, those who were nominated by a consultative organisation (commercial or not) have been recommended to represent that sector on the Navigation Committee, however, it appears that Ms. Aspland and Mr.</p>	<p>Category D refers to Section 9(5)(d) of the Norfolk and Suffolk Broads Act 1988 and states that "two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate".</p> <p>Broads Authority is a "harbour authority" for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>"harbour authority" means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of "ship, passenger and goods dues", Section 57 <u>of the</u></p>

<p>Dickson do not appear to have any commercial interests on the Broads nor fit into 'Category D' ie; paying ship, passenger or goods dues. We would welcome clarification as to how and why a private individual, who has not been nominated by a consultative organisation and without links to these commercial groups, is able to sit and represent businesses which fall under "Category D".</p> <p>We also wish to take this opportunity to request that the Authority urgently review its position on the Structure, Term of Office and Appointments process for the Navigation Committee as part of an ongoing process of improved working relationships with both private and commercial navigation interests. I believe the Chairman and John Packman met as long ago as 2011 with Howard Pridding of the BMF and a representative of the RYA when issues of governance were discussed and it was agreed that the constraints to which the Navigation Committee would be able to function as an independent representative advisory committee would be looked at. As for the Term of Office limitation which has been imposed is not in the Act. John Packman with whom I spoke about this matter recently indicated that this condition was put in place by DEFRA, but there is no evidence to demonstrate this fact. Indeed, neither the Term of Office nor the Appointment Process devised by officers and approved by the Authority are legally sound nor in the spirit of the Act.</p> <p>I would appreciate you reporting the above content to the Navigation Committee as well as the Authority with our wish to discuss these issues further. In any event, a response in advance of the Navigation Committee on the 26th February would be appreciated.</p>	<p><u>Harbours Act 1964 states:</u></p> <p>"ship, passenger and goods dues" means, in relation to a harbour, charges (other than any eligible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried); <p><u>Section 57 of the Harbours Act 1964 further states:</u></p> <p>"charges" includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p> <p>The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:</p>
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	<p>(a) supplying the consultee with sufficient information to enable it to tender helpful advice;</p> <p>(b) giving sufficient time to the consultee to enable that to be done;</p> <p>(c) making sufficient time to consider the response to consultation.</p> <p>Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.</p> <p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p> <p>Navigation Committee members are also expected to be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities and part of the member development programme in the past has been to provide opportunities for members to accrue a better understanding of commercial boating activities to allow them to be aware of the issues when debating matters. It is anticipated that these opportunities will continue to be offered going forward which should allow all members of the Navigation Committee (and indeed the Authority) to have a wide understanding of navigation issues from different sectors and provide the interaction to allow the sectors to be able to approach members on issues that concern them.</p> <p>It should be noted that a comprehensive report was taken to the Navigation Committee on 5 September 2013 following concerns being raised by a member of</p>
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	<p>the Navigation Committee concerning the timings of the appointment of co-opted members. This report provided proposals to address all the issues raised, which included bringing the terms and timing of appointments more in line with those for Secretary of State appointed members; including the maximum overall term of eight years which could currently be served by Secretary of State members. It should be noted that all of the proposals within the report were considered and supported by the Navigation Committee on 5 September 2013 and subsequently approved by the Broads Authority on 20 September 2013.</p> <p>The process is therefore considered to be legally sound.</p>
<p>Broads Hire Boat Federation</p> <p>In reply to your letter of 23rd January I would initially wish to remind the Authority that the BHBF, together with other consultees, has protested since 2008 that the Authority's interpretation of Part II, 9.-(5) of the Norfolk & Suffolk Broads Act is contrary to its intentions. Furthermore we continue to maintain that neither the term of office limitation imposed nor the Appointment Process devised by officers and approved by the Authority in January 2008 are legally sound or in the spirit of the Act.</p> <p>Against this background and in relation to the current recommendations for appointment, whilst we have no reason to doubt that those listed for Category D are able and knowledgeable people, we question their selection in this category. In accordance with your Appointment Process all others have been nominated by relevant bodies, but it appears that Ms. Aspland and Mr. Dickson have not, and our own nominations for Category D have not been selected.</p> <p>It is also a fact that in previous appointment rounds, despite your current insistence that "persons who are likely to be</p>	<p>The Authority has applied the provisions on the Norfolk and Suffolk Act 1988 with regard to the appointment of the co-opted Members of the Navigation Committee in a consistent and fair manner in line with the Government's guidelines on public appointments and after consultation with the Navigation Committee at the appropriate time.</p> <p>The process was modernised in 2008. The objective was to use a more open and transparent process, than had been the case in the past, to appoint the best possible Committee to advise the Authority on navigation matters consistent with the requirements of the Broads Act, meeting the best practice standards expected in public appointments and giving users of the navigation the confidence that the appointees were representing their interests.</p> <p>The process therefore had to meet the following guiding principles from the Commissioner for Public Appointments:</p> <ul style="list-style-type: none"> • Merit: <i>All public appointments should be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals who through their abilities, experience and qualities match the need of the public body in question.</i> • Independent scrutiny: <i>No appointment will take place without first being scrutinised by an independent panel or by a group including membership independent of the department filling the post.</i>

<p>required to pay ship, passenger or goods dues” can be regarded as “all tollpayers”, you have appointed commercially interested persons such as Mr. Paul Greasley and Mr. Lorne Betts. And the schedule of organisations to be consulted on appointments in Category D recognizes its “commercial” intent with eleven out of the sixteen listed clearly representing business interests.</p> <p>We therefore feel that the selection panel has not been properly guided and cannot support its recommendation for the appointment of Ms. Aspland and Mr. Dixon.</p> <p>We also wish to take this opportunity to request that the Authority urgently review its position on the structure, term of office and appointments process for the Navigation Committee as part of an ongoing process of improved working relationships with both private and commercial navigation interests. The Chairman and Chief Executive met as long ago as November 2011 with the Executive Director of the British Marine Federation and the Legal & Government Affairs Manager of the RYA when issues of governance were discussed and it was agreed that there were constraints on the extent to which the Navigation Committee was able to function as an independent representative advisory committee for the Broads Authority’s activities as a whole.</p> <p>I would be grateful if you would report these comments to the Navigation Committee and the Broads Authority together with our wish to discuss these issues further with Broads Authority officers and representatives of the NSBA and other bodies with interests affected by management of the navigation.</p>	<ul style="list-style-type: none"> • Equal opportunities: <i>Departments should sustain programmes to deliver equal opportunities principles.</i> • Probity: <i>Board members of public bodies must be committed to the principles and values of public service and perform their duties with integrity.</i> • Openness and transparency: <i>The principles of open government must be applied to the appointments process, its working must be transparent and information provided about the appointments made.</i> • Proportionality: <i>The appointments procedures need to be subject to the principle of proportionality, that is they should be appropriate for the nature of the post and the size and weight of its responsibilities.</i> <p>Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that “two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate”.</p> <p>Broads Authority is a “harbour authority” for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of “ship, passenger and goods dues”, Section 57 <u>of the Harbours Act 1964 states:</u></p> <p>“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any eligible by virtue of section 29 of this Act) of any of the following kinds,</p>
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	<p>namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried); <p>Section 57 <u>of the Harbours Act 1964 further states:</u></p> <p>“charges” includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D; and indeed were reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p> <p>The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:</p> <ul style="list-style-type: none"> (a) supplying the consultee with sufficient information to enable it to tender helpful advice;
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	<p>(b) giving sufficient time to the consultee to enable that to be done;</p> <p>(c) making sufficient time to consider the response to consultation.</p> <p>Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.</p> <p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p> <p>Previous appointments to Category D have included candidates from a commercial background, but this would have been due to the candidates being judged by the Selection Panel as being the best candidates during that appointment round, rather than because they came from a commercial background.</p> <p>It should be noted that a comprehensive report was taken to the Navigation Committee on 5 September 2013 following concerns being raised by a member of the Navigation Committee concerning the timings of the appointment of co-opted members. This report provided proposals to address all the issues raised, which included bringing the terms and timing of appointments more in line with those for Secretary of State appointed members; including the maximum overall term of eight years which could currently be served by Secretary of State members. It should be noted that all of the proposals within the report were considered and supported by the Navigation Committee on 5 September 2013 and subsequently approved by the Broads Authority on 20 September 2013.</p>
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	The process is therefore considered to be legally sound.
Broads Reed and Sedge Cutters Association: BRASCA has no comments on the proposed appointments.	Noted
Eastern Region Rowing Council: I confirm that Max Heron has the full confidence of British Rowing to represent the interests of the rowing community on the Navigation Committee, and as part of the Whitlingham project those of other water users. Max has many years' experience of the interests of the users of the waterways and will continue to bring that to bear on the Navigation Committee's considerations.	Noted
Hoseasons In reply to your letter of 23 rd January regarding the current recommendations for appointment, whilst Hoseasons have no reason to doubt that those listed for Category D are able and knowledgeable people, we would support the members of the Broads Hire Boat Federation and question their selection in this category. In accordance with your Appointment Process all others have been nominated by relevant bodies, but it appears that Ms. Aspland and Mr. Dickson have not, and the BHBF nominations for Category D have not been selected. We therefore feel that the selection panel has not been properly guided and cannot support its recommendation for the appointment of Ms. Aspland and Mr. Dixon.	<p>Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that "two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate".</p> <p>Broads Authority is a "harbour authority" for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>"harbour authority" means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of "ship, passenger and goods dues", Section 57 <u>of the Harbours Act 1964 states:</u></p> <p>"ship, passenger and goods dues" means, in relation to a harbour, charges (other</p>

	<p>than any eligible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried); <p>Section 57 <u>of the Harbours Act 1964 further states:</u></p> <p>“charges” includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p> <p>The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:</p> <ul style="list-style-type: none"> (a) supplying the consultee with sufficient information to enable it to tender helpful advice;
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	<p>(b) giving sufficient time to the consultee to enable that to be done;</p> <p>(c) making sufficient time to consider the response to consultation.</p> <p>Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.</p> <p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p>
<p>Norfolk & Suffolk Boating Association:</p> <p>The Norfolk and Suffolk Boating Association (NSBA) thanks the Broads Authority for the opportunity to comment on the recommendations for appointment to the Navigation Committee. The NSBA is content with the recommendations.</p>	<p>Noted</p>
<p>Passenger Boat Association</p> <p>With the passenger vessel industry in mind I have only one point to lodge regarding the Category 'D' proposed appointments.</p> <p>Can you please advise if either of the nominees; Linda Aspland and William Dickson, are knowledgeable and/or have an understanding of the criteria around which passenger vessels are required to operate? There is a</p>	<p>Category D refers to Section 9(5)(d) of the Norfolk and Suffolk Broads Act 1988 and states that "two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate".</p> <p>The Broads Authority is a "harbour authority" for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p>

<p>great deal of Government safety regulation involved within the industry and in addition many commercial pressures are placed on our Members. We feel it is important that an understanding is essential in representing this sector.</p>	<p>“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of “ship, passenger and goods dues”, Section 57 <u>of the Harbours Act 1964 states:</u></p> <p>“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any eligible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried); <p>Section 57 <u>of the Harbours Act 1964 further states:</u></p> <p>“charges” includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p>
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	<p>Navigation Committee members are expected to be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities and part of the member development programme in the past has been to provide opportunities for members to accrue a better understanding of commercial boating activities to allow them to be aware of the issues when debating matters. It is anticipated that these opportunities will continue to be offered going forward which should allow all members of the Navigation Committee (and indeed the Authority) to have a wide understanding of navigation issues from different sectors and provide the interaction to allow the sectors to be able to approach members on issues that concern them. A presentation to the newly appointed Navigation Committee from the Passenger Boat Association on the issues of safety regulation and commercial pressures would be seen as a benefit to assist all members' understanding. We will seek to arrange this during 2015 in consultation with the Chairman of the Navigation Committee.</p>
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Public Question Time

Question submitted by Nick South

The Department of Environment National Parks Circular (12/96) extant back in 2008 while covering the National Parks did not extend to the Broads Authority.

The Department has since redressed the situation by replacing Department of Environment Circular 12/96 with English National Parks and the Broads UK Government Vision Circular 2010. The result is that since March 2010 any application for a Secretary of State member vacancy from a serving councillor of a local authority appointing members to the Broads Authority is ineligible.

A letter distributed by Natural England for applicants reads, "National Park Authorities Secretary of State Members are initially appointed for a 4-year term...and are eligible for re-appointment. However reappointment is not automatic."

The rules for eligibility of BA members are therefore clear and, since 2010, are identical to those that apply to national park members. Will the Authority explain how an ineligible individual whose appointment breaches the same rules would be allowed to remain a member?

The Authority's response will be reported at the meeting and read out by the Chairman.

Public Question Time

Question submitted by Angelika (Geli) Harris

As you will be aware my husband and I have been for some time asking questions at the Broads Authority meetings to highlight the concerns that we have formed from our experience at Catfield about the deficiencies of the statutory bodies in fulfilling their legal obligation to safeguard our finest wetland sites which, like Catfield, are subject to the highest level of environmental legal protection. At the last meeting the Chairman “emphasised that the Authority recognised the deficiencies.” Since then there have been two developments on the Catfield case-Natural England has made their final submission to the Environment Agency on the scientific evidence which now fully echoes the scientific analysis that our independent experts have been making for a long time and secondly the Environment Agency has once again deferred its final decision despite a process which has now lasted almost seven years.

This experience and these deficiencies are relevant to the question I would ask today as they relate to how far the Authority itself is in practise either committed to or effective in managing its own conservation objectives. Frankly my husband and I were shocked by both the tone and content of what we heard here two months ago in your rebranding discussion. In essence the Executive, in order to get its touristic objective of rebranding passed and to resolve what was described but not minuted as a “credibility issue” made concessions on conservation to the vociferous boating lobby in particular to drop its planned ambition of ever becoming a legal national park and also to refute as far as the Broads were concerned the Sandford principle which is the distinguishing feature of a real national park as the National Parks’ website makes quite clear and I quote “When the aims and purpose conflict with each other, then the Sandford principle should be used to give more weight to conservation of the environment.”

My question is simple – How can it be either morally or legally either proper or correct for the Broads Authority to represent itself as a national park when it has just dropped the ambition of ever becoming one legally and specifically denied the primacy of conservation which is the key feature of a real national park? Is it not a “falsehood” as one of your members accurately described it to pretend otherwise and a “falsehood” to which all members risk being party?

The Authority’s response will be reported at the meeting and read out by the Chairman.

Broads Authority

Minutes of the meeting held on 23 January 2015

Present:

Dr J S Johnson - in the Chair

Mr K Allen	Mr N Dixon	Mrs L Hempsall
Mr M Barnard	Sir Peter Dixon	Mr P Ollier
Mr L Baugh	Mr G McGregor	Mr J Timewell
Miss S Blane	Dr J M Gray	Mr J Sharpe
Mr D A Broad	Mr G W Jermany	Mr P Warner
Prof J A Burgess		

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways and Recreation Officer
Ms M Conti – Strategy and Projects Officer
Mr S Hooton – Head of Strategy and Projects
Ms E Krelle – Head of Finance
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Ms V McNeil – Solicitor and Monitoring Officer (Minute 4/9)
Mr D Johnson – For Solicitor
Mr J Organ – Head of Governance and Executive Assistant
Ms K Sayer – Design and Information Supervisor
Ms T Wakelin – Director of Operations

Also in attendance:

Dr K Bacon	Chairman, Broads Forum and Chairman of Broads Local Access Forum
Ms H Edwards	Insight Track

Public in attendance who spoke: Mr Tim Harris – Catfield Hall

4/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting including members of the public and those who wished to provide Questions and also Hannah Edwards from Insight Track.

The Chairman also welcomed and congratulated Emma Krelle who had been appointed as Head of Finance following Titus Adam's departure.

The Chairman informed Members that Piero Ionta was due to start with the Authority in February as Solicitor and Monitoring Officer.

Apologies were received from Mrs J Brociek-Coulton, Mr C Gould, Mr P Durrant and Mr R Stevens. Mr McGregor would be arriving later.

4/2 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:

Memorial Service for Jonathon Peel – former Chairman of the Broads Authority – 6 February 2015

The Memorial Service for Jonathon Peel, a former Chairman of the Authority would be held in Norwich Cathedral on Friday 6 February 2015 at 2.30pm.

Planning Committee Training/Briefing following meeting on 6 February 2015

The session would be on the issues taken into account when assessing planning applications for conservation and navigation implications.

Lake Review Workshop for Members – 17 April 2015

A Member Workshop on the Lake Review was now confirmed for Friday 17 April 2015 to be held at Dragonfly House, 2 Gilders Way, Norwich. The morning would be specifically designed for members while the afternoon would be aimed at lake managers and academics. Timings and an agenda would be confirmed.

Utilities Site: Private Pre-Application Briefing for Members

Members of the Authority were invited to join Norwich City Council Members on 29 January 2015 at 9.30am in the Mancroft Room at City Hall for a private briefing on the Utilities site, an application for which

was due to be submitted in the Autumn. Those interested were requested to inform Alison Macnab (Planning Officer).

(3) Electronic Agendas and Reports

The Chairman commented that this would be the first meeting when members had received their papers electronically as part of the measures to make savings as a result of the Government Spending Review.

(4) Recognition of Twenty- Five Years' Service with the Broads Authority

The Chairman announced that Bill Housden, Head of IT and Collector of Tolls had been with the Broads Authority for twenty-five years and in recognition presented him with a tie. He paid tribute to Bill's dedication and the professional and stalwart way in which he had dealt with developments in IT and sometimes challenging customers. He had been one of only two collectors of Tolls the Authority had had. Bill thanked the Authority and also expressed his appreciation to a brilliant team.

(5) Navigation Committee

The Chairman announced that the Selection Panel for the appointment of co-opted Members to the Navigation Committee had recommended 8 people: Linda Aspland, William Dickson, Alan Goodchild, Max Heron, James Knight, Nicky Talbot, Brian Wilkins and Michael Whitaker. All had confirmed that they were willing to accept the appointment subject to the necessary consultations under Section 9 of the 1988 Act including the current Navigation Committee on 26 February 2015 and the formal adoption by the Authority on 20 March 2015. Their formal appointments would be from 20 March 2015.

The Chairman expressed thanks and appreciation to the other members of the Selection Panel – Chairman Mr John Edmunds, Richard Card from the RYA, and Alan Morgan representing the British Marine Federation.

4/3 Introduction of Members and Declarations of Interest

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

4/4 Items of Urgent Business

No items of urgent business had been received.

4/5 Public Question Time

A question had been received from Mr Tim Harris relating to the assessment of applications for water abstraction licenses and the monitoring and protection of wetlands in particular. Mr Harris read out his question. The Chairman provided the Authority's response (as attached at Appendix 2 to these minutes).

Mr Harris expressed his concern that the deficiencies highlighted in association with the Catfield area water license abstraction demonstrated that if not satisfactorily managed or monitored by the statutory authorities then these special wetland areas could not be saved and the special qualities which made up the Broads would be lost.

The Chief Executive supported by a member clarified that the Environment Agency had issued their "minded to" decision and this was out for consultation. It was not for the Authority to intervene. It was for the Environment Agency to issue the final decision which was due in February. The Authority had provided information for that decision with Professor Rushton's advice as the Authority's consultant. He had not been employed to review the Environment Agency's processes. The Chairman emphasised that the Authority recognized the deficiencies and as a result it was necessary to fully understand the complexities of the issues and was therefore committed to convening a workshop with the statutory bodies responsible following the issuing of the decision.

4/6 Minutes of Broads Authority Meeting held on 21 November 2014

The minutes of the meeting held on 21 November 2014 were approved as a correct record and signed by the Chairman.

4/7 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 4/10. In particular, members noted the updates concerning:

Purchase of Moorings

The Authority was investigating other options for moorings within the Thurne Mouth vicinity.

External Funding Opportunities

A date had been fixed for a meeting with Phil Durrant and Kelvin Allen and relevant officers to examine priorities for eligible external funding.

Broads Lake Review and Hoveton Great Broad Restoration Project

A member queried whether the Authority would be able to express a view on the proposed access arrangements as part of Natural England's bid for Heritage Lottery Funding for the Lake Restoration Project following its decision in September that its support was conditional on the achievement of better public access to the project area. It was noted that the first phase application was due for submission in February. Although the Authority's comments had been forwarded, the Authority had not received any further information relating to increased access other than the planning application to provide elements to facilitate a canoe trail, which had not yet been determined. Details on public access per se were not the subject of the planning application. A variety of strong views was expressed concerning the contribution of public funds and requirement for increased provision of public access particularly the potential increase to navigable areas of water. However, it was also recognised that the area was of considerable conservation interest and sensitivity and therefore required sensitive management. Some members commented that this could still be achieved as with other Broads areas, with improved access to justify the expenditure of such public funds.

It was confirmed that the Authority's formal view was that which had been stated in September in that it recognised 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 and that the Authority supports Natural England's applications for external funding conditional on the achievement of better public access to the project area.

The Chairman emphasised the importance of members attending the Lake Review Seminar on 17 April 2015 as this would provide fundamental information relating to case studies on all Broads.

The Broads Landscape Partnership Scheme Application

Over 68 potential proposals for involvement in the Landscape Partnership scheme had been received. These would be reviewed and considered at the next project board meeting scheduled for 5 February 2015.

4/8 Stakeholder Surveys Analysis

The Authority received a report from the Senior Waterways and Recreation Officer and presentation from Hannah Edwards from Insight Track summarizing the outcome of the four Stakeholders Surveys that were carried out in Autumn 2014 by Insight Track, a local reputable market research company and which had been the subject of a briefing and workshop for Members on 6 January 2015. The aim of the surveys had been to provide the Authority with a statistically robust evidence base of the views and opinions of private boat owners (PBOs), hire boat operators (HBOs), visitors and, for the first time, residents, in order to inform future decision making and contribute to the setting of strategic priorities and the Authority's Navigation Strategy.

Members noted the main themes from the findings with broadly positive messages in respect of customer perceptions from the PBOs, residents and visitors but less positive with the HBOs. The HBOs in particular appeared to feel unsupported and the Chief Executive had met with the Chairman and Secretary of the Broads Hire Boat Federation to discuss this and identify actions. Members also considered it important that the new Navigation Committee take the findings and concerns expressed on board and help to improve understanding. This was also notable with regard to the uncertainties relating to tolls, which required further consideration as well as improved communication and understanding.

The results had provided indicators for setting of future priorities with the most notable being associated with dredging, wildlife conservation and education. It was significant that walking appeared as the key leisure activity undertaken on the Broads with bird watching being very popular and therefore improved access facilities were identified in the survey for priority attention. Members considered that this was particularly important to address given that there had been a reduction in resources for public footpaths. It was also noted that residents and visitors had indicated that better communication with them was required. Members were also interested to note the responses in relation to Direct Elections, which identified, amongst local residents, a low awareness of the plan for public consultation but a very high level of willingness to vote. The concern about flooding risks amongst residents and boat owners alike was also noted.

Members noted that the main challenges would be in responding to the outcomes in the context of the Authority's ability and capacity to deliver those areas which had been identified. They were therefore very supportive of the proposals to develop an action plan in order to be able to take matters forward in a positive manner.

Members considered the presentation provided a very useful and clear summary and that the exercise had been very interesting, accurate and worthwhile. It would be helpful in the review of the Broads Plan as well as contributing to the development of planning policies. Members provided their thanks to Insight Track for their detailed and comprehensive work and analysis. It was also suggested that with a base of data having been established, it would be very useful to repeat the surveys in five years' time provided conditions and resources allowed. This could help provide an independent assessment of the impact of any measures the Authority had undertaken to address the issues raised.

RESOLVED

- (i) that the contents of the report and the findings from the surveys be noted and welcomed;
- (ii) that the development of an action plan in response to the survey results be supported; and

- (iii) that the Authority supported the ambition to repeat the exercise in five years' time as part of the strategic approach in formulating its Broads Plan and its priorities, provided finances allowed.

4/9 Branding the Broads

The Authority received a report setting out the background and framework as well as the results of the consultation on Branding the Broads area as the "Broads National Park" in order to make the most of a brand which was internationally recognized. An addendum to the report had been circulated separately but was also included as part of the full report on the website. This specifically included the responses from the Broads Forum and the Navigation Committee as well as the Reed and Sedge Cutters Association. Members had also been provided with a summary of the responses at a Member Workshop on 6 January 2015. Members also noted the responses from the Stakeholder Surveys relating to the awareness of the status of the area, whether more should be done to promote that status and whether having the status equivalent to that of a National Park made the Broads more appealing.

The Chief Executive emphasised that the branding and use of the term Broads National Park was intended to raise the profile of the Broads nationally and internationally and would not involve changing the name of the Broads Authority or its constitution and its three main functions all of which were given equal weight. The use of the National Park brand would help facilitate the discharge of all three functions, for example through supporting the commercial viability of the hire boat industry which was an important user of the navigation area. There was no suggestion, nor ever had there been, any suggestion 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. It was considered that the Habitats Regulations provided the required level of protection for the biodiversity of the Broads against damaging activities. The concerns raised within the navigation community were acknowledged and therefore it was proposed that if the Authority agreed to accepting the use of the brand Broads National Park, that it would no longer pursue the ambition stated within the Broads Plan for the Broads Authority to become a national park in law.

The Solicitor and Monitoring Officer referred to the legal advice provided in the report and provided assurances on the legalities of the proposal. Having sought counsel's opinion, particularly in terms of the specific challenges referred to in the responses, she confirmed that there was nothing unlawful in pursuing the use of the brand Broads National Park. Although this would not be without the possibility of legal challenge, it was considered that the chances of any challenge being successful were remote.

In addition, in terms of planning policy there would be no change as to how matters were dealt with. The Authority was guided by the Planning Acts.

Members reviewed the responses and noted that of the 160 organisations consulted 35% had responded of which 79% were in support and 8% did not object. It was also noted that of those parish councils who had responded, although the majority were supportive there was a higher proportion in this category in relation to all respondents which had been against the proposal. This appeared to reinforce the findings of the stakeholders' survey of the need to improve communication and understanding with them. In addition it was important to address the question of trust among some of the respondents.

Members gave detailed consideration to the proposal and sought reassurances and clarification on a number of issues. A member commented that Suffolk County and Waveney District Councils were strongly in support of the proposal given that it was inclusive of the whole area and not just those Broads within Norfolk.

A member expressed reservations in relation to a specific Section 106 Agreements for development in Acle where Broadland District Council had required developer contributions to offset the impact of the development on the environment. The Member considered that reference to the use of the branding exercise for increasing visitors to the Broads should be deleted. Officers advised that the requirements for developer contributions towards infrastructure were not linked to the branding exercise and that the promotion of enjoyment and understanding was the Authority's second statutory purpose. However, it was recognized that by using the brand Broads National Park this would raise the awareness of the public to its special qualities and the aim was for the area to become well known and attractive. It was accepted that there may be occasions where this would need to be managed and mitigating measures considered and implemented.

Members were mindful that the area did not have easily recognisable entry and exit points, and that this was a challenge in terms of signage. However, this could be accommodated through strategically placed signs on or near the main waterways.

A number of members spoke strongly in support of the proposal along with the proposed recommendations stating that the use of the Broads National Park was for branding the area and would help to raise its profile. They considered that the recommendations recognised the reservations and concerns of the NSBA and Broads Society as well as those stated by the Navigation Committee and provided the brand was used for marketing related purposes this would be acceptable. A member commented that the adoption of the brand should renew the Authority's vigour in covering each of the Authority's objectives equally. Other members agreed, commenting that it was important not to adopt the Sandford Principle as the Authority needed to work within the mechanisms of its own policies and objectives. Therefore dropping the aspiration to become a national park in law was an important concomitant to the branding principle. Members particularly noted the letter from Lord De Mauley and considered that by adopting the brand Broads National Park this would be in the interests of the Broads area as a whole.

A member expressed concern that the name Broads National Park could lead to increased public expectations, particularly of certain facilities which might not be deliverable. The Authority was already part of the National Park family but its uniqueness and special qualities were more than a National Park and adopting the brand name might be misleading.

It was clarified that from an international perspective in terms of IUCN classification the National Parks within the UK would not fit their definition. However, it was recognised that the definition of National Parks around the world varied. The UK National Parks were seen as protected landscapes and the term still ensured that they were viewed as being special.

Another member expressed strong opposition to the proposals, considering that to use the brand name would be a falsehood and as a public body, this should not be promulgated.

One member considered that reliance on the Habitats Directive (a European Directive) for the protection of the nature conservation interest was not sufficient as it was restricted to the designated areas which only covered part of the Broads area, bearing in mind that the whole area was important for its wildlife, conservation and landscape.

Given the concerns expressed by some members and in some of the responses received, Members in favour of the proposal advocated that the adoption of the brand Broads National Park should be implemented gradually. It was important to be sensitive to those views and also to provide proper guidelines on the use of the brand.

The Chairman in summing up commented that the Authority had sought reassurances from the Solicitor and Monitoring Officer on the legalities and had received the views from the Defra National Park Minister, Lord De Mauley. In reaching their decision Members had to be satisfied that the Broads National Park Brand would be adopted for marketing related purposes and that the ambition to become a National Park in law including the adoption of the Sandford Principle (which never had been part of the Authority's ambitions) would no longer be pursued. In making the decisions, Members also needed to be satisfied that the branding would be conducive to the discharge of its functions and that the Authority was acting reasonably.

Mr Jermany proposed, seconded by Sir Peter Dixon to accept all recommendations as amended and in accordance with legal advice.

RESOLVED by 11 votes in favour and 3 against with 2 abstentions

- (1) Having reviewed the comments made in response to the consultation set out in the appendices, the Authority:
 - (i) noted and confirms that the proposal does not involve any change in the legal name or functions of the Broads Authority;

- (ii) noted the generally positive response from the majority of stakeholder organisations who had responded;
 - (iii) resolved 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;
 - (iv) that the brand “Broads National Park” be adopted for marketing related purposes with immediate effect using the powers in Section 111 of the Local Government Act 1972; and
 - (v) that branding guidelines be produced for both staff and other organisations use and an additional £5,000 be allocated to the Communications budget for 2015/16 for the implementation of appropriate signage in collaboration with other organisations where possible.
- (2) That, in accepting the above, the Authority also:
- (vi) resolved, 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 2011 for the Broads to become a national park in law;
 - (vii) 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; and
 - (viii) delegated to the Chief Executive, in consultation with the Chairman as appropriate, the power to take such steps and obtain any advice required to protect the Authority’s position and to implement the project in accordance with the resolution and legal advice.

4/10 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 eight of the objectives had reached completion and the remaining projects were on track apart from four, but that these were progressing as indicated in some of the reports to this meeting. The Strategic Priorities for 2015/16 were receiving further consultation for consideration and adoption at the next Authority meeting in March.

The Chief Executive reported that in line with the Authority's ambition to undertake benchmarking with the other National Parks, at the last National Park Chief Executive's meeting it had been agreed to carry out a joint exercise to see how the National Parks might cooperate further to reduce costs.

RESOLVED

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.

4/11 Financial Performance and Direction

The Authority received a report providing a strategic overview of current financial issues.

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

The Authority received the details of the consolidated actual income and expenditure for the seventh month period to 31 October 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 in line with the profiled budget at the end of the seventh month period. Members noted that the Operations Revenue budget was in a slight overspend position compared with the profiled budget particularly relating to equipment vehicles and vessels, an overspend in land management and a small underspend on water management. However, there was still an underspend against profile within the Planning and Resources directorate budgets for reasons previously stated. The overall position as at 31 October 2014 showed a favourable variance of £144,718 against the profiled latest available budget.

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 £6,357,290 resulting in a forecast deficit for the year to be £123,330 (£101,437 national park and £21,892 navigation). The forecast outturn anticipated a lower deficit the £157,087 allowed for in the latest budget. Members noted that the main differences reflected the reduction in the salary budget that had been forecast and this would impact on reserves.

The Chairman of the Financial Scrutiny and Audit Committee commented that the Authority received tremendous value from its staff and commended them.

RESOLVED

- (i) that the consolidated income and expenditure figures from 1 April 2014 to 31 October 2014 be noted.

Section 3 Amendment to Standing Tender List – Fen Management Contractors

Members received notice that since the creation of the Standing List for Contractors to deliver the fen management work, two contractors had expressed an interest in being included on this list: Mathew Lee and Stephen Lee. Both had satisfactory credentials and met the requirements for inclusion.

RESOLVED

- (ii) that the two additions to the Standing Tender List – Fen Management Contractors be approved.

4/12 Budget 2015/16 and Financial Strategy to 2017/18

The Authority received a report providing members with information on the consolidated income and expenditure budget for 2015/16 based on an overall increase of 1.7% in navigation charges formally adopted by the Authority on 21 November 2014. The Chief Executive emphasised that the Authority was in a difficult position in that Defra had not yet decided on the National Park Grant for 2015/16 although a decision was due by the end of January 2015. Therefore the budget had been based on the previous notification from Defra. Although it was hoped that the Secretary of State announcement would be in line with that previously indicated, there were considerable uncertainties for future levels of funding relating to the outcome of the General Election in May 2015. The National Parks were working together to provide a collective positive representation to Defra concerning the necessary finances and resources to fulfil the purposes and objectives and Members were mindful that there was a need to act expeditiously and efficiently.

It was noted that in light of the previous decision to bring part of legal services in house and directly employ the Authority's own Solicitor and Monitoring officer, legal services would now come under the Chief Executive's budget heading.

It was also noted that due to the uncertainties and limited resources, there was limited capacity to carry out additional larger projects. Most of the work would be directed at maintenance and to projects already committed. Minor adjustments could be undertaken but not major changes.

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

RESOLVED

- (i) that the uncertainties regarding the National Park Grant be noted, the assumptions applied in the preparation of the budget be endorsed and the draft 2015/16 Budget be adopted;
- (ii) that the Earmarked Reserves Strategy for the period 2015/16 to 2017/18 be adopted and the proposed contributions to and from Earmarked Reserves for the period 2015/16 to 2017/18 be approved; and
- (iii) that the Authority approves 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 and that any underspends within the Policy Planning budget area be transferred to the Planning Delivery Grant Reserve annually as set out in paragraph 8.7 of the report in line with the Authority's Asset Management Strategy.

4/13 National Parks UK Commercial Sponsorship Project

The Authority received a report providing members with an update on the National Parks UK proposal to establish a new Company Limited by guarantee called the National Park Partnerships Limited, with the purpose of taking forward the joint commercial sponsorship initiative for the National Park Authorities and the Broads Authority in the UK. It was noted that the American national parks had a parallel such organization US National Parks Foundation which was able to raise considerable sums.

Members noted that the proposal was in line with the Government encouraging National Park Authorities to seek other sources of income including commercial sponsorship/income from business and the decision by the National parks to collaborate in making the most of the brand at national level.

Members noted that the Chief Executives of the National Parks had considered the business case and the proposed Business Model and Structure as well as the ethics, the benefits and the risks.

Members considered that the potential benefits of the cooperative venture with its limited risks appeared to be a worthwhile project and considered it appropriate to support the initiative in principle. However, they wished to be satisfied that the details contained within the draft Articles of Association were satisfactory. It was therefore suggested that the proposal be accepted subject to detailed scrutiny by the Financial Scrutiny and Audit Committee due to meet on 10 February 2015.

RESOLVED

- (i) that, in principle, the Authority 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 subject to scrutiny by the Financial Scrutiny and Audit Committee ;
- (ii) that, subject to the scrutiny of the details by the Financial Scrutiny and Audit Committee, 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) that, subject to the above, approval be given 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) the initial investment of £10,000 in the development of a commercial sponsorship company on behalf of the fifteen UK National Park (Authorities) for which provision has already been made in the 2014/15 budget be approved and provision be made in 2015/16 for the potential need for a second payment of £10,000.

4/14 Sediment Management Plan: Dredging Programme for 2015/16

The Authority received a report which provided an update on the Sediment Management Strategy including details of the Authority's most recent assessment of priority dredging sites and the proposed dredging programme for 2015/16. The Navigation Committee had considered the matter on 11 December and supported the proposals. Members noted the summary providing the most up to date analysis of hydrographic survey data based on the new methodology adopted for assessing Waterway Specification Compliance and the details on the proposed dredging programme.

It was noted that the proposed dredging programme for 2015/16 would achieve the Authority's target of removing 50,000m³ and deal with some of the initial list of priority sites.

Members welcomed the updates and the proposed programme and were pleased that decisions were being made based on rational sound statistical data.

RESOLVED

- (i) that the contents of the report be noted and welcomed including the proposed priority sites for dredging and
- (ii) that the dredging programme for 2015/16 be endorsed.

4/15 Draft Climate Adaptation Plan

The Authority received a report which set out the progress and current position on the Draft Climate Adaptation Plan and provided a draft summary for members to consider whether it should be sent out for wider consultation. It was noted that the draft was a simplified version suitable for all, with a more technically detailed plan being developed to be sent to Defra in due course. Members noted that the non-technical version was to be redesigned as a 12 page booklet with illustrations.

Members were shown a short video to be used as part of the proposed consultation at various events in order to raise awareness and stimulate debate. This was welcomed and members expressed appreciation for the way in which the message was being depicted. It was also intended to use a case study and possibly add a SMART diagram as part of the consultation events. Although it was clarified that transport infrastructure was being dealt with by other organisations, members considered that it would be useful to refer to this within the document and make this clear. It was also suggested that in terms of consultation this should ask direct questions rather than invite general views.

Members were very supportive of the work and progress on the Draft Climate Adaptation Plan and welcomed that this would include consideration of the alternatives provided for flood protection, including the possible use of tidal barriers, to mitigate salt water incursion in preserving the important fresh water habitat.

RESOLVED

- (i) that the report be noted and the Draft Plan be supported.
- (ii) that the plan be sent out to key stakeholders for their comments;
- (iii) that the responses received be used to refine the draft plan as necessary and a final version be created for consideration later in the year; and
- (iv) that the responses received be also used to refine the more technical version of the Plan prior to submission to Defra in the Spring 2015.

4/16 Making the Acle Neighbourhood Plan part of the Development Plan for the Broads Authority

The Authority received a report on the outcome of the Acle Neighbourhood Plan referendum. Members noted that there was a majority yes vote of 85%, with 299 residents voting in favour of the plan and 53 against. This met the requirements of the Localism Act 2011. The electorate turnout was 16.29%. The Planning Committee was informed of this at its meeting on 9 January and

recommended that in line with the Neighbourhood Planning (General) Regulations (2012) the Acle Neighbourhood Plan should be adopted.

The member appointed by Broadland District Council expressed thanks to the Authority, particularly the Planning Policy Officer for the help and advice received during the process.

RESOLVED

that the Acle Neighbourhood Plan be adopted and made part of the Development Plan/Local Plan for the Broads Authority.

4/17 Timetable of Meetings 2015/16

The Authority received a report proposing the timetable of meetings for the period July 2015 to the annual meeting in July 2016. This followed a similar pattern to year 2014/15.

RESOLVED:

- (i) that the timetable of meetings for 2015/2016 as set out in Appendix 3 to these minutes be approved.
- (ii) that the New members Induction date set for 23 April 2015 be noted.

4/18 Chief Executive Report

The Authority received a report from the Chief Executive that summarised the current position in respect of a number of important projects and events. This included an update on matters relating to Network Rail including the Trowse Bridge and the consultation document Anglia: Route Study, Long Term Planning Process as well as the Cycling Ambition in National Parks: Request for Funding relating to the Three Rivers Way between Hoveton to Horning.

(1) Bridges Update

With reference to Trowse bridge, members considered that it was important for the Authority to continue to press Network Rail on the importance of this being opened for navigation purposes in line with the Legal agreement with Network Rail to ensure access for navigation at railway bridges. It was noted that the Authority's officers would be providing a response to the consultation document and this could be circulated to members for comment and approval prior to submission by the deadline of 3 February 2015.

(2) Cycling Ambition in National Parks: Request for Funding – Three Rivers Way Hoveton to Horning

Members noted that the Authority in conjunction with Norfolk County Council had submitted a revised bid to the Department for Transport to

fund the development of the first section of the proposed Three Rivers Way cycle route linking Wroxham/Hoveton and Horning. In line with members' previous agreement to the Authority's match funding element, members endorsed the proposal that should the bid be successful the £65,000 match funding required be covered from the Planning Delivery Grant Reserve.

Members noted that no information relating to the Authority's National Park Grant Settlement for 2015/16 had as yet been received from Defra.

RESOLVED

- (i) that the report be noted;
- (ii) that the proposed response to Network Rail's Consultation Document Anglia: Route Study, Long Term Planning Process be circulated to members for comment prior to being submitted to Network Rail by the deadline of 3 February 2015; and
- (iii) that, if the bid to the Department for Transport for the Wroxham/Hoveton to Horning Section of the Three Rivers Way Cycle Route is successful, the £65,000 match funding required be endorsed.

4/19 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

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

4/20 Feedback from Lead Members and Those Appointed to Represent the Authority

Guy McGregor reported that he had attended a meeting of Network Rail in relation to the Anglian Route proposals.

4/21 Minutes Received

(1) Broad Forum: 6 November 2014

RESOLVED

that the minutes of the Broads Forum meeting held on 6 November 2014 be received.

(2) Planning Committee: 7 November and 5 December 2014

In particular the Chairman of the Planning Committee referred to Minute number 5/13 of the 7 November relating to the Norfolk coast

Area of Outstanding Natural Beauty Management Plan 2014-2019. The Planning Committee were satisfied with the Plan and recommended that the Authority adopt it.

RESOLVED

- (i) that the minutes of the Planning Committee meetings held on 7 November and 5 December 2014 be received.
- (ii) that the Norfolk Coast AONB Management Plan 2014-2019 be adopted.

(3) Financial Scrutiny and Audit Committee: 21 November 2014

RESOLVED

that the minutes of the Special meeting of the Financial Scrutiny and Audit Committee meeting held on 21 November 2014 be received.

(4) Broads Local Access Forum: 3 December 2014

RESOLVED

that the minutes of the Broads Local Access Forum meeting held on 3 December 2014 be received.

(5) Navigation Committee: 11 December 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.

It was noted that the timbers had now been found within the UK for the repairs to the Turntide Jetty and therefore the repairs could be started in the current financial year.

RESOLVED

that the minutes of the Navigation Committee meeting held on 11 December 2014 be received.

4/22 Date of Next Meeting

The next meeting of the Authority would be held on Friday 20 March 2015 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

4/23 Items of Urgent Business

There were no items of urgent business.

4/24 Formal Questions

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

4/25 Exclusion of Public

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local following item on the agenda for consideration of the item below on the grounds that it involves 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.

4/26 Exempt Minutes of the Special Financial Scrutiny and Audit Committee – 21 November 2014

RESOLVED

that the Exempt Minutes of the Financial Scrutiny and Audit Committee meeting held on 21 November 2014 be received.

4/27 Exempt Minutes of the Navigation Committee – 11 December 2014

RESOLVED

that the Exempt Minutes of the Navigation Committee held on 11 December 2014 be received.

The meeting concluded at 14.05pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 23 January 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
John Sharpe	Item 4/9	RSPB Employee (Organisation a consultee on Branding)
Kelvin Allen	-	Broads Angling Strategy Group member
David Broad	Items 4/3 - 4/26	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Philip Ollier	Item 4/3 – 4/26 General	BA Navigation and Planning Committees NSBA Committee, RYA and several Broads Sailing Clubs. Toll Payer

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?

Broads Authority Response

Mr Harris is correct in identifying that the very particular circumstances at Catfield Fen have identified weaknesses in the established processes for understanding the impact of water abstraction on fen sites. What is not clear is the extent to which such circumstances are replicated. The Broads Authority has committed to arranging a workshop of experts to consider the evidence to try and assess the implications of this for the Broads and other wetland sites in East Anglia.

APPENDIX 3

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	1/2 9	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

* Scheduled dates if required

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. Aiming to be in place by end of April 2015</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	<p>Landowner currently in discussions with Chief Executive.</p> <p>See Agenda Item 27</p>
22 November 2013 Minute 3/14 26 September 2014 Minute 2/10 External Funding Opportunities and Income	<ul style="list-style-type: none"> That the Authority continues to maximise EU and similar major funding sources, ensuring that the Authority does not jeopardise these by pursuing other, potentially smaller 	Head of Finance and Management Team	<p>Current priority preparing Landscape Partnership bid for around £3million. Officers continuing to investigate options for potential future projects which would be eligible for European and other funding. A meeting was held with Phil Durrant and Kelvin Allen to look at</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	Policy.		
16 May 2014 Minute 6/11 Catfield Water Abstraction	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 (EA) has issued its final decision on this particular application.</p> <p>EA decision expected at the end of March 2015.</p>
26 September 2014 Minute 2/9 Broads Lake Review and Hoveton Great Broad Restoration Project	<ul style="list-style-type: none"> • 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). • That the Authority supports Natural England's applications for external funding conditional on the achievement of better public access to the project 	Chief Executive/ Senior Ecologist	<p>Natural England informed of Authority's views.</p> <p>Lake Review Workshop to be held on Friday 17 April 2015 at Dragonfly House, 2 Gilders Way, Norwich NR3. All members were invited to the morning session. Responses received from 12 Members including new members of Navigation Committee.</p> <p>Planning Application for canoe access approved by the Planning Committee on 6 February 2015 subject to some 30 conditions covering aspects prior to construction, during construction, prior to first use, restoration and enhancement and</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	area (by 11 votes to 2).		operation with the addition of conditions to cover landscaping of the car park as well as signage to ensure managed access.
21 November 2014 Minute3/11 Mooring Strategy	<ul style="list-style-type: none"> • That the ten year repiling Action Plan set out at Appendix 3 to the report be adopted. • An annual budget of £150,000 (index linked) be allocated from the navigation expenditure for the necessary repiling works. • 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. • 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. 	Senior Waterways and Recreation Officer	<p>Ongoing</p> <p>Navigation Committee considered this at their meeting on 26 February 2015 and supported a partnership approach, with NPG used to bring up to standard, and maintained as a navigation asset thereafter.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
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 was re-advertised incorporating the decisions made by the Broads Authority. A report has now been prepared for the Authority to make a decision about the sale, after the moratorium period. See Agenda Item No 14.
21 November 2014 Minute 3/17 The Broad Landscape Partnership Scheme Application: Water Mills and Marshes	<ul style="list-style-type: none"> • The Terms of Reference for the Project Board and the Draft Partnership Agreement steering the project approved. • The Strategic risks associated with the project set out in Section 4 of the report noted. 	Project Manager	<ul style="list-style-type: none"> • Over 50 Project ideas received from a range of partners, organisations and community groups after an initial “call for projects” before Christmas. • LPS Project Broad met in February to define criteria for evaluating projects. Membership of the Board was agreed and Partnership Agreement was confirmed.

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<ul style="list-style-type: none"> 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. 		<ul style="list-style-type: none"> Projects now being refined, reduced and assessed for consideration at next LPS Board Meeting on 19 March 2015. Positive and constructive feedback from meeting with HLF on 27 January 2015. Newsletter 3 will follow shortly sharing ideas on main items to be submitted. Process still on target for submission.
23 January 2015 Minute 4/8 Stakeholder Surveys Analysis	<ul style="list-style-type: none"> Report and findings noted and welcomed. Development of an Action Plan in response to survey results supported. Support for exercise to be repeated in five years' time as part of strategic approach in formulating its Broads Plan and its priorities, provided finances allow. 	Director of Planning and Resources	Consideration of Action Plan on this agenda. See Agenda Item No 10.
23 January 2015 Minute 4/9 Branding the Broads	Part 1 <ul style="list-style-type: none"> Report noted and confirmed that the proposal did not involve changing legal name or functions of the Broads Authority. Generally positive response from majority of stakeholder organisations noted. 	Chief Executive/Head of Communications	<ul style="list-style-type: none"> Following Broads Authority approval, internal and external sets of branding guidelines being developed and appropriate signage locations under investigation

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<ul style="list-style-type: none"> • The use of the brand “Broads National Park” will be conducive to achievement of three general duties in Section 2(1) of the Norfolk and Suffolk Broads Act 1988 and positive effect on factors set out in Section 2(4) of the 1988 Act. • The brand “Broads National Park” adopted for marketing related purposes with immediate effect using the powers in Section 111 of the Local Government Act 1972. • Branding Guidelines to be produced for staff and other organisations use – additional £5,000 allocated to Communications Budget for 2015/16 for implementation of appropriate signage in collaboration with other organisations. <p>Part 2</p> <ul style="list-style-type: none"> • In line with suggestions from BHBF and NSBA agreed not to pursue ambition on Broads Plan 2011 for the Broads to become a national park in law. • For avoidance of doubt, the Authority indicates it has no 		

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>intention of seeking the application of the Sandford Principle to the BA's functions because it is of the view that the Habitat Regulations provide sufficient protection for the very special qualities of the area.</p> <ul style="list-style-type: none"> Delegated to Chief Executive, in consultation with the Chairman as appropriate, the power to take such steps and obtain any advice required to protect the Authority's position and to implement the project in accordance with the resolution and legal advice. 		
<p>23 January 2015 Minute 4/13 National Parks UK Commercial Sponsorship Project</p>	<p>Subject to scrutiny by FSAC</p> <ul style="list-style-type: none"> Agreed in principle to establishment of new Company CLG "National Park Partnerships Limited" to oversee development of commercial sponsorship on behalf of National Park Authorities and BA in the UK; and BA to become a signatory to the Members' Agreement which binds all 14 of UK National Park Authorities and the BA in respect of new CLG. 	<p>Chief Executive/Chairman</p>	<p>Financial Scrutiny and Audit Committee considered the matter at its meeting on 10 February 2015 and agreed to support the establishment of "National Park Partnerships Limited".</p> <p>The New Company is being established by National Parks UK.</p> <p>Initial contribution of £10,000 paid.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<ul style="list-style-type: none"> • BA approves signing of agreement with Dartmoor National Park Authority in respect of equal distribution of licence fees from use of the Britain's Breathing Spaces brand; and • approves Initial investment of £10,000 in development of commercial sponsorship company on behalf of 15 UK National Park Authorities for which provision already made in 2014/15 budget and provision in 2015/16 for potential need for a second payment of £10,000. 		
23 January 2015 Minute 4/15 Draft Climate Adaptation Plan	<ul style="list-style-type: none"> • Draft Plan Noted and Summary approved for consultation. • Responses to be used to refine Draft Plan and Final version created for consideration later in year • Responses to be used to refine more technical version of Plan prior to submission to Defra in Spring 2015. 	Head of Strategy and Projects	<p>Draft Climate Change Plan currently the subject of consultation.</p> <p>Draft Plan being refined and put through simple design process to enhance readability. Liaison with Climate Ready/Defra has indicated spring submission is not essential with end of 2015 now the deadline.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
23 January 2015 Minute 4/18 Chief Executive Report (1) Network Rail: Consultation document: Anglia Route Study, Long Term Planning Process	Proposed Response to Network Rail to be circulated to members for comment prior to being submitted to Network Rail by deadline of 3 February 2015.	Director of Operations	The draft response was circulated to all members for their comments prior to its submission and the final submission is available on request for those who wish to see it.
(2) Cycling Ambition in National Parks: Request for Funding – Three Rivers Way Hoveton to Horning	If the bid to the Department of Transport for Wroxham/ Hoveton to Horning Section of the Three Rivers Way Cycle Route is successful, the £65,000 match funding required be endorsed.	Head of Strategy and Projects	The Broads Authority and Norfolk County Council have been successful in bid for £715,000 to go towards a cycle and walking route between Hoveton and Horning.

Broads Reed and Sedge Cutting Association
Report by Richard Starling (Chairman of BRASCA)

Summary: This report is a status update compiled by the Broads Reed & Sedge Cutters Association (Brasca). Members' comments are sought on the main issues and problems facing reed and sedge cutting in the Broads. A final report will be produced by Brasca and forwarded to Defra.

Recommendation: That the report be noted.

1 Background

- 1.1 Considerable progress and success have been achieved in the rejuvenation of reed and sedge cutting through the close working partnership between Brasca and the Broads Authority over the last ten years. Approximately 12 % of the present open fen area of 1,914 hectares is being sustainably managed by Brasca members to produce reed and sedge for thatching. The Authority has in place a Reed & Sedge Action Plan which is supported by Brasca.
- 1.2 The Authority assists Brasca with the training costs for new entrants (chainsaw, brush cutter, use of herbicides, boat handling and first aid) to enable individuals to obtain additional work opportunities e.g. scrub removal during non harvesting times.
- 1.3 The expansion of both reed and sedge habitat restoration has been carried out with the financial support of the Authority (50 hectares since 2004). A minority of cutters receive some income from individual landowners who provide additional work opportunities funded with income generated by HLS schemes. The majority of reed cutters do not receive any additional income and a minority still pay landowners royalty payments.
- 1.4. Reed and sedge cutting remains the only true sustainable management method of managing the Broads reed and sedge habitat. It is also cost effective when compared to other methods of management and provides traditional work opportunities for a limited number of local people. There are wider benefits including maintaining an open landscape and providing sustainable materials for roofs (thatching).
- 1.5. Funding is prioritised for new entrants to enable them to have sufficient areas of reed and sedge to provide an income. Three new entrants have joined Brasca over the last three years and a further new entrant is planned for this summer to work with existing cutters.

2 Main Issues and Concerns

2.1 Brasca considers that further expansion in the sustainable management of the Broads is only possible if and when certain practices are changed which are currently having a detrimental effect on existing and future harvesting operations. The following is a list of the main points which need addressing:

a) **Widening of traditional dykes**

Many reed bed dykes have been widened and deepened which produces larger spoil banks. These dykes and wider spoil banks have resulted in the loss of many acres of important reed bed and fen habitat over the years. The relatively extensive spoil banks provide increased area for rapid scrub establishment. Many cubic metres of peat are excavated in dyke widening operations and CO₂ is released as this peat dries out (estimated at 100kgs of carbon per m³ of peat).

b. **Water flow**

It has become difficult in some locations to get dykes cleaned out for a variety of reasons but mainly consent from Natural England, water quality concerns that certain plants may be effected by river/broad water entering sites, poor operation of sluices and lack of foot drain (grup) maintenance. Without adequate water flow, stagnation rapidly takes place especially during the warmer and drier summer months.

c. **Water quality**

Brasca has complete confidence in the Environment Agency's monitoring of the Broads water quality, however, some bodies have used poor water quality as a reason not to clean out dykes or adopt a natural free flow of water on and off some sites.

There appears to be misunderstanding of EA's water quality findings by some people. To avoid this, Brasca suggested that EA adopt an annual water quality report for each catchment with a simpler and easier understood methodology. This combined with a similar aquatic plant report should improve public understanding and avoid the present confusion. The Environment Agency have, in principal, accepted Brasca's proposal.

d. **New reed beds**

There appears to be no thought given to any future sustainable management when these sites are designed. The main emphasis appears to be 'deep water' sites with reed cover and designed for the questionable needs of one single bird species ie bittern. Constructed at considerable cost and with high carbon footprints using public money (eg Candle Dyke project by the Environment Agency) these sites will require public funding through various schemes such as Higher Level Stewardship for future maintenance.

Brasca suggests that all reed bed creation projects should have a sustainability clause which requires that 50% of the area be designed to

produce and able to harvest thatching quality reed. In addition each of these projects should have projected carbon footprint calculations which include fuel used during construction, carbon released from excavated peat during construction and the projected carbon footprint of future management of the site.

e. **Fen audit**

The Broads Authority's audit monitors and records the condition of the areas fens and reed beds including those areas which are under sustainable traditional management. Brasca requests that the audit further includes a "sustainable report" of each site ie what percentage is being managed by sustainable means. As with the creation of new reed beds, Brasca considers that all sites, if possible, should have 50% of their reed bed area managed on a sustainable basis.

f. **Yare barrier**

Some members of the Broads Forum have previously supported the provision of a Yare Barrier to protect the area from devastating North Sea surge tide events and the Forum has been universal in its wish to maintain the Broads as a predominantly fresh water habit for as long as possible.

There appears to be little or no further discussions or actions on this major long term concern. Brasca requests that, given the current emphasis on producing a climate change adaptation plan, the Authority should hold open discussions with District Councils, the Environment Agency and interested parties as a matter of urgency to focus on the long term flood protection for the Great Yarmouth area and The Broads.

g. **Housing**

Most of the younger reed cutters have no choice but to live outside the Broads area and commute to work mainly from Norwich, Great Yarmouth or Lowestoft. Some are content with this arrangement but others are far from happy with the current situation. We estimate that in 20 years, few, if any working reed cutters will reside in the Broads owing to the housing problem.

A rethink of the current housing provision situation is needed if many of the smaller Broads villages are to thrive with instead of without a younger generation. Currently, the only real option for the younger new entrants into reed cutting is a 'live aboard'.

Background papers:	None
Author:	Richard Starling
Date of report:	13 June 2014
Broads Plan Objectives:	AL3.2
Appendices:	None

Stakeholder Action Plan
Report by Director of Planning and Resources

Summary:	The report outlines a draft Action Plan for 2015/16 as a response to the key findings of the recent suite of stakeholder surveys undertaken on behalf of the Broads Authority by Insight Track.
Recommendation	Members are asked to consider the Draft Action Plan.

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 (PBOs), hire boat operators (HBOs), 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. The Authority received a presentation from Insight Track on the findings of the surveys at its last meeting. In addition the Broads Forum, Authority staff and the Navigation Committee have also received presentations on the findings and been asked for their thoughts on how the Authority should respond.

2 Key Findings

- 2.1 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 provided.
- 2.2 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 the organisation's 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.
- 2.3 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.

- 2.4 Perceptions of the Authority are less positive with the HBOs and there is a need to more fully understand their views in order to respond to this feedback in a constructive manner.
- 2.5 There were varying levels of awareness across audiences that the Broads has a status equivalent to that 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.
- 2.6 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.
- 2.7 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.
- 2.8 Significantly, the survey results also show that walking and bird-watching are very popular activities in the Broads. Improving access facilities, footpaths and car parks are mentioned as other priorities for the Authority to focus on. There is a challenge to be faced in delivering improvements in these areas in the face of reductions in funding across the public sector.
- 2.9 The survey highlights a number of positive outcomes for the Authority although perceptions of the Authority from within 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, and meetings with all the operators to understand and seek to resolve their current concerns. A meeting with the industry to discuss the results is being arranged.
- 2.10 Residents and visitors are not clear on the Authority's purposes and there is some indication that there could be better communication generally with local residents. Residents also feel that the prevention of flooding is an area that the Authority should concentrate on. Support for National Park branding is less appealing to PBOs and HBOs than to visitors and residents.

3 Next Steps – Action Plan

- 3.1 In responding to the surveys there are a number of matters for the Authority to consider. It is important to strike the right balance, recognising and continuing to work on the positives as well as addressing the negatives. We also need a proportionate and staged approach with a clear focus on what can be realistically achieved within available resources. Having said that, some issues can be addressed quite readily with improved and more tailored communications. A subtle change in emphasis by the Authority in the methods, content and tone of its communications (whether formal or informal) is likely to be effective. Achieving a better balance between the information that the Authority gives out and that which it receives, and how it encourages or responds to such public feedback, is critical to success.
- 3.2 With this in mind, a preliminary high level action plan for 2015/16 has been produced, which members are invited to comment upon. The action plan does not seek to address each and every comment or issue highlighted in the survey but instead focuses on key actions that address the most prominent results. Insight Track, in its final report, produced an analysis which has helped provide an independent viewpoint and the proposed action plan has concentrated on the opportunities and considerations that it has identified.
- 3.3 Members indicated at their January meeting that there may be benefit in repeating a similar stakeholder survey exercise in future, as resources allow. It is suggested that such an exercise should be timed with the cyclical review of the Broads Plan.
- 3.4 Members' views on the Stakeholder Action Plan are requested.

Background papers: None

Author: Andrea Long
Date of report: 27 February 2015

Broads Plan Objectives: PE1

Appendices: APPENDIX 1 – Stakeholder Action Plan (Draft)

Stakeholder Action Plan (Draft)

Stakeholder Group	Insight Track Analysis of Key Challenges and Opportunities	Action	Timescale	Lead Officer
Hire Boat Operators (HBOS)	<ul style="list-style-type: none"> • Opportunities to improve relationships and manage perceptions • Make them feel supported • Consult regarding agenda setting/focus • Engage to understand drivers of perceptions (positive and negative) • Improve perceptions of financial management 	<p>Hold workshops/meetings with Hire Boat Operators invited to attend</p> <ul style="list-style-type: none"> • Independently facilitated • Possible neutral venue • Exploration and identification of issues • Attempt to resolve and identify a way forward <p>NB: Future Actions may emerge from the workshop(s) that may need to be added to this action plan</p>	<p>PRIORITY ACTION: (following BA agreement in March of this Action Plan)</p> <p>Meeting Date - April/May 2015 for Initial Meeting</p> <p>Future Actions to be identified to take place throughout 2015-16</p>	Director of Planning and Resources
Private Boat Owners (PBOs)	<ul style="list-style-type: none"> • Private Boat Owners are likely to welcome improved and/or additional mooring • Private Boat Owners aged 18-34 present a potential area of growth in terms of the 	<p>Improved Feedback Communication and Engagement; Clear communication/ explanation of Tolls structure and how money is spent:</p> <ul style="list-style-type: none"> • Systematic and better use 	Throughout 2015/16	Head of Communications

	<p>number and size of boats they are likely to own in future</p>	<p>of all communication existing methods e.g Broadsheet, Annual Meeting, parish forums to focus on issues and facilities that the BA provides/is developing</p> <ul style="list-style-type: none"> • Better use of Chief Executive's Report to Navigation Committee to report on progress of projects, new facilities including regular updates • Refresh website content for tolls information and user-friendly explanation of limitations on mooring improvements <p>Emphasis on promoting entry level boating for families, children, young people:</p> <ul style="list-style-type: none"> • "Try it days" e.g Outdoors Festival • Engagement with Broads Tourism to encourage offers to young people, families or free/cheap taster sessions • Use of promotion and sponsorship opportunities 	<p>March-Oct 2015 September 2015</p>	
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		<p>e.g early season and end of season promotions and mini campaigns</p> <ul style="list-style-type: none"> Target “Freshers Weeks” at UEA, City College, Lowestoft and Great Yarmouth Colleges (Also applicable to residents and visitors) 		
Residents	<ul style="list-style-type: none"> Communicate more effectively and frequently with residents Communicate flood management schemes, activity and responsibilities Improve awareness of the Broads Authority amongst 18-24s Work /communicate with Norfolk Trails regarding maintenance of footpaths Consider offering ‘discounts’ to Residents (e.g. tolls, parking ...) 	<p>Review of “Bulletin” and extend its circulation to Parish Clerks</p> <p>Residents Newsletter (Electronic) – focussing on who the BA are, what the role is, achievements during the year and with a forward look to upcoming projects</p> <p>Roll out new Parish Forum format - engage Parishes in agenda setting and identification of issues</p> <p>Use of promotion and sponsorship opportunities with Broads Tourism e.g early season and end of season promotions and mini campaigns aimed at encouraging local residents to</p>	<p>Quarterly Throughout 2015-16</p> <p>Once during 2015 – to tie in with Annual Meeting/Report</p> <p>4 Area based forums throughout 2015-16</p> <p>March-Oct 2015 Throughout 2015-16</p>	<p>Director of Planning and Resources with Head of Communications</p> <p>Via Broads Local Access Forum Head of Strategy and Projects</p>





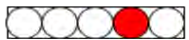


		<p>get onto the water or on a bike</p> <p>Further work with Norfolk Trails</p> <p>Use of Broads⁰Community to communicate flood management and climate change information and advice</p>		
Visitors	<ul style="list-style-type: none"> • Leverage the opening of the 'new A11' to improve perceptions of accessibility • Opportunity to promote the Broads area as an all-year-round offering (considering high interest in bird-watching and walking, and not all visitors are hiring a boat) 	<p>Production of revised Sustainable Tourism Strategy (produced with Broads Tourism)</p> <ul style="list-style-type: none"> • Promotion of Broads Experiences, Itineraries • "Greeters" initiative • Promotion of Proximity Campaign e.g only 2 hours from London (by road); rail promotion; <p>Use of Landscape Partnership to promote information and access within the Partnership Area (Southern Broads)</p>	<p>Throughout 2015-16</p> <p>Development Phase – 2015-17</p> <p>Implementation 2017-22</p>	<p>Head of Communications with Tourism Promotion Officer</p> <p>Landscape Partnership</p>

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.

Background papers:	Nil
Author:	John Organ
Date of report:	March 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.

[illegible]


				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 and report on progress provided to the Broads Forum	
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 secured for Catchment Partnership Officer till end of March 2016.</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. Bidding for £46,000 Catchment Restoration Funding.</p>	  


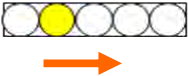
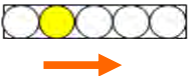

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Priority 3 - Encouraging the Sustainable Use of the Broads

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	

			<p>Assist Broads Tourism to relaunch 'Enjoy the Broads' brand to businesses in June 2014</p> <p>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.</p> <p>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</p>	<p>Completed</p> <p>Consultation completed. Report on this agenda.</p> <p>Delivery of report and action plan postponed until March 2015 in order to incorporate any branding development decisions</p>	 
3.3	Continue to improve the quality of the visitor experience, providing a consistent standard of facilities, services and welcome. (Broads Plan Objective TR2)	<p>Head of Communications</p> <p>Senior Waterways and Recreation Officer</p>	<p>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.</p> <p>Survey boat owners, hirers and hire boat yards to gain a clearer picture of their views and aspirations.</p> <p>Boat owners' survey complete and reported to the BA by autumn 2014. Hire yards and hirers surveys in</p>	<p>Work in progress</p> <p>Completed. Final report delivered. Presentation on this agenda.</p>	 

		Head of Communications	summer 2014. Organise 4 th Broads Outdoors Festival, May 2014	Completed	
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Priority 4 - Governance/Organisational Development of the Authority

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
4.1	Review opportunities for income generation and further efficiencies	Head of Finance	Investigate the opportunities to benchmark costs of the Authority's services with national parks, local government and other relevant organisations.	Discussions have been held with NPAs over 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.	

Strategic Priorities 2015/16
Report by Strategy and Projects Officer

Summary:	This report summarises the Broads Authority's draft strategic priorities for 2015/16.
Recommendation:	That the Authority adopts the strategic priorities for 2015/16 as detailed in Appendix 1.

1 Strategic Priorities 2015/16

- 1.1 Each year the Broads Authority identifies a small set of strategic priorities. These focus on Authority-led projects that have high resource needs or a very large impact on the Broads, or that are politically sensitive. The Navigation Committee, Broads Forum and Parish and Town Councils have been consulted on the draft strategic priorities for 2015/16.
- 1.2 The Authority has seen a total reduction in its National Park Grant of 20% between 2010/11 and 2014/15 and further cuts in 2015/16 are possible. It will therefore continue to face some difficult choices about its strategic direction and priorities for limited resources. Alongside the Business Plan, annual strategic priorities help target resources and make the most of external funding opportunities.
- 1.3 The draft priorities for 2015/16 include the review of the Broads Plan and of the Sustainable Tourism Strategy, planning for the ongoing management of Hickling Broad, and preparation of a major external funding bid for multiple landscape projects. The timescale for these substantial projects will extend beyond 2015/16. The final priority is the delivery of an action plan in response to the recent stakeholder survey. Alongside these priorities and as resources allow, the Authority will continue to work with partners and with local communities to deliver Broads Plan objectives and routine operational works.
- 1.4 Members' endorsement is sought to adopt the strategic priorities for 2015/16 as detailed in Appendix 1.

Background papers: None

Author: Maria Conti
Date of report: 2 March 2015

Broads Plan Objectives: Multiple
Appendices: APPENDIX 1 – BA draft strategic priorities 2015/16

APPENDIX 1

Broads Authority draft strategic priorities 2015/16				
	Project	Summary	Milestones	Contact officer
1	Broads Plan review	<p>Review and update the Broads Plan, the strategic management plan for the Broads.</p> <p>Work with partners, local communities and other stakeholders to review achievements (Broads Plan 2011) and set future aspirational strategy for 2017-22.</p> <p>The draft priority to develop a long-term navigation strategy will now be assessed as part of the Broads Plan review.</p>	<p>Scoping Mar-Nov 2015</p> <p>Consult on first draft plan by end Feb 2016</p> <p>Consult on revised draft by end July 2016</p> <p>Adopt plan March 2017 for implementation April 2017</p>	Maria Conti
2	Broads Landscape Partnership	<p>Submit an application to the Heritage Lottery Fund for £3m for a Landscape Partnership Scheme.</p> <p>If the application receives a successful HLF decision, subsequent development phase objectives will be developed. The proposed multiple projects within the bid would contribute significantly to the delivery of the Broads Plan.</p>	<p>Submit 1st application to HLF by 1 June 2015</p> <p>HLF decision Oct 2015</p> <p>(TBC: Further development phases Nov 2015 - May 2017, delivery May 2017- May 2022)</p>	Will Burchnell
3	Hickling Broad Lake Restoration Project	<p>Develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review.</p> <p>In the short term, progress development of a number of smaller projects to meet immediate concerns.</p>	<p>Collate baseline data including Broads Lake Review outputs by April 2015</p> <p>Lake review stakeholder workshop - April 2015</p> <p>Develop partnership approach with stakeholders and agree refreshed</p>	Trudi Wakelin

			<p>vision for Hickling by Sept 2015</p> <p>Seek planning permission and in principle agreement from regulators to deliver the vision</p> <p>Develop external funding options - Jan 2016</p> <p>Undertake supporting research and pilots to inform feasibility by March 2016</p>	
4	Promoting the Broads	<p>Produce Broads National Park branding guidelines</p> <p>Review and update the Strategic Plan and Action Plan for Sustainable Tourism in the Broads in partnership with local businesses.</p>	<p>By Summer 2015</p> <p>Scoping Mar-Nov 2015</p> <p>Consult on first draft plan by end Feb 2016</p> <p>Consult on revised draft by end July 2016</p> <p>Adopt plan March 2017 for implementation April 2017</p>	Lorna Marsh
5	Stakeholder Action Plan	<p>Deliver multiple actions in response to the issues identified in the stakeholder surveys carried out in Sept-Oct 2014 with hire boat operators, private boat owners, residents and visitors.</p>	<p>As set in Stakeholder Action Plan 2015/16 (see separate report to Broads Authority - 20/03/15)</p>	Andrea Long

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. Income and expenditure remain broadly on target as at the end of January.

Recommendations:

Section 2

- (i) That the income and expenditure figures be noted.

Section 3

- (ii) That the Annual Investment Strategy for 2015/16 be approved.

1 Introduction

- 1.1 This report covers two items, the Consolidated Income and Expenditure from 1 April 2014 – 31 January 2015 and the Annual Investment Strategy for 2015/16.

2 Consolidated Income and Expenditure from 1 April 2014 – 31 January 2015

Overview of Actual Income and Expenditure

Table 1 – Actual Consolidated I&E by Directorate to 31 January 2015

	Profiled Latest Available Budget	Actual Income and Expenditure	Actual Variance
Income	(6,215,072)	(6,218,984)	3,912
Operations	2,435,800	2,535,365	(99,564)
Planning and Resources	2,466,087	2,218,510	247,578
Chief Executive	338,033	339,179	(1,146)
Projects, Corporate Items and Contributions from Earmarked Reserves	0	(137,071)	137,071
Net (Surplus) / Deficit	(975,151)	(1,263,001)	287,850

- 2.1 Table 1 shows that core income is slightly above the profiled budget as at the end of month ten. 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 Navigation Income will be broadly in line with the total budget. This position has been reflected in forecast outturn figures.
- 2.2 Net of contributions into reserves, £230,111 of expenditure within Directorate budgets has been funded from reserves at the end of January, including the Authority's new Fen Harvester, the second replacement wherry, the Planning Inspectorate Site Specific Policy inspection activity, works to Mutford Lock, the Document Management System, works at Potter Heigham Dingy Park and the SDF grant payments. Once this expenditure has been accounted for, the Operations revenue budget is now inline with the profiled budget. There still remains an overspend of approximately £38,000 in the Equipment, Vehicles and Vessels budget due mainly to timing differences in repairs and maintenance expenditure. The Ranger budget has also moved into an overspend of approximately £33,000 due to reorganisation costs. The Operation Premises budget is also overspent (£13,000) mostly due to the vacant property at Ludham. This is offset by underspends in the Construction and Maintenance Salary budget (£11,000), the Water Management budget (£27,000) and the Practical Maintenance budget (£47,000). These underspends relate to a staff vacancy and timing differences.
- 2.3 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 and audit billing
 - Capacity issues within ICT which has delayed expenditure
 - Delays in legal billing
 - Underspends in office expenditure budgets in respect of posting and photocopying. The posting variance is expected to be largely removed by the end of the year
 - Significant success in securing additional income including planning fee income, strategy and projects grant and partnership income, and additional Visitor Centre / Yacht Station income
- 2.4 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 January 2015 is a favourable variance of £287,850 or 29.52% difference from the profiled Latest Available Budget (LAB), an increase when compared to the October position.

- 2.5 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

- 2.6 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.
- 2.7 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.
- 2.8 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 January 2015 – deficit		157,087

- 2.9 Taking account of the budget adjustments, the LAB therefore provides for a consolidated deficit of £157,087 in 2014/15 as at 31 January 2015.

Overview of Forecast Outturn 2014/15

- 2.10 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 over the remainder of the financial year.
- 2.11 As at the end of January 2015, the forecast outturn indicates:

- Income is expected to be broadly in line with budget, with total forecast income of £6,230,354;
- Total expenditure is forecast to be £6,309,199; and
- The resulting deficit for the year is forecast to be £78,844

2.12 Full details of the forecast outturn are set out in Appendix 2.

2.13 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 23/01/15	(33,758)
Increase forecast Hire Craft Toll income	(356)
Decrease forecast Private Craft Toll income	3,963
Increase forecast expenditure to reflect additional Fen Management costs in relation to additional income (income increased in November)	8,375
Decrease forecast income to reflect actual Boat Safety income	8,000
Increase forecast expenditure for NPS asset management costs	7,000
Decrease forecast income to reflect vacant property at Ludham	1,333
Increase forecast income to reflect increased planning application income and enforcement action	(15,000)
Increase forecast expenditure to reflect actual planning consultancy costs	9,200
Decrease forecast expenditure to reflect actual Insurance costs	(15,000)
Increase forecast income to reflect actual legal income	(13,000)
Decrease forecast expenditure to reflect actual legal costs	(10,000)
Decrease forecast expenditure to reflect actual Yare House facility management costs	(10,000)
Decrease forecast expenditure to reflect new photocopying contract	(8,000)
Increase forecast income to reflect actual planning, management and admin income	(11,000)
Forecast outturn deficit as at 31 January 2015	78,844

2.14 The main reasons for the difference between the forecast outturn and the LAB are:

- The change in predictions for navigation income, which are based on the latest actual income figures. Toll income is now expected to be broadly in line with the budget for the year (with the Private toll and Hire toll variances offsetting one another);
- The cancellation of the Whitlingham development project; and
- Success in securing additional income.

Reserves

2.15 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 January 2015 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)	(15,317)	(583,417)
Plant, Vessels and Equipment	(217,282)	(16,340)	(233,622)
Premises	(138,723)	(22,500)	(161,223)
Planning Delivery Grant	(454,172)	96,070	(358,102)
Sustainable Development Fund	(65,664)	25,490	(40,174)
Mobile Phone Upgrade	(7,567)	3,332	(4,235)
Upper Thurne Enhancement	(81,768)	23,437	(58,331)
Section 106	(12,069)	(24,464)	(36,533)
PRISMA	(244,954)	167,147	(77,807)
Total	(1,790,299)	236,855	(1,553,444)

2.16 £857,021 of the current reserve balance relates to navigation reserves.

2.17 The STEP reserve has been closed following the end of the project.

Summary

2.18 Taking account of the significant changes to the forecast outturn above the current forecast outturn position for the year suggests a deficit of £70,479 for the National Park side and a deficit of £8,366 for Navigation resulting in an overall deficit of £78,844 within the consolidated budget, which would indicate

a general fund reserve balance of approximately £734,000 and a navigation reserve balance of approximately £281,000 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 9.7%. The impact of both the national park and navigation reserve balances have been taken into account when approving the 2015/16 budget.

3 Annual Investment Strategy

Overview

- 3.1 The Prudential Code for capital finance in local authorities introduced in 2004 and updated in 2011 requires local authorities, including the Broads Authority, to prepare an Annual Investment and Capital Financing (borrowing) Strategy. This strategy must be approved, before the start of each financial year, by the full Council (or at an equivalent level in authorities without a Council).
- 3.2 Due to the Authority's purchase of the dredging operation from May Gurney financed by a loan from the Public Works Loan Board, the Annual Investment and Capital Financing Strategy needs to take account of the prudential indicators which the Prudential Code requires are considered by an authority that undertakes to borrow.
- 3.3 The Prudential Code aims to ensure that the capital investment plans of local authorities are affordable, prudent and sustainable. A further key objective is to ensure that treasury management decisions are taken in accordance with good professional practice. The Prudential Code also sets the objective of being consistent with (and supporting) local strategic planning and local asset management planning.
- 3.4 The Annual Investment and Capital Financing Strategy includes the key prudential indicators that are necessary for an authority that has borrowing. The prudential indicators are designed to support and record local decision making in a manner that is publicly accountable. At the beginning of each year estimates for the prudential indicators are set and agreed by Members. The actual indicators are then compared to the estimates once the annual accounts are produced in June each year.

Annual Investment and Capital Financing Strategy

- 3.5 The Annual Investment and Capital Financing Strategy for 2015/16 is attached at Appendix 3, for Members' consideration.

Capital Financing

- 3.6 Capital borrowing powers are reviewed on an annual basis as part of the budgeting process. However in practice borrowing is limited to the acquisition of the dredging operation from May Gurney.

Financial Implications

- 3.7 There are no additional financial implications for the Authority as a result of this report as the expenditure proposed, including the loan interest and capital repayments to the Public Works Loan Board, have been incorporated into approved budgets.

Background Papers: None

Authors: Emma Krelle

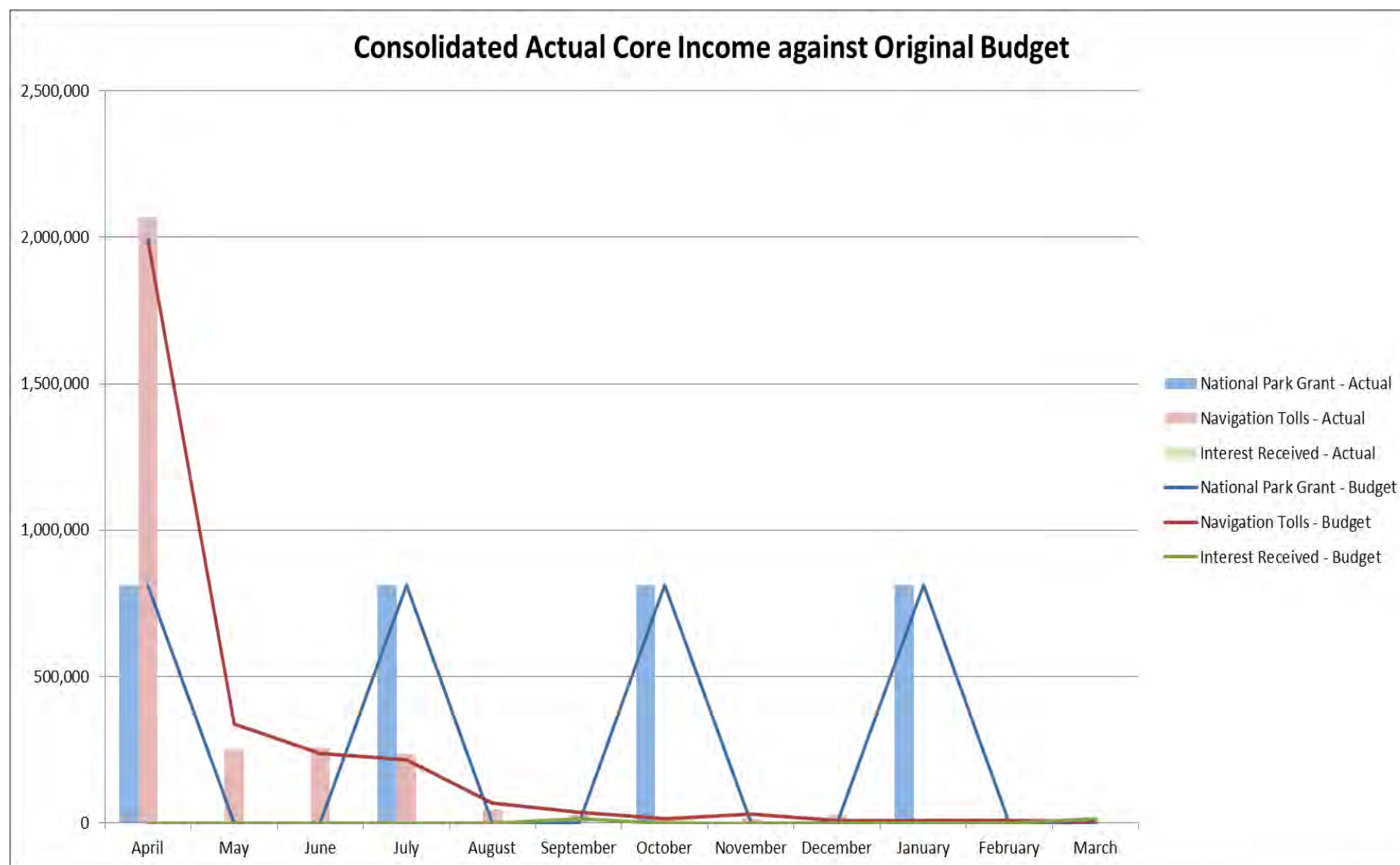
Date of Report: 6 March 2015

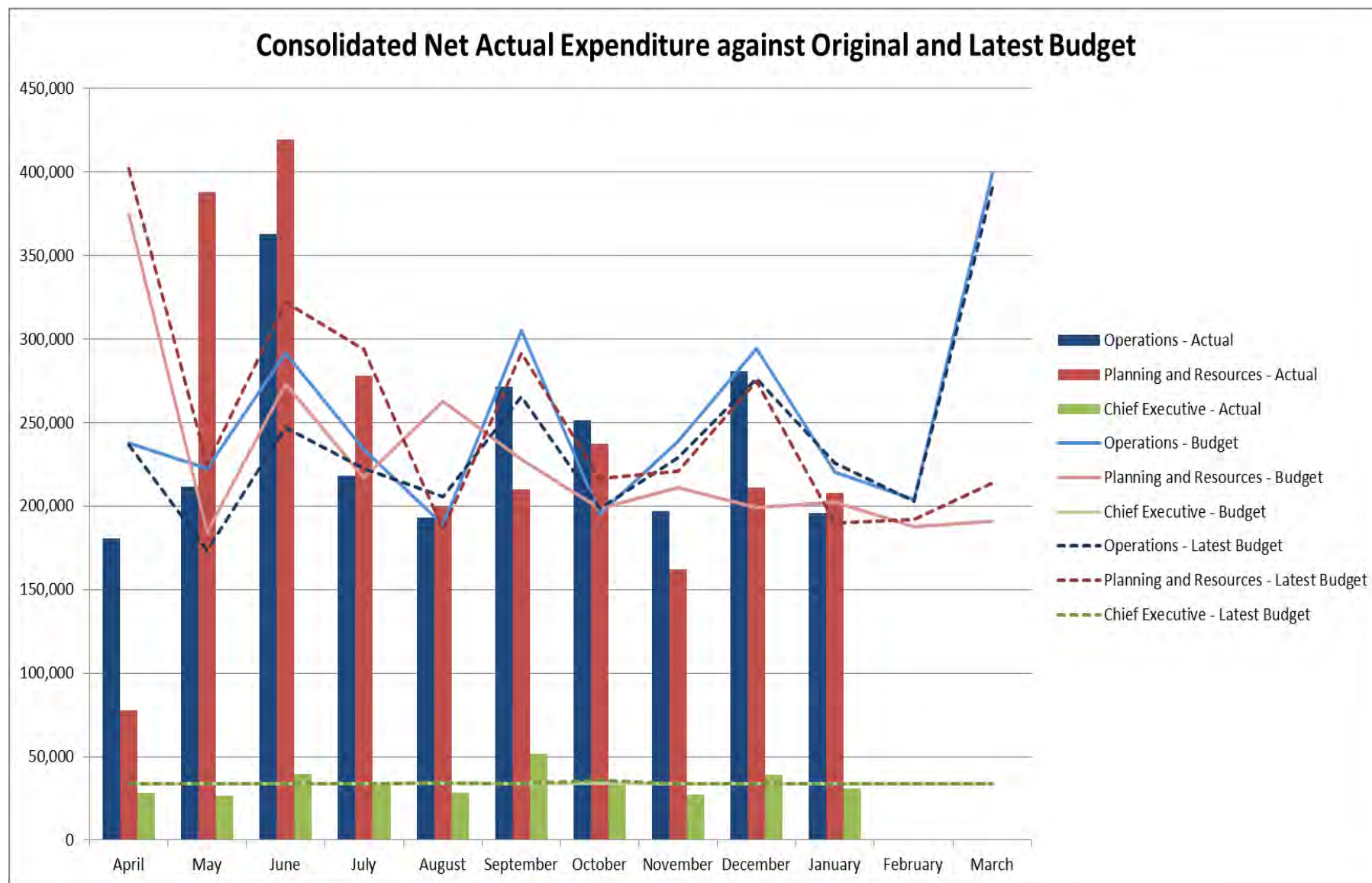
Broads Plan Objectives: None

Appendices: APPENDIX 1: Consolidated Actual Income and Expenditure
Charts to 31 January 2015

APPENDIX 2: Financial Monitor: Consolidated Income and
Expenditure 2014/15

APPENDIX 3: Annual Investment Strategy 2015/16





To 31 January 2015

Budget Holder

(All)

Row Labels	Values				
	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Income	(6,242,264)		(6,242,264)	(6,230,354)	(11,910)
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)	(1,073,105)	(45,195)
Income	(1,118,300)		(1,118,300)	(1,073,105)	(45,195)
Private Craft Tolls	(1,792,100)		(1,792,100)	(1,833,384)	41,284
Income	(1,792,100)		(1,792,100)	(1,833,384)	41,284
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	3,117,126	(56,298)
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)	(28,275)	2,125
Income	(90,000)		(90,000)	(100,500)	10,500
Expenditure	49,000	14,850	63,850	72,225	(8,375)

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
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)
Expenditure	118,000		118,000	118,000	0
Pension Payments			0		0
Safety	76,900		76,900	84,542	(7,642)
Income	(9,000)		(9,000)	(1,000)	(8,000)
Salaries	51,900		51,900	51,542	358
Expenditure	34,000		34,000	34,000	0
Asset Management	104,650		104,650	123,912	(19,262)
Income	(1,000)		(1,000)	(1,000)	0
Salaries	37,900		37,900	37,662	238
Expenditure	67,750		67,750	87,250	(19,500)
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	172,363	(9,200)
Income	(11,200)		(11,200)	(2,000)	(9,200)
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	2,665,750	174,734
Development Management	224,910		224,910	215,699	9,211
Income	(60,000)		(60,000)	(75,000)	15,000
Salaries	259,910		259,910	255,699	4,211

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Expenditure	25,000		25,000	35,000	(10,000)
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
Income			0		0
Salaries	44,900		44,900	44,433	467
Expenditure	40,000	2,020	42,020	42,020	0
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	327,632	18,937
Income			0		0
Salaries	133,970		133,970	130,033	3,937
Expenditure	202,599	10,000	212,599	197,599	15,000
Communications	316,260		316,260	318,598	(2,338)
Income			0		0

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
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	97,000	23,000
Income	0		0	(13,000)	13,000
Expenditure	120,000		120,000	110,000	10,000
Premises - Head Office	240,000		240,000	230,000	10,000
Expenditure	240,000		240,000	230,000	10,000
Planning and Resources Management and Administration	273,950		273,950	257,021	16,929
Income	0		0	(11,000)	11,000
Salaries	146,750		146,750	148,821	(2,071)
Expenditure	127,200		127,200	119,200	8,000
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)

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
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	78,844	78,243

Broads Authority
Annual Investment and Capital Financing Strategy: 2015/16

1. Investment Principles

1.1. All investments will be in sterling. The general policy objective for this Authority is the prudent investment of its treasury balances. The Authority's investment priorities are:

- (a) the security of capital; and
- (b) liquidity of its investments.

1.2. The Authority will aim to achieve the optimum return on its investments commensurate with the proper levels of security and liquidity.

1.3. The Guidance maintains that the borrowing of monies purely to invest or on-lend and make a return is unlawful. This Authority will not engage in such activity.

2. Specified and Non-Specified Investments

2.1. Investment instruments identified for use in the 2015/16 financial year are all from the Specified Investment List, as set out below:

- term deposits with UK government or local authorities (section 23 of the Local Government Act 2003);
- term deposits with UK/European banks and building societies which have acceptable credit ratings (to be agreed with Sector – using approved market indexes);
- money market funds with acceptable credit ratings (as above); and
- Debt Management Agency deposit facility (government backed).

2.2. The use of other specified investments will not generally be considered further at this time, although the Authority may potentially wish to seek long term investment to buy into one year or longer term rates, subject to the availability of surplus cash.

NOTE: In practice the Authority places most of its surplus funds with Broadland District Council who include the sums within their overall cash portfolio, which is currently invested 46% in two pooled funds and 54% in money market funds or UK banks. The short-term money market returns which are received are then passed over to the Authority. This position reflects the lack of resources available to manage investments in-house, and the financial arrangements currently in place with Broadland District Council.

3. Hedging

- 3.1. If the Authority enters into any contractual arrangements above £100,000 which involve foreign currency, the advice of the Treasurer and Financial Adviser will be sought on the advisability of hedging the exchange risk before entering into the contract.

4. Liquidity

- 4.1. Based on its cash flow forecasts, the Authority anticipates that its fund balances in 2015/16 will range between £2,000,000 and £4,000,000. The exact sum will be highly dependent on the timing of spending to deliver major projects.

5. Capital Financing (Borrowing) Principles

- 5.1. The key indicators are in the table below, and a commentary follows:

Prudential indicator	2015/16	2016/17	2017/18
Estimate of capital expenditure	£420,000	£200,000	£200,000
Authorised limit for external debt	£500,000	£500,000	£500,000
Operational Boundary	£400,000	£400,000	£400,000

5.2. *Affordability*

The prudential code indicator for affordability asks the Authority to estimate the ratio of financing costs to net revenue stream. However as the only current borrowing was to finance the acquisition of the dredging operation from May Gurney, the financing costs have a zero effect on the bottom line of navigation income and expenditure as the dredging operation (financing costs and ongoing running cost including any additional capital expenditure) are less than or equal to the cost paid to contract out to May Gurney in the past. It is therefore felt that this indicator is not appropriate for use by the Authority in this instance.

5.3. *External Debt*

Prudential indicators in respect of external debt must be set and revised taking into account their affordability. It is through this means that the objective of ensuring that external debt is kept within sustainable, prudent limits is addressed year on year.

Therefore the Authority will at this time only borrow to finance the capital expenditure incurred on the acquisition of the dredging operation from May Gurney.

5.3.1. *Authorised limit*

The Authority will set for the forthcoming financial year and the following two financial years an authorised limit for its total external debt, separately identifying borrowing from other long term liabilities (excluding pension liability and government grants deferred). It should be noted that the Authority does not have any other long term liabilities at present or plans to have any in the future. This prudential indicator is referred to as the authorised limit and is shown in the table above.

5.3.2. *Operational Boundary*

The Authority will set for the forthcoming financial year and the following two financial years an operational boundary for its total external debt. This prudential indicator is referred to as the operational boundary and is shown in the table above. The operational boundary is based on the Authority's estimate of most likely, i.e. prudent, but not worst case, scenario.

5.4. *Capital expenditure*

The Authority will make reasonable estimates of the total of capital expenditure that it plans to incur during the forthcoming financial year and at least the following two financial years. This prudential indicator will be referred to as estimate of capital expenditure and is included in the table above.

5.5. *Treasury Management*

The Prudential Code requires authorities to set upper limits for its exposure to the effects of changes in interest rates. However, as explained above under paragraph 5.1, the current borrowing costs will not be an additional cost to the Authority. The Authority has borrowed at a fixed interest rate, thus reducing its exposure to changes in interest rates. This prudential indicator is therefore not considered necessary in this instance.

5.6. *Maturity structure of borrowing*

The Prudential Code requires authorities to set upper and lower limits with respect to the maturity structure of its borrowing. However as the Authority only has a single loan this indicator is not considered relevant.

6. End of Year Investment and Capital Financing Report

6.1. The Authority will provide a report on its investments and capital financing activity at the end of the financial year, as part of its final accounts reporting procedure.

7. Fidelity Guarantee Insurance

7.1. The Authority has in place adequate financial guarantee insurance arrangements with Zurich Municipal as part of its overall insurance management arrangements.

Disposal of Geldeston Woodland
Report by Asset Officer

Summary: This report summarises the proposals submitted in the informal bid process in respect of the agreed disposal of the woodland.

Recommendation: That Members, having

- duly considered the bids received for the disposal of the woodland, and
- taking into regard both obtaining best value for the Authority and in the spirit of openness,

authorise the Chief Executive to accept on behalf of the Authority, the bid made by Mrs Dunford, the owner of the Locks Inn Public House

1 Background Information

- 1.1 A large site at Geldeston Locks was originally purchased by the Great Yarmouth Port and Haven Commissioners. The public house and the majority of car park area were sold in 1980 for £18,000. The 64 metres of 24hr moorings were retained, along with approximately one acre of woodland behind the 24 hour moorings and adjacent to the Locks Inn Public House.
- 1.2 Officers identified the area of woodland at Geldeston as no longer required for any specific purpose and in addition bringing liabilities regarding the maintenance and safety issues for the public in regard to the trees.
- 1.3 Subsequent reports and decisions by the Authority have highlighted the following points which have been considered and followed in respect of the disposal of this asset:
 - (a). The woodland is to be sold by an informal bid process and applications should include the intended use for the site, both short term and long term and any monetary consideration offered for the site.
 - (b) Delay the sale from November 2013 until February 2014 to allow community groups to consider taking on responsibility for the woodland.
 - (c) When advertising, include the wording in accordance with Section 123 (2 A) of the Local Government Act 1972 for sale of a public open space and consider any objections received.

- (d) Note that the woodland has been registered on the Assets of Community Value register under the Localism Bill 2011 with South Norfolk Council and adhere to the set procedure.

- 1.4 After considering the objections received at the July 2014 meeting, members agreed to proceed with the sale of the woodland placing a restriction that allows the continuation of public access which takes into consideration the majority of objections received to the proposed sale.

2 Current Position

- 2.1 The Authority has advertised the sale and invited bids to be submitted in an informal bid process taking into account the criteria set for disposal by the Broads Authority. The deadline for submissions was the 16 February 2015
- 2.2 Four bids were received (Appendix 1) and although one bid was received after the deadline it was received before any other bids were opened. Details of the bids were presented to the Navigation Committee meeting on 26 February where the Chairman agreed that all bids received should be considered.
- 2.3 The Navigation Committee members considered the bids received and considered that the best way forward would be to opt for the bid made by Mrs Dunford the owner of the Locks Inn Public House. They felt the option which included a payment of £7,777 to the Broads Authority encompassed all other aspects that had been identified as important for the future of the site: such as the continuation of public access, entering into a written agreement with the River Waveney Trust for the short/long term management of the site and the background of being an established business with public liability insurance already in place.

3 Conclusion

- 3.1 Members views are sought on the preferred way forward in regards to the site taking into regard both obtaining best value for the Authority and in the spirit of openness.
- 3.2 Officers recommend that Members, having duly considered the bids received for the disposal of the woodland, and taking into regard both obtaining best value for the Authority and in the spirit of openness, authorise the Chief Executive to accept on behalf of the Authority, the bid made by Mrs Dunford, the owner of the Locks Inn Public House

Background papers: Broads Authority report May and November 2013, March 2014, July 2014

Author: Angie Leeper

Date of report: 4 March 2015

Broads Plan Objectives: None

Appendices: Appendix 1 – Informal bids table

Geldeston woodland – bid offers

Name	Offer £	Short term use	Long term plan
River Waveney Trust	£1	Public liability insurance, Phase 1 habitat survey and bat survey Repair footpath through the site Tree surgeon to make safe for public use Work with BA on suitable boundary and site management Recruit volunteer ranger, monitor visitor numbers Create annual work plan to include 4 work parties Interpretation signage and leaflet racks, install geocaches Project for small boat launch at east end of site	Incorporate the site management plan into Geldeston Locks Site strategy, and includes planting further trees to replace mature specimens Sign MoU with BA and Locks Inn to collaborate on joint plans Develop woodland as an accessible part of the overall Geldeston Locks complex including land owned by EA
Stephen Galley	£5,750	Clear dead wood and dead trees Replant with fresh stock Install a small fishing station at east end of site Continue to maintain as a small wooded area for people to enjoy	Ongoing maintenance and public access to woodland permitted
Mrs Dunford Locks Inn PH	£7,777	Intends to enter into a 5yr + lease/ management agreement with Waveney River Trust to ensure smooth handover for issues such as shared access, boundary disputes etc. Wish to create synergy between the essential business (Locks Inn) and the aims and objectives of the BA, leisure tourism and conservation.	Intend for such agreements to roll over continuously with opportunities for partnerships with other bodies to enhance the sustainable low impact enjoyment of the Broads
Mr & Mrs Taggart*	£8,000	As amenity woodland for the family and other river users to enjoy, to plant trees and grasses that befit and are indigenous to the area, tend and prune annually, post and rail fencing to secure.	Maintain as memorial woodland in perpetuity

*Late submission agreed to be considered by CEO/ Chairman

NB all development proposals would be subject to planning permission and any other relevant consents

External Funding Opportunities
Report by Head of Strategy and Projects

Summary: The opportunities for external funding have been reviewed at a meeting involving Kelvin Allen, Phil Durrant, Simon Hooton and Emma Krelle. The Broads Plan Review and the National Park Branding were identified as presenting potential hooks for seeking external funds. They present opportunities to engage with local businesses, the Broads Charitable Trust and the University of East Anglia and explore areas of common interest and potential funding opportunities. The report considers how these ideas might be pursued.

Recommendation: Members consider the conclusions from the review of external funding and agree that the following actions are undertaken:

- (i) A prospectus for engagement with local businesses is prepared in tandem with the Broads Plan Review setting out opportunities for local companies to engage with the Authority on a range of areas including volunteering, training for staff, secondments and sponsorship.
- (ii) Discussions are held with the Broads Charitable Trust to review the progress it is making and the scope for closer collaboration.
- (iii) The scope for a deeper relationship with the University of East Anglia be explored.
- (iv) Consider the potential of 'crowdfunding' for specific Broads Authority projects.

1 Introduction

- 1.1 National Park Authorities and the Broads Authority face a major challenge in the coming year. Government financial support, including National Park Grant and other sources such as Planning Delivery Grant, has already been reduced in real terms by approximately 40% and the prospect following the General Election is for further significant reductions. Members will be aware of the initiative by National Parks UK to engage with the corporate sector in an effort to replace some of that lost income. Pressures on Navigation Expenditure also continue to rise with requests for additional moorings, more dredging, increased patrolling and rubbish collection. This report looks at how the Broads Authority could increase income and corporate engagement locally.

- 1.2 The Authority has been successful in bringing in third party funding from a range of sources: Heritage Lottery Funding for bursaries, EU Interreg support for sustainable tourism and sediment management, sponsorship and advertising income for specific publications such as Broadcaster and the Eating Out Guide and income for land management and initiatives such as the catchment approach. Within this context Phil Durrant and Kelvin Allen met with the Head of Finance and Head of Strategy and Projects to take a strategic overview of external funding opportunities. Consideration was giving to potential sources of funds, existing initiatives that Authority staff were exploring and identifying where future development might be possible. The notes of the meeting covering the main discussion points are shown in Appendix 1.
- 1.3 The conclusions from the meeting were that there were four main areas where it might be worth considering developing activity. These were:
- a. Make more use of corporate support
 - b. Build closer links with Love the Broads/Broads Charitable Trust
 - c. Build closer links with UEA
 - d. Develop a clear message on 'priority effort' to maximise external support

The Management Team reviewed the notes and conclusions to the meeting and considered them in terms of strategic objectives, corporate priorities and current staffing resources looking at how the ideas that had come forward could be pursued within existing resources.

2 Opportunities

- 2.1 The Authority is pursuing a major bid to the Heritage Lottery Fund' Landscape Partnership Programme in the order of £3 million and the feedback so far has been extremely positive. The timetable is to submit a bid by the end of May with a decision on a Phase 1 in October. This is the top priority for external funding and involves a team of people working with a range of local organisations.
- 2.2 Discussions are also underway with a potential Dutch partner and local bodies to see if priority projects (such as work on and around Hickling Broad and furthering the Catchment based approach) could be incorporated into funding schemes such as the new round of EU Interreg support.
- 2.3 Key sources of external funding, such as the European Union, domestic Lottery Funds and corporate and charitable trusts, all provide various opportunities though there are often allied constraints. These can include a proportion of matched funding, the competitive nature of giving (meaning effort can sometimes be unfruitful) and the requirement for innovation rather than supporting statutory duties and establishment costs.

3 Engagement with Local Businesses

- 3.1 The Authority's engagement with local businesses, beyond the hire boat industry, has been quite limited. Aviva has provided some specific advice and a few local companies have used the Authority's resources to provide training and volunteering opportunities for their members of staff. On the back of the Broads Plan review and the National Park branding there is the potential to engage with local companies on a range of issues such as:
- (i) Contributing to the long term thinking on the future of the Broads as part of the Broads Plan Review;
 - (ii) Potential for corporate volunteering;
 - (iii) Secondments of members of staff to support the work of the Authority and gain experience in the public sector; and
 - (iv) Sponsorship of specific activities and initiatives;
- 3.2 Local companies will need to understand the benefits for them of engaging with the Broads Authority and it is therefore proposed that a prospectus setting out the opportunities be developed. This can pick up on the suggestion about a clear message on priority effort.

4 Broads Charitable Trust

- 4.1 The Broads Charitable Trust and the Love the Broads campaign provide a charitable framework for promoting local corporate sponsorship so that a suite of opportunities can be promoted to potential supporters. Collaboration with the Broads Charitable Trust may well reap benefits but does need sensitive handling to ensure both bodies are comfortable with the details, any legal issues are considered and resolved and there is clarity over how opportunities that are unlocked are carried forward.
- 4.2 The Authority also has a direct relationship with its 10,000 boat owners and Members may have ideas about how we could capitalise on that for the benefit of the Broads.

5 Strengthening contact with UEA

- 5.1 The Authority has had a long relationship with the University of East Anglia, particularly the School of Environment Sciences with joint research and experimental work over the last 25 years. There are significant funds (especially from Europe) to support research and an increasing desire to see this as 'applied research'. As elements of the work of the Authority are innovative there could be opportunities for closer collaboration here. A comprehensive and strategic exploration of opportunities in the current economic circumstances could bring dividends.

- 5.2 There is a range of expertise at UEA that could be allied very closely with Broads Authority interests be it climate change adaptation, ecosystem services approach, holistic water management, sediment management or more generic interests from river engineering to biomass energy to sustainable living.

6 Environmental Crowdfunding

- 6.1 One of the ideas not discussed in the meeting was the potential to use 'crowdfunding' to finance specific small-scale environmental projects. Wikipedia defines it as "Crowdfunding is the practice of funding a project or venture by raising monetary contributions from a large number of people, typically via the internet." Successful crowdfunding tends to be related to projects with distinct tangible results so that the public can see the benefits. Officers believe this is worth further investigation.

Background papers: none

Author: Simon Hooton

Date of report: 3 March 2015

Broads Plan Objectives: PE1

Appendices: APPENDIX 1 – Notes from a meeting on external funding opportunities

Notes from a meeting on external funding opportunities

File Note

Subject: External Funding exploration group
Date: 6th February 2015
Author: Simon Hooton

Present: Kelvin Allen, Phil Durrant, Emma Krelle, Simon Hooton

Purpose: To consider the main external funding sources; the current opportunities presenting themselves to officers; possible pathways into the future.

1. Working from base table of main funding sources, a couple of extras were added and some commentary added for certain sources: see appendix 1 for full details. Headlines were:

- a. Economic development zones may give opportunities with re-framed ideas. There is one in Great Yarmouth and hinterland may be relevant
- b. Horizon 2020: primarily about research but is trying to pull in private companies to academic led ideas. Total amount of funds are high but we may need the help of UEA (or others) to find appropriate channels.
- c. HLF/Landscape Partnership Schemes: signs from the Ouse/Nene area that catchment groups are seeking LPS funds although probably not for a 2015 submission. We raised some issues about how this could be statutory functions and may not be supported by HLF – worth keeping an eye on.
- d. Off-setting – carbon or otherwise. Still in its infancy and no great clarity about ways and potential. Idea of a local carbon off-setting fund especially for our visitors was raised: may need to be channelled through a charitable body for greater uptake.
- e. Rod licence money: KA felt it currently is getting swallowed up in EA but with the Broads being the largest inland fisheries there would be a case for seeing money set aside specifically. Currently most fishing in the Broads is free at point of fishing. Potential for getting some donation money from anglers, if the rod licence apportionment cannot be resolved.
- f. The Love the Broads initiative appears to have potential but may need more support to help it to group and develop it the right way. There could be large income available through web-based initiatives.

2. The current opportunities were considered and again observations made about the relative importance and viability of the ideas. General conclusions were:
 - a. While getting multiple benefits is a good idea, there are times it might be worth pursuing a particular topic as long as that was part of the core Broads Plan objectives;
 - b. Using our money and matching it up seems sound. There are bureaucracy things to consider when using EU money but continental partners often seemed to have more central support and a willingness to take the lead. Seeking the matching funds from other external bodies can create vulnerabilities (one unsuccessful, all unsuccessful) but might allow more opportunities to be taken up;
 - c. Money is not the only barrier – staff time can also be part of the picture. However having staffing in the bids including support staff like financial help is one route and recognising it is for a set period of time helps;

- d. The tie back to the Broads Plan is important – and the review of the Broads Plan needed to incorporate suitable hooks for seeking external funds;
 - e. Reference is made to the Broads in many key development plans & strategies and we ought to make good use of these (e.g. New Anglia's Strategic Economic Plan). Closer links with economic development officers could bring benefits.
 - f. Research money is a large pot and with the emphasis on applied research there may be opportunities to make more of this.
3. Three possible new pathways were identified to follow:
- a. **Make more of corporate support**
The view was expressed that many private companies might value and benefit from opportunities to work with us. It was noted that NPs UK would be tackling the bigger companies but the EDP Top100 might be worth local effort. This could be seeking overt sponsorship – support through a particular product; in kind support – team building, seconding staff time, in house resources; partnership development – longer term support to meet mutually beneficial end points. The new branding gave an additional motivation. There was discussion around whether giving to an 'Authority' would maximise opportunities and there could be a link to the Broads Charitable Trust.
 - b. **Build closer links with Love the Broads/ Broads Charitable Trust**
There would appear to be good potential here but maybe more effort needed to go into the seeking of funds and BA submitting projects for support. Opportunities ranged from just increasing current effort to looking at electronic based giving (e.g. donations for every transaction linked to advertising) to establishing larger more flagship style projects to work together on collectively. Perhaps we need to consider clearly the BA appointed trustees role (and this may also relate to Whitlingham Charitable Trust). Again the branding story adds a motivational point.
 - c. **Build closer links with UEA**
There are significant funds in research as well as new people resources that could be helping. The profile of working together would be good as well. With a growing emphasis on applied research, the off-shoots from UEA in the environmental/low carbon world working with the private sector and landowners, and a continual range of students passing through perhaps we needed to make some high level contacts and develop a strategic approach.
 - d. **Develop a clear message on 'priority effort' to maximise external support**
People enjoy joining, and contributing, to a success. Perhaps we need to pull out some short term focal points for effort. This would not be so much a 'flagship project' (such as Barton Broad) but priority effort on a theme within a 18-36 month period (and perhaps needing some developmental time so the effort gets off to a rapid start). This could be tied with the new National Park branding. For example, using the branding and the recent surveys, BA could say we wanted to put in some priority effort on 'Access' (or biodiversity, or water management etc.) in all its manifestations. All the other work would continue but we'd put the focus of corporate funds, research, volunteer effort, visitor giving onto access with 2 or 3 particular targets to crack in that time.
4. It was agreed Simon would write up some notes and submit to the others to make sure they are happy. This could then be reported back to MT for them to consider how they felt about the observations and ideas. This in turn could lead to a simple report back to Members with any recommendations, in due course, from Management.

Broads Authority Safety Management System External Audit
Report by Head of Safety Management

Summary: This report sets out findings from the recent external audit of the Authority's Safety Management System.

Recommendation: That the Audit report as set out in Appendix 1 be noted, and that the Draft Audit Action Plan set out in Appendix 2 is adopted.

1 Background

- 1.1 The Broads Authority, as a Competent Harbour Authority under the Pilotage Act 1987, is required to comply with the duties and responsibilities set out in the Port Marine Safety Code (PMSC)¹.
- 1.2 The Code requires that all harbour authorities base their powers, policies, plans and procedures on a Formal Safety Assessment (FSA) and that they maintain a Safety Management System to ensure that risks are reduced to a level which is as low as reasonably practicable (ALARP).
- 1.3 In 2014, the Authority published a Safety Management System (SMS)² to meet the needs of the updated PMSC.
- 1.4 The PMSC requires that the SMS is monitored and audited to ensure that it continues to meet the requirements of the code.
- 1.5 The SMS sets out an audit schedule which culminates in a requirement for a full audit which is to be undertaken by an independent third party to gain an objective opinion of the effectiveness and suitability of the SMS to meet its objectives and to verify continued compliance with the PMSC.

2 Audit

- 2.1 BMT Isis, a consultancy specialising in marine safety, were selected to carry out the independent audit which took place at the Broads Authority offices on 17 September 2014.

¹ Port Marine Safety Code, dated December 2012

² Broads Authority Port Marine Safety Code Safety Management System, Issue 4, dated March 2014

- 2.2 The Audit reviewed version 4 of the Safety Management System which was issued in March 2014.

3 Audit Report

- 3.1 The BMT Audit report which sets out the audit findings and recommendations is set out in Appendix 1
- 3.2 The executive summary set out in Appendix 1 for member's reference, and the key points identified are:
- (a) The Broads Authority complies with the PMSC and has adequate systems in place to manage safety. The Safety Management System (SMS) confirms the policies and procedures in place to allow the effective management of safety within the Broads Authority remit.
 - (b) The Broads Authority continues to discharge its statutory functions effectively and efficiently and to high standards. A strong element of professionalism, pride and attention to detail was witnessed during the audit process.
 - (c) A number of areas have been highlighted for further development
 - 1. Competency standards;
 - 2. Training records;
 - 3. Incident data analysis / measuring performance.

4 Consultation

- 4.1 The Boating Safety Management Group and the Navigation Committee both supported the findings of the Audit report and the Action Plan.

Background papers: None

Author: Steve Birtles
Date of report: 4 March 2015

Appendices: APPENDIX 1- Broads Authority Port Marine Safety Code (PMSC)
Audit 2014 report

APPENDIX 2- Draft Audit Action Plan

Broads Authority Port Marine Safety Code Audit September 2014

Reference: 31255/D0902/Issue 2

Date: December 2014

Commercial-In-Confidence



Administration Record

Issue	Modification	Approved
Draft A	Draft Deliverable For Comment	LR
Issue 1	Final Deliverable	LR
Issue 2	Change in Terminology - Conclusion Section	LR

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Report Authorisation

Author

.....
Lee Rhodes

Checked

.....
Edward Horabin

Certified

.....
Ralph Dodds

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Executive Summary

A strong element of professionalism, pride and attention to detail was witnessed during the audit process

At the request of the Head of Safety Management for the Broads Authority, Steve Birtles, BMT Isis Ltd (BMT Isis) has undertaken an independent audit of the **Authority's** Safety Management System, in line with the requirement of the Port Marine Safety Code (PMSC).

This report provides members of the Broads Authority (the executive body) with full details of the audit activities undertaken and provides assurance that the activities of the Duty Holder and Designated Person comply with the PMSC and as such, the Broads Authority complies with the Code.

Overall the Broads Authority complies with the PMSC and has adequate systems in place to manage safety. The Safety Management System (SMS) confirms the policies and procedures in place to allow the effective management of safety within the Broads Authority remit.

A wide range of topics relating to the PMSC and the Broads Authority SMS were discussed during the audit process, providing the auditor with background information on activities, processes and operation of the Broads Authority.

We are able to report that the Broads Authority continues to discharge its statutory functions effectively and efficiently and to high standards. A strong element of professionalism, pride and attention to detail was witnessed during the audit process.

A number of areas have been highlighted for further development and are **included in the 'Recommendations'** section of this report. They refer to:

1. Competency standards;
2. Training records;
3. Incident data analysis / measuring performance.

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1. Introduction

The Port Marine Safety Code (PMSC) and Guide to Good Practice on Port Marine Operations were updated in December 2012 and July 2013 respectively.

The PMSC establishes the principle of a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment.

This report has been produced by BMT Isis Ltd for the Broads Authority following a request for an independent audit of their Safety Management System (SMS) and **as described in BMT Isis's letter proposal 31255/Isis-F-O-300, dated 21st May 2014 (Reference 1).**

The Port Marine Safety Code (PMSC) (Reference 2) requires that Harbour Authorities should include provision for systematic review of performance based on information from monitoring and from independent audits of the whole system. In addition, the PMSC also guides ports to publish a safety plan for marine operations at least once every three years. The plan should commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment.

A significant element of any SMS is the adequacy and effectiveness of its auditing and review functions. Based on best practice within the industry, the PMSC and associated Guide to Good Practice on Port Marine Operations (Reference 3) **guide Duty Holders to conduct 'independent audits of the whole system'.**

The Broads Authority is a Harbour Authority under the Pilotage Act 1987 and **is designated a "Special Statutory Authority", affording the same level of protection as National Park status, but with tailor-made legislation relating to navigation.**

An external audit and review of the marine SMS should take place every three years, informing the three-yearly publication of the marine safety plan **and the Authority's performance against the previous plan, as required by the PMSC.** In order for The Broads Authority to comply with this requirement, they have sought total independence from any commercial or operational interest as part of their SMS audit activity.

2. The Broads Authority

The Broads covers 303 square kilometres in the eastern most part of England and is the UK's largest protected wetland.

The Norfolk and Suffolk Broads are Britain's largest nationally protected wetlands, comprising rivers, broads, marshes, fens and carr woodland. There are over 200 km of navigable waterways linking many National and Local Nature Reserves and Sites of Special Scientific Interest. The Broads are listed under the Ramsar Convention on Wetlands of International Importance, and are home to a diverse variety of rare birds, animals and plants.

The Broads Authority was established as a non-statutory body in 1978 following a report by the Nature Conservancy Council regarding degradation of the Broads.

The Broads Authority was formalised as a statutory authority by the Norfolk and Suffolk Broads Act 1988 (Reference 4), **("The Broads Act"), and began operating as such in 1989, for the purpose of conserving and enhancing the natural beauty of the Broads, promoting the enjoyment of the Broads by the public, and protecting the interests of navigation.**

In 2006 the Broads Authority promoted a second Act (the Broads Authority Act 2009), the primary purpose of which was to introduce greater safety controls on the broads and rivers. This Act received Royal Assent on 2nd July 2009 and is now an Act of Parliament. The Act gives the Authority various new powers and combines the Navigation and General Accounts into one fund.

The Broads Authority is a statutory body and its general duty is to manage the Broads for the purposes of:

- 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; and
- Protecting the interests of navigation.

It must also consider the needs of agriculture and forestry, and the economic and social interests of those who live or work in the Broads.

The Authority is funded by central government as well as by tolls paid by users of the Broads.

In May 2011, the Broads Authority undertook organisational restructuring, which included combining the Navigation and Countryside Ranger Services into an Integrated Ranger Service.

As a result of this re-structure, **there has been a requirement to 'up-skill',** via training, members of the existing team. A comprehensive training plan was presented during the audit, highlighting the requirement for both water and land based training i.e. boat handling, tree surveying.

The effects of this merger and restructuring have been investigated, from a Port Safety perspective, as part of this audit.

In 2013 the Broads Authority launched a brand new patrol vessel, 'The Spirit of Breydon'. This vessel has been introduced following the transfer of responsibility for navigation of Breydon Water from Great Yarmouth Port Company to the Broads Authority.

3. Port Marine Safety Code

The PMSC comprises a Policy document, together with a Guide to Good Practice. The Code allows some degree of interpretation in application, in order to allow Port Authorities a degree of latitude in ensuring that the systems that are implemented are those that suit their particular operational challenges and environment.

A fundamental aspect of the Code is the requirement for harbour authorities to develop and maintain an effective marine safety management system. This system should be in place to ensure that all risks are controlled, with the more severe ones either being eliminated or kept **"As Low As Reasonably Practicable"**.

THE PMSC states that "Each harbour authority must appoint an individual as the **Designated Person** to provide independent assurance directly to the Duty Holder" and "A '**Designated Person**' is required to provide independent assurance directly to the 'duty holder' that the safety management system is working effectively."

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder. The Duty Holder is to be satisfied that the Designated Person provides the level assurance necessary to comply with the Code.

4. Audit Methodology

The Audit comprised the following activities:

- A desktop review of the existing Broads Authority SMS;
- A one-day audit visit to the Broads Authority offices;
- Sampling of documents, records and publications in order to gauge compliance of the Broads Authority SMS;
- A prepared question bank, structured to give sample coverage to areas of the PMSC applicable to the Broads Authority.

Using a combination of the four techniques, the auditor undertook a review of the following:

- The scope of operations within the Broads Authority jurisdiction and the ways in which safety-related decisions are made and implemented;
- The documented SMS and records produced in support of the SMS;
- Emergency planning, resources and responsibilities;
- Current and future compliance with the PMSC.

The audit visit was undertaken on Wednesday 18th September with Lee Rhodes (BMT Isis Ltd) **meeting with the Broads Authority's Director of Operations**, Trudi Wakelin and Head of Safety Management, Steve Birtles.

The auditor considered the following documentation:

- Safety Management System Documentation;
 - Report Number 31006/E0018, Issue 4.0, March 2014 (Reference 5)
- Hazard Management documentation;
 - SMS - Annex 1
- Navigation Committee Minutes, including;
 - Meeting 12th December 2013;
 - Meeting 27th February 2014;
 - Meeting 5th June 2014.
- Risk assessments (supporting method statements for work);
 - Use of General Purpose Small Workboats
 - Remote / Lone Working
 - Work Related Safety Risk Assessment
 - Boat Transport of Goods and Materials
 - Stokesby Mooring Risk Assessment
 - St Benets Abbey Risk Assessment
 - Construction and Use of Jet Float Structures
- Generic Guidance;
 - Navigational Safety Policy

Observations and recommendations made at the previous audit (2011) have been addressed.

- The Broads Authority website;
 - <http://www.broads-authority.gov.uk/boating/navigating-the-broads/safety>
- Marine Accident Investigation Branch (MAIB) reports:
 - Grab 10 - 24/09/13

Observations and recommendations made at the previous audit (2011) have been addressed.

	Observation / Recommendation	Current Status
1	References to sections of the PMSC within the existing Broads Authority SMS are outdated with respect to the PMSC and the 2009 Act, and require review and update. It is recommended that the Broads Authority SMS be updated.	SMS Updated March 2014
2	It is recommended that the Introduction chapter of the SMS is updated to include reference to the commitment of the Broads Authority to comply with the standards laid down within the Code.	Chapter 1.7 (Navigation Safety Policy) gives reference to the Broads Authority's Navigation Safety Policy.
3	It is recommended that the Authority considers including a statement regarding the Authority's performance with respect to the PMSC within the Annual Report, supported by metrics as appropriate.	A statement has now been included in the 2012/13 annual report, however it is considered to be a very broad statement and is not supported by any kind of metric for measuring performance.
4	It is recommended that the Broads Authority delegated 'Designated Person' identify ways in which to remain informed of all changes to the PMSC and Guide to Good Practice.	The Head of Safety Management has joined the UK Harbour Masters' Association (UKHMA) and the Operations Director has successfully completed an International Diploma for Harbour Masters (via the IBC Academy). The Head of Safety Management attended the most recent UKHMA conference. Regular meeting with the Maritime and Coastguard Agency (at local level) occur.
5	It is recommended that a strategy be considered and implemented for dealing with a potential short notice requirement for a Mud Pilot.	A replacement 'Mud Pilot' has been appointed. The previous pilot has assisted with training and assessment of the new pilot. Due to the nature of the Broads, the types of commercial vessel likely to require a pilot and reporting procedures in place there is not likely to be a short notice requirement for these services.

6	It is recommended that the Broads Authority develops a schedule for planned updates of the SMS, including a timeline of updates related to major organisational or other changes.	A timetable for SMS updates has now been produced. The SMS will be submitted to the Authority following the Hazard Log process (early part of each year).
7	It is recommended that the Broads Authority introduces a document control procedure to ensure that all safety related documentation is maintained up to date at the correct issue status.	Software has been purchased however its introduction has stalled and therefore further work on this is required.
8	It is recommended that the Broads Authority SMS and Website are updated to reflect the change in the number of Byelaws currently in force.	4 Byelaws are listed on the website: <ul style="list-style-type: none"> • Navigation Byelaws 1995 • Speed Limit Byelaws 1992 • Vessel Dimension Byelaws 1995 • Vessel Registration Byelaws 1997
9	It is recommended that the Broads Authority investigate and consider how the provisions within the Act might be implemented in the event that Breydon Water is not transferred Broads Authority control.	No longer applicable as the transfer of Breydon Water was successfully completed.

5. Audit Findings - Accountability of the Duty Holder

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Has a Duty Holder been formally appointed and is this appointment formally identified?		Yes - The Safety Management System clearly states that the Board has responsibility as Duty Holder.	
Have executive and operational responsibility for marine safety been clearly assigned? Has this been documented?	2.1 and 2.1.1 D	The Broads Authority is composed of 21 appointed Members. One Member is appointed as the Chair and is supported by a Vice-Chair. The Board, has responsibility, both individually and collectively, as 'Duty Holder' . Section 2 of the Broads SMS contains a comprehensive description of the Roles and Responsibilities of those accountable, under the PMSC, for marine safety.	
Designated Person - independent, with direct access to the board? Does the DP formally present his/her findings with respect to the PMSC to the Duty Holder?	2.8 2.2.36	The Head of Safety Management has been appointed to act as the 'Designated Person' (Section 2.3.2). The Designated Person has a standing agenda item on the Broads Authority committee meeting, giving a direct reporting mechanism. In addition, he has direct access to the lead member for safety (the chairman of the Boating Safety Management Group BSMG), the agenda for which is agreed in advance. A report (Reference 6) on the suitability and adequacy of the Designated Person to fulfil the independence requirement stated within the PMSC was produced in March 2013.	This audit concurs with the findings presented to the Board in March 2013 relating to the level of independent assurance the Designated Person provides. Due to the current Designated Person's involvement with the SMS consideration could be given to the use of a reciprocal arrangement with another harbour authority (2.2.43) for external audit purposes.

6. Audit Findings - Consultation

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Is there evidence of consultation with port users (both commercial and leisure) and local interests and communities?	Section 3	<p>Yes - There are a number of forums, committees and mechanisms which allow for consultation with a variety of stakeholder communities.</p> <p>Meeting dates, agendas, reports, minutes from previous meetings, background papers and committee membership lists are readily available via the Broads Authority website.</p>	
Are stakeholders having a continued input to the Safety Management process through a regular or ad-hoc forum?	3.1.3	<p>Yes - The main mechanism for this is via the Navigation Committee. Members of this committee are drawn from relevant stakeholder communities i.e. hire boat owners, passenger boat owners and private owners. This committee meets every 2 months.</p>	
Have users been consulted on existing or new risk assessments?	3.2.8	<p>A number of new activities were identified that required consultation and risk assessment.</p> <p>The increase in the popularity of 'paddle boarding' and an operator wishing to provide guided paddle boat tours resulted in the Boat Safety Management Group meeting to discuss and assess the risk of this activity.</p>	

7. Audit Findings - Risk Assessment

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Has formal risk assessment been used to eliminate risk or reduce it to As Low As Reasonably Practicable (ALARP)?	3.5 4.1.1 D 4.2.29	<p>Section 9 (Hazards) and Section 10 (Risk Assessment) of the Broads SMS contain details of the Formal Risk Assessment process and the Authority's approach to the identification, assessment, control and management of risk.</p> <p>The Broads Authority uses a structured approach to the identification and analysis of hazards, following the IMO's Formal Safety Assessment (FSA) methodology.</p> <p>In 2012, two new, Cat A hazards, were identified and included in the Hazard Log. In the latest version (Pre Review Hazard Log, September 2013) these two hazards were declared as being non-ALARP and therefore those particular activities are not supported by the Broads Authority. There remains a recommendation within the Hazard Log that these two hazards require urgent mitigation.</p>	
Was the risk assessment undertaken by people who are qualified or appropriately skilled to do so?	3.6	The Navigation Committee, supported by the Boating Safety Management Group (BSMG) and Broads Forum provide safety advice and input into the risk assessment process. It is considered that this representation of members satisfies the Code's requirement for qualified and appropriately skilled personnel.	
Has the entire risk register been reviewed at least annually?	4.1.1 F	Yes - the Hazard Log is reviewed annually, alternated between the Boating Safety Management Group and full stakeholder group. The Hazard Log is then re-issued at the start of each year.	
Has the Authority considered publication of its risk assessments, where appropriate?	4.1.1 G	<p>Risk assessments are stored electronically on the corporate server and on the Broads Authority Intranet, a system that is available to all Broads Authority employees. Additionally the SMS including the hazard log are published on the Authority's website after issue each year.</p> <p>Prior to the audit, BMT Isis was provided with example Risk Assessment forms, these focused predominantly on occupational health and safety (manual handling, use of non-powered hand tools etc.) however a number included navigational/maritime related activities.</p>	

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Does the SMS contain a procedure for measuring performance?	4.4.12	<p>The Broads Authority's Navigational Safety Policy states <i>"We will: Evaluate the safety performance of the Broads Authority through reporting systems contained within the Safety Management System"</i></p> <p>Section 12 (Monitoring and Auditing) provides procedures for proactive and reactionary monitoring. Performance indicators have been detailed and are to be monitored on a monthly basis.</p> <p><i>"The status of each indicator, in relation to its defined target, will be recorded on the Authority's website"</i> - This is not intuitive to find on the website and appears to be not readily available.</p>	<p>It is recommended that the status of each indicator is to be clearly presented on a designated page on the Authority's website, detailing the target, current performance against the target and the historic trend.</p>
Does the SMS include processes for effective (annual) internal audit, review of procedures and external audit?	4.4.13	<p>Yes - Section 12.4 (System Auditing) details the auditing plan, responsibility for conducting the audit and requirements for an Action Plan in the event that areas for improvement or non-compliances are identified.</p>	

8. Audit Findings - Emergency Response

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are emergency response procedures in place?	3.9	Section 11 of the Broads Authority SMS clearly defines the responsibility of the Broads Authority to deal with and respond to emergency situations. The Authority is not a designated Emergency Service and is not declared a Search and Rescue resource by H.M Coastguard.	
Is the emergency response plan readily available?	5.1.1	An Emergency Communication Plan is contained at Appendix 2 of the Broads Authority SMS. This plan outlines the likely roles and responsibilities of the Communications Team in the event of an emergency or major incident.	
Has the Authority been involved in or carried out its own exercises?	5.7.11	The Oil Spill Contingency Plan is exercised every 3 years, with the next exercise scheduled in 2015. The exercise scenario is reviewed on an annual basis. Lessons learned from these exercises are gathered and post-exercise debriefings conducted. The general consensus from these exercises is that communications is the biggest challenge the Authority faces. In the past the Authority has conducted joint exercises with Great Yarmouth Port Authority, however these have now stopped and there appears little interest from the Port to reinstate this requirement. With the closure, in May 2013, of Great Yarmouth's Coastguard centre and full operational responsibility transferring to Humber Coastguard there is a concern that valuable local knowledge of the Broads will be lost.	It is recommended that closer ties with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.

9. Audit Findings - Management of Navigation

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are surveys conducted and aids to navigation maintained?	Section 6 6.1.2 a - e	<p>The SMS contains the Broads Authority Hydrographic Policy with additional information contained on the Broads Authority website.</p> <p>Hydrographic surveys of the lower river reaches are conducted every two years and other areas no less than every five years.</p> <p>As part of their role, the Broads Authority Rangers inspect and monitor navigation marks and signage, reporting (by exception) any defects found. An ongoing signage replacement program is currently in place.</p> <p>The Authority has introduced an Asset Management Plan, detailing: what, where, owned/leased, countryside / navigation, cost, life span, number of units etc. to allow continued management of the Authority's assets.</p>	
Are navigation marks maintained in positions to be of best advantage, with appropriate markings? When was this last reviewed?	Section 6 6.2.15	<p>Trinity House is updated on the current status of the Authority's aids to navigation on an annual basis however currently there is no requirement for this notification to continue.</p> <p>It was stated that it is an 'aspiration' of the Authority to implement a GIS based system to log location and type of every navigation mark within the boundary of the Authorities jurisdiction. The SMS gives reference (5.5.2) to this and states that the electronic GIS system should replace the paper based "Navigation Works Reports" system currently in use. It is understood that this system is yet to be implemented.</p>	

10. Audit Findings - Safety Management

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Does there appear to be an effective Safety culture in place?		<p>Yes - The Head of Safety Management and the Director of Operations provided a strong element of professionalism, pride and attention to detail during the audit process. Safety information, both for Broads Authority staff and those using the Broads, was clearly evident.</p> <p>A number of safety initiatives have been introduced and implemented over the last three years. The Head of Safety appears to be proactive in his duties and in his attempts to raise the level of safety for users of the Broads. The introduction of the 'Wear it' campaign is one such example, providing posters for display at boat yards and keyrings displaying the message to wear life jackets.</p>	
Do incidents prompt immediate safety review via a risk-based approach?	4.2.6	A mechanism for safety review is in place with the Navigation Committee and the Boating Safety Management Group responsible for maintaining high levels of safety within the Navigation Area and to reduce the risk to ALARP.	It is recommended that all new appointees to the Navigation Committee and the Boating Safety Management Group receive training on the risk assessment process, hazard identification and assessment and the ALARP principle.

11. Audit Findings - Performance Monitoring and System Audit

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Is there evidence that plans and actions are being monitored and implemented effectively?	4.4.12	At the start of the audit meeting with the Head of Safety and the Operations Director, actions and recommendations from previous audits were reviewed, with good progress made against all the actions presented.	
Is there an effective accident and incident reporting system?	12.5	<p>The Broads Authority actively encourages incident reporting, requesting incident, accident and near miss information. The website provides an online form for users to complete details along with contact telephone numbers and a postal address.</p> <p>Incident data is recorded, with figures for fatalities and injuries recorded. Initial analysis of this data (1993 - 2013) indicates that there is a downward trend for fatalities on or from boats (avg. 2 per year 93-02 compared to 1.6 per year 03 - 12). Collecting and recording usage data for this period (number of leisure users, private owners etc.) would allow for a more comprehensive historical trending analysis to be conducted. This analysis could be linked to the introduction of new safety initiatives and be used to measure the effectiveness of such. It is acknowledged that a large number of these fatalities are beyond the control of the Broads Authority, with Broads users choosing to ignore the safety advice and guidance provided.</p>	

12. Audit Findings - Personnel

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are training objectives and requirements being implemented and applied?	3.13 11.1	<p>A comprehensive training plan for 2014-15 was presented at the audit. The Head of Ranger Services is responsible for delivering the in house training to the rangers. Operational staff obtain their training from a variety of in house and external training providers as necessary</p> <p>The Authority does have a Training and Development Policy and actively encourages Professional Development (SMS Annex B).</p> <p>The Head of Ranger Services is responsible for 'signing off' completed Rangers Procedural Manual - a form that details the areas of training (i.e. Byelaws & Legislation, Land based knowledge and skills, Operation of the vessel / launch and Seamanship) that Rangers are required to complete.</p>	<p>Evidence of a comprehensive training requirement was presented at the audit, however records of completed training were not as easy to locate. It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations, this should also include the requirement to 'sign off' training on the day that it occurred. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance.</p> <p>A mechanism for reviewing the relevance and effectiveness of training received could be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback (applicability, usefulness etc.).</p>

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are competency standards for key personnel clearly defined and rigorously applied?	3.13 11.1	<p>Job descriptions and reference to training is included within the SMS however direct reference to competency standards is not.</p> <p>It is recognised (by the auditor) that harbours vary widely in size, purpose, type and level of traffic, making it a challenge to identify the necessary competencies required of the Broads Authority.</p> <p>National Occupational Standards (NOS) for Harbour Masters were published in early 2012, setting a benchmark to which national Harbour Master qualifications could be aligned. The ports sector currently has five completed sets of NOS. Two are concerned with port operations and three with harbour management.</p> <p>The Government has no current plans to make occupational standards mandatory, unless Harbour Authorities continue to fail to implement existing voluntary standards.</p>	<p>It is recommended that consideration of competency standards is given in order meet this particular aspect of the PMSC.</p> <p>Consideration should be given to specific marine safety competencies.</p> <p>Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards, to identify potential competencies and training, is recommended.</p>

13. Conclusions

General

The results of the Audit reveal that safety is being managed effectively within the Broads Authority areas of responsibility.

The results of the Audit reveal that safety is being managed effectively within the Broads Authority areas of responsibility. The Head of Safety Management is proactive in his attempts to foster a positive safety culture and, through a regular series of forums, identified risks are being addressed and managed.

The SMS has recently (March 2014) been updated to bring it in line with the latest update of the PMSC (as recommended in the last external audit report).

Annual reviews of the Hazard Log are conducted by a committee considered to be Suitably Qualified and Experienced. In the event of new hazards being identified the Boat Safety Management Group is able to convene and assess such hazards, outside of the annual review period.

Compliance with the Requirements of the PMSC

The PMSC comprises a Policy document, together with a Guide to Good Practice. The Code allows some degree of interpretation in application, in order to allow Port Authorities a degree of latitude in ensuring that the systems that are implemented are those that suit their particular operational challenges and environment.

A fundamental aspect of the Code is the requirement for harbour authorities to develop and maintain an effective marine safety management system. This system should be in place to ensure that all risks are controlled, with the more severe ones either being eliminated or kept "As Low As Reasonably Practicable".

An element of interpretation, due to the nature of the Broads Authority's activities, when compared with more 'traditional' ports and harbours, has been accounted for.

The Broads Authority SMS, as updated in 2014, meets the current requirements of the Code and provides an effective mechanism for the management of safety with the Authority's jurisdiction.

Designated Person

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder

"Each harbour authority must appoint an individual as the **Designated Person** to provide independent assurance directly to the Duty Holder" and "A '**Designated Person**' is required to provide independent assurance directly to the 'duty holder' that the safety management system is working effectively." - this is an area that the Director of Operations and Head of Safety have asked for clarification on.

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder. The Duty Holder is to be satisfied that the Designated Person provides the level of assurance necessary to comply with the Code.

The Designated Person must:

1. Demonstrate independence of the operation of the marine safety management systems;
2. Have thorough knowledge and understanding of the requirements of the Code (and supporting Guide to Good Practice);
3. Determine, through assessment and audit, the effectiveness of the

SMS in ensuring compliance with the Code;

The Authority has appointed the Head of Safety Management to this role.

The appointment of the Head of Safety Management to the role of '**Designated Person**', although not directly satisfying all of the above criteria (Item 1), does provide sufficient independence and assurance to the Duty Holder so as to comply with the requirements of the Code.

Consideration will need to be given by the Authority for succession planning as this current arrangement works with the experience provided by the individual appointed to the role of Head of Safety Management.

It is important that the Designated Person has independent access to the Duty Holder. To fulfil this requirement, the Designated Person, in this instance, the Head of Safety Management has:

1. Direct access to the lead member for safety (chairman of the BSMG);
2. A standing agenda item, agreed in advance, for BSMG committee meetings;
3. A standing agenda item on the Broads Authority committee meetings, giving direct reporting access to the full executive.

Broads Authority and Navigation Committee Members

New appointees to the Broads Authority and the Navigation Committee are scheduled for next year (2015). At the same time as these appointments will be a requirement to identify a new lead member of safety. This appointment will be made by the Broads Authority and will take on the role of Chairman of the Boat Safety Management Group (BSMG).

The identification and appointment of a new **lead member of safety** by the Broads Authority is considered an essential appointment. This role takes on the responsibility of Chair of the Boat Safety Management Group. Early identification of this role will allow for training to be scheduled and for successful succession planning to be implemented.

Breydon Water

Transfer of Breydon Water into the Broad Authorities jurisdiction was successfully completed.

The physical and asset management of Breydon Water is likely to have a significant impact on the resources (financial and physical) of the Authority. Activities include:

1. Upgrading of channel markings;
2. Provision of lay by moorings - understood to have been warmly received by users;
3. Feasibility study looking at upgrading the Turn Tide jetty upstream of Breydon Water;
 - a. Study conducted 18 months ago by external consultants;
 - b. Impact of removing the jetty;
 - c. Design of a replacement structure;
 - d. Work to commence in Feb/Mar 2015.

A designated water ski zone on Breydon Water was established in 2013, initially as a trial for one year, to allow for information to be gathered on the impact of such activities on the environment and other Broads users. This trial was extended in March 2014 as there had been no formal use of the zone for water skiing and therefore it had been impossible to collect data. Safety of Broads users was considered when designating the zone, with the Water Ski Review Panel, BSMG, Navigation Committee and Broads Forum all consulted.

Mud Pilot

A new 'Mud Pilot' has been appointed and trained

During the audit process in 2011 it was identified that greater clarification on the requirement for a Mud Pilot (and associated training) was needed. This issue has now been rectified. A new Mud Pilot has been appointed with the previous Pilot providing assessment and training where required.

14. Recommendations

1. **Designated Person:** the PMSC and Guide to Good Practice implicitly detail the requirement for a Designated Person and that a 'Designated Person' is required to provide independent assurance directly to the 'Duty Holder' that the safety management system is working effectively. The 'Duty Holder' (The Broads Authority Executive) has officially appointed the Head of Safety Management to the position of 'Designated Person'. Clarification on the independence and suitability of this appointment has been requested. As stated within the body of this report and during the audit process, the appointment of the Head of Safety Management to the 'Designated Person', although not meeting all of the stated requirements detailed in the PMSC, does provide sufficient independence to the 'Duty Holder'. It is recommended that succession planning is considered for the position of 'Designated Person'. The current Head of Safety Management appears competent in all aspects of Safety Management and provides suitable advice and guidance to the 'Duty Holder'.
2. **Measuring Performance:** *"The status of each indicator, in relation to its defined target, will be recorded on the Authority's website"* - This is not intuitive to find on the website and appears to be not readily available. It is recommended that the status of each indicator is clearly presented on a designated page on the Authority's website, detailing the target, current performance against the target and the historic trend.
3. It is recommended that **closer ties** with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.
4. **Training Records** - Evidence of a comprehensive training requirement was presented at the audit, however evidence of completed training was not as easy to locate. It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations; **this should also include the requirement to 'sign off'** training on the day that it is verified. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance. A mechanism for reviewing the relevance and effectiveness of training received should be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback, in terms of applicability, usefulness etc. would allow the management team to monitor training and be better placed to meet the training requirements of the future.
5. It is recommended that consideration of **competency standards** is given in order to meet this particular aspect of the PMSC. Consideration should be given to specific marine safety competencies. **Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards**, to identify potential competencies and training.
6. Review of **incident data** i.e. fatalities on the Broads, as a result of boating related incidents in comparison with other industries/similar leisure activities. The Broads is in a fairly unique position, with such a wide user demographic. Users have a considerable mix of experience and seafaring knowledge. Incident data, collated over the last 20 years, indicates that fatalities, as a result of boating relating activities, are reducing. It would be useful to understand how the fatality rate compares to that of other similar user groups and the national average. In 2012 the National Water Safety Forum (NWSF) published a report detailing the number of water related fatalities from accidents or natural causes across the UK in 2010. This report shows that, the highest number of fatalities - 217 (52 per cent) - happened in inland waters such as rivers, canals, lakes, lochs, reservoirs and ponds. The same organisation published results for 2013, with an increase to 277 fatalities occurring on inland waters.

15. References

- 1 **BMT Isis's letter proposal 31255/Isis-F-O-300**, dated 21st May 2014;
- 2 The Port Marine Safety Code (PMSC), December 2012;
- 3 Guide to Good Practice on Port Marine Operations, July 2013;
- 4 Suffolk Broads Act 1988;
- 5 Safety Management System Documentation, 31006/E0018, Issue 4.0, March 2014;
- 6 The Port Marine Safety Code: Development of the Safety Management System, Agenda Item No 15, 22 March 2013.

Draft		Date 13 January 2015				
PMSC Safety Management System Audit Action Plan						
Audit Recommendation	Description	Action	Officer	Target Compl Date	Progress to Date	Completed
1	Designated Person: It is recommended that succession planning is considered for the position of 'Designated Person'. The current Head of Safety Management appears competent in all aspects of Safety Management and provides suitable advice and guidance to the 'Duty Holder'.	Document roles, responsibilities and procedures relating to the duties of the 'designated person' in order that they are available to any new post holder.	HofSM	Sept 2015		
		Develop People Strategy to include succession planning	Senior HR advisor	June 2015		
2	Measuring Performance: It is recommended that the status of each indicator is clearly presented on a designated page on the Authority's website, detailing the target, current performance against the target and the historic trend.	Metrics to be collated to enable regular publication on Broads Authority Website	HofSM	June 2015		
3	Measuring Performance: It is recommended that closer ties with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.	Set up regular liaison meetings with MCA sector officer. Continue attending MCA East Anglian sub-committee meetings and emergency Planning meetings	HoRS and Hof SM	Aug 2015	Continuing liaison with the acting Sector Manager and local area management.	
4	Training Records: It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations; this should also include the requirement to 'sign off' training on the day that it is verified. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance.	System to be developed to ensure training is captured in a timely manner and records stored in a central location.	HofSM, Senior HR advisor	Aug 2015		

Draft		Date 13 January 2015				
PMSC Safety Management System Audit Action Plan						
5	Training Records: A mechanism for reviewing the relevance and effectiveness of training received should be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback, in terms of applicability, usefulness etc. would allow the management team to monitor training and be better placed to meet the training requirements of the future.	Feedback questionnaires and review process to be developed.	HofSM, Senior HR advisor	Aug 2015		
6	Competency standards: It is recommended that consideration of competency standards is given in order meet this particular aspect of the PMSC. Consideration should be given to specific marine safety competencies. Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards, to identify potential competencies and training.	Develop and Review Skill Matrix with Port Skills and Safety to determine any relevant skills deficiencies	HofSM	Sept 2015		
7	Incident data : Incident data, collated over the last 20 years, indicates that fatalities, as a result of boating relating activities, are reducing on the Broads. It would be useful to understand how the fatality rate compares to that of other similar user groups and the national average.	Annual incident report to include benchmarking against other inland navigations and national statistics.	HofSM	May 2015		

Committee Membership and Member Appointments to Outside Bodies
Report by Head of Governance and Executive Assistant

Summary: This report seeks approval for the appointment of a member of the Planning Committee and the appointment of members to Lead Member Roles and outside bodies until the Annual Meeting in July 2015.

Recommendations: That the Broads Authority:

- (i) Appoints two members to the Planning Committee for the period until the Annual Meeting in July 2015;
- (ii) Appoints Mr Michael Whitaker as the Lead Member for Safety Management until the Annual Meeting in July 2015 when all the Lead Member roles can be reviewed; and
- (iii) Appoints at least one member to the Whitlingham Charitable Trust as detailed in Section 3 of this report.

1 Committee Membership

- 1.1 The membership of committees for the forthcoming year is formally reviewed at the Authority's Annual Meeting. The Planning Committee currently has 13 members and with Mr P Ollier and Dr S Johnson ending their appointment term on the Authority in March 2015, the Committee will be down to 11 Members. It is recommended that the Authority appoints two members to the Planning Committee until the Annual Meeting in July 2015. One of the two co-opted Navigation Committee members has traditionally sat on the Planning Committee. This may not be feasible in the short term but should be borne in mind for the Annual Meeting.

2 Lead Members

- 2.1 The Authority revised its list of Lead Members in July 2014. The current list of Lead Members is set out in the following table.

Topic	Lead Member
Broads Flood Alleviation Project	Phil Durrant
Climate Change and the Valley Approach	John Sharpe

Equalities	Peter Warner
Safety Management	Phil Ollier
Sustainability	Sir Peter Dixon
Sustainable Tourism	David Broad
Education	Sholeh Blane

2.2 Since Mr D Broad, Mr P Ollier and Mr J Sharpe will be ending their appointment terms in March 2015, there will be vacancies in the Lead Member roles for Climate Change & the Valley Approach, Safety Management and Sustainable Tourism. It should be noted that the Lead Member for Safety Management also chairs the Boat Safety Management Group.

2.3 The main responsibilities for a Lead Member include:

- To develop and maintain an interest in specific area(s) of the Authority's work or policy;
- To liaise with appropriate staff on the Authority's approach to the issue, and particularly when a policy is being developed;
- To support staff where necessary in meetings with external bodies;
- To attend briefings and/or training on the issue as required;
- To be prepared to inform other Members on key aspects of the issue, and speak on the topic in Authority and other meetings;
- To assist Communications staff, as required, in preparing significant media releases in the Lead Member's subject area; and
- To be available to offer strategic advice on the issue to staff as and when requested

It should be noted that Lead Members are not responsible for making decisions; ultimately that rests with the Broads Authority as a whole. Decisions on strategy and policy are made by the Authority and operational matters are delegated to officers.

2.4 It is suggested that members review the requirement for the Lead Member appointments for Climate Change & the Vally Approach and Sustainable Tourism to continue at the Annual Meeting in July 2015. However, as the Lead Member for Safety Management also chairs the Boat Safety Management Group, it is recommended that a member be appointed in this Lead Member role until the Annual Meeting in July 2015. This may be best filled by Mr Michael Whitaker who has been recommended for appointment to the Broads Authority.

3 Appointments to Outside Bodies

3.1 The Authority is invited by various organisations, groups and bodies to appoint a member to represent its interests on that body. With Dr S Johnson, Mr J Sharpe, Mr D Broad and Mr P Ollier ending their terms of appointment in March 2015, the following vacancies arise:

- a. Broads Local Access Forum;
- b. Broads Tourism;
- c. Norfolk and Suffolk Broads Charitable Trust; and
- d. Whitlingham Charitable Trust (two vacancies; one to replace Mrs J Brociek-Coulton).

3.2 As a minimum, members are asked to appoint one member to the Whitlingham Charitable Trust until the Annual Meeting in July 2015.

4 Financial Implications

4.1 Provision has been included in the budget to cover the costs of members' allowances and other costs incurred whilst on approved duties. Members of the Planning Committee and Lead Members are currently eligible to receive a Special Responsibility Allowance of £523 per annum (a member may only claim one such allowance at any one time).

Background papers:	Nil
Author:	John Organ
Date of report:	11 March 2015
Broads Plan Objectives:	None
Appendices:	None

Consultation on the Update to the River Basin Management Plan
Report by Head of Strategy and Projects

Summary:	The paper interprets and summarises the proposed Cycle 2 update to the River Basin Management Plan. It gives a suggested response to the consultation questions. The main message is the importance of the Catchment Partnership Approach (that the Broads Authority has helped to establish and hosts) in determining the detailed needs and solutions to meet Water Framework Directive requirements in the area. It includes specific mention of proposed changes to the usage definitions for Heavily Modified Water Bodies that raised concerns at the Navigation Committee. The response suggests maintaining a consistent approach across the whole system and using the 'navigation' definition for this.
Recommendation:	That members note the consultation invitation and support the proposed response to the main questions asked.

1 Introduction

- 1.1 In response to the Water Framework Directive (WFD) the first cycle of the River Basin Management Plan was published in 2009. The Environment Agency is consulting over an update to produce the second cycle of the Plan. The consultation opened in October 2014 and closes on 10 April 2015.
- 1.2 There are two parts to the national document supplemented by very extensive additional material available on the web. The national material is supported by regional details – the Anglian River Basin Plan – which in turn has been supported by specific catchment details (with the Broads falling within the Broadland Rivers Catchment).
- 1.3 There is a challenge to penetrate and understand this complex documentation. As it is primarily a national plan broken down by regions, much of the finer detail on what will happen in the Broads is not explicit and becomes wrapped up in proposed measures constrained by available finance.
- 1.4 Although the Environment Agency has been keen to seek responses from many stakeholders they have the difficulty of making available an enormous amount of data that can sometimes lack the necessary local detail that clarifies the issues for those stakeholders. Appendix 1 tries to provide a simple guide and commentary to the main issues.
- 1.5 The consultation document seeks an electronic response to 9 questions and the draft proposed response is shown in 3 below.

2 Consultation response

- 2.1 After reviewing the documentation, a key element of the Broads Authority response is that it will be vital to develop the work of Catchment Partnerships where the detail of the needs and the mechanism for implementing the proposed measures is best undertaken. The Broads Authority hosts the Broadland Rivers Catchment Partnership which has produced a Catchment Management Plan which provides local detail to help implement the Water Framework Directive
- 2.2 One issue that was raised by local Environment Agency staff was the alterations to the definitions of the usage that caused certain water bodies to be classed as Heavily Modified. These proposed alterations to cycle 2 had been brought in to achieve a greater consistency and clarity about necessary modifications. For the Broads there were proposals to identify the water bodies' usage as 'recreation' rather than 'navigation'. This matter was drawn to the attention of the Navigation Committee at their last meeting and there was concern expressed that such a change may impinge on any future plans around commercial navigation interests. Officers undertook further investigations to clarify the matter.
- 2.3 The definitions had been developed with input from local Environment Agency Officers and did seek to accurately reflect usage of the waterways in the Broads. The investigations suggest that there are no hidden impacts that might constrain what would happen in the Broads over and above the general requirements of the WFD. However, neither were the reasons for having different parts of the system defined in different ways made clear and the Environment Agency has not undertaken a detailed assessment of whether there could be conflicts with the Broads Acts.
- 2.4 The officer recommendation is therefore to respond with the comment that unless compelling reasons could be brought forward it would seem best if all of the navigable system remained defined as modified for navigation rather than anything else especially as the differing definitions appear to have no real impact on measures brought forward to meet the requirements of the WFD.

3 Responses to the questions

- 3.1 Question1: *Do you agree with the proposed changes to the river basin district and catchment, water body boundaries and artificial and heavily modified water body designations?*

The Broads Authority understands the rationalisation of boundaries but cannot see clear reasons for the mix of definitions related to usage of Heavily Modified Water Bodies. This could appear to conflict with the overall definitions of the Broads Acts and the Marine Management Organisation. Although it would appear that the WFD definitions have no real significance in the measures proposed, the Authority proposes the whole navigable system is dealt with consistently and a 'navigation' definition is used.

The Broads Authority always seeks to gain multiple benefits through managing the waterways and welcomes retaining the ecological value alongside the navigation, recreational and commercial values of the network.

3.2 Question 2: *Do you agree with the objectives proposed for water bodies and protected areas?*

As an area where water is central to its very identity and importance, the ideal would be to ensure all water bodies are rapidly brought to a 'good' standard for the multiple benefits this would give to society. Indeed, society is facing unwanted costs dealing with the effects of poor quality water. The RBMP proposals are however based on the belief that there are insufficient resources to rapidly tackle all the measures necessary in England at this stage. It is hoped that the development and publication of the draft proposals improves the awareness of the need to act and so is a step in the right direction. The assumption about resources is probably pragmatic. The specific objectives for Broads' water bodies are generally 'good' and this is welcomed. Where there are still unknowns or technical challenges, the Authority would wish to see continued effort to identify the causes of less than good status and then the introduction of appropriate measures.

3.3 Question 3: *Where flexibility exists, should the priority be maximising the number of water bodies at good status or improving the worst water bodies?*

There needs to be improvements across the whole of the district so as to build awareness from society about the need to act and then to maintain the quality status of the water bodies and where possible continue to enhance them. If effort is directed at just the worst areas the necessary behavioural changes will not be so widespread. As water exists in a network there is also sense in trying to raise standards across the whole system together which should facilitate the maintenance of the status gained.

3.4 Question 4: *Do you agree the correct measures have been identified?*

The measures detailed for the Broadland rivers are broadly acceptable. The Catchment Summaries start to become confusing however in that much of the detail reads more like the Environment Agency's own work programme. Although reference is made to partner organisations, this is inconsistent.

The Catchment Partnership – which includes the Environment Agency – seems well placed to build on the WFD investigations and conclusions and develop local details of needs and solutions. The Partnership should then be able to identify (additional) funding sources and advise on priorities and especially multiple benefits from interventions. It will still be important to identify elements where individual organisations should (also) be acting (e.g. IDBs) and the important lead role and 'catch-all' role the Environment Agency may be required to fulfil.

The water bodies in the Broads still have moderate levels of Phosphate and it is not clear how a significant decrease will be made especially with the water companies feeling price restraint for their customers is a high priority. There is insufficient recognition of the level of input required to work with landowners and others to instigate new ways of working both to restore water bodies and to maintain condition afterwards. Clearer indication of who will undertake this work and how it will be funded needs to be drawn out.

3.5 Question 5: *Do you agree with the way the economic appraisal process has been done?*

The appraisal process is described under 7 in the economic analysis as:

“The analysis has drawn on a large and diverse evidence base. By its very nature, the sort of complex analysis summarised here requires the use of assumptions and brings with it a degree of uncertainty. However, the results are of sufficient quality to inform this consultation.”

This seems a fair analysis and provides broad-brush indications. The use of scenarios is also helpful to illustrate the comparative spending to achieve the results detailed.

However, the use of scenario 5 brings in a political decision: both in terms of making assumptions about what funding might be available but also in terms of basing it on existing costs according to the approach of the Environment Agency. The ideal would be to ensure all our water meets the requirements of the WFD. The exclusion, at this stage, of changes that have no technical solution seems acceptable. However affordability will vary according to the value base used to make the judgments and this will not be consistent between all.

At times of public constraint it becomes even more important to explore different ways of achieving outcomes and there could be opportunities to reduce costs by incorporating local solutions. The standardisation by using EA based costs allows comparison but may not be the whole picture in terms actual costs.

3.6 Question 6: *What measures can you deliver to help achieve the long term objectives?*

The Broads Authority wishes to continue to play an active part in the Broadland Rivers Catchment Partnership and approach. Necessary objectives and actions will be translated into the Broads Plan as appropriate in its forthcoming review and revision. (New Plan proposed for 2016). The Authority will give due regard to the WFD objectives in all the sites it manages and the guiding management plans. The Authority will continue to press for collaborative action in planning for climate change and will seek to develop a collaborative approach to holistic water management to support its three purposes.

3.7 Question 7: *Do you have any further comments on this consultation?*

The Environment Agency needs to recognise the special qualities of the Broads and fulfil its need to meet the requirements of Section 62 of the NERC Act to have regard to the Broads Plan objectives. This includes ensuring the particular navigation and high wetland biodiversity needs are met.

The importance of a changing climate and rise in sea level are especially recognised by the Broads Authority due to the vulnerability of the Broads special qualities. The Authority would wish to see continued collaborative effort with the Environment Agency to address these issues and suitable reflection of the necessary actions within the RBMP.

3.8 Economic analysis Questions 8 & 9: *Do you have any comments on the scenarios and how they have been produced? How could scenario 5 be developed to present a preferred option for the impact assessment that will accompany the updated plans in autumn 2015?*

Although the scenarios are helpful to understand priorities from a national viewpoint they are less useful when looking at the detail at the Catchment level. The potential for cross funding, for the lead to be taken by others and in partnership, could make a significant difference to how far existing funding might be spread. This suggests that although the national requirements of the RBMP review process are met, there needs to be recognition of the importance of allowing regional and local flexibility in the implementation of the overall approach including the value of taking an ecosystem services approach. The creation of a long term vision on how collaborative working can develop and clearer signposting for how key agencies can incorporate helpful actions in their deliberations would be helpful.

Background papers: www.gov.uk/government/consultations/update-to-the-draft-river-basin-management-plans
https://consult.environment-agency.gov.uk/portal/ho/wfd/draft_plans/consult?pointId=s1405417862790#section-s1405417862790 for the Anglian River Basin District Plan

Author: Simon Hooton
Date of report: 3 March 2015

Broads Plan Objectives: CC4, BD3, BD4, BD5, AL1.2, AL2.1, NA1.2

Appendices: APPENDIX 1 – Interpretation of and commentary to the consultation document's key points
APPENDIX 2 – River Water bodies in the Broads – summary of status and objectives

Interpretation of and commentary to the consultation document's key points

A. Introduction / Background

The framework for managing the water environment throughout Europe is provided by the Water Framework Directive (WFD). The directive requires measures to be taken to encourage the sustainable use of water and to protect and improve inland surface waters groundwater and coastal waters. Under the WFD a plan must be developed for each river basin district. For the Broads this has been defined as the Anglian River Basin District and includes the Broadland Rivers catchment.

A river basin management plan is a strategic plan and includes environmental objectives for each body of water and a summary of the programme of measures necessary to reach those objectives. The current Plan was published in December 2009. The WFD requires the Plan to be updated every 6 years and the Environment Agency is currently consulting on a draft update to that Plan. Once approved by Ministers the environmental objectives become legally binding and will inform decision making by all public bodies. The WFD requires prevention of deterioration of all water bodies from their present ecological status/potential. The default status for all water bodies is 'good' and ideally this would be achieved by 2021 although it is recognised that some may not achieve this till 2027 or beyond.

Certain areas are designated as protected areas under other European Community/National legislation and have their own objectives (which unlike WFD water body status objectives cannot have economic arguments used to propose less stringent objectives). These included drinking water areas, bathing waters and Special Areas of Conservation that are water dependent. (See appendix for details)

The Environment Agency believes the proposed objectives in the draft plan can be achieved by carrying out its programme of measures. The programme is a summary of actions that are cost effective, technically feasible and proportionate in terms of the benefits from the actions outweighing their cost.

B. Water body classification

Good status represents conditions close to an undisturbed natural environment. As many water bodies are artificial or have been heavily modified by people for particular purposes (e.g. flood defence or transportation) they are unlikely to be able to achieve the same standards as more natural water bodies and they are assessed against 'ecological potential' rather than status.

Since the 2009 Plan there have been further investigations to better understand which water bodies have been 'modified' and why and to achieve greater national consistency. This has included revising the definitions for the uses that have required modification. For the Broads the noticeable change is a clearer definition between recreation and navigation waters with the latter now being more strongly commercial navigation use including ports and harbours. For the Broads the changes proposed include bringing in a 'recreation' definition instead of a 'navigation' definition for much of the Bure, Ant and Thurne and adding a 'recreation' definition for the Yare from the city as far as about Hardley. The recreation definition does include commercial use and the WFD requires usage to relate to current and not past or future use.

When this issue was raised at the Navigation Committee there was concern that it might not protect commercial navigation usage and could be seen to be in conflict with definitions used by the Marine Management Organisation. Although the recreation definition did more accurately relate to current usage and would not appear to impact on Broads Authority objectives, there was no clear case for why this would be a better definition. For consistency's sake retaining 'navigation' usage as being part of the modification of all of the navigation within the Broads would seem to be simpler and is part of the formal response being proposed. There has also been revision to some boundaries as smaller tributaries have been excluded and other boundaries rationalised.

Overall there is a drop in total water body numbers in the Anglian River Basin and it is intended that this revised listing becomes the baseline for future change monitoring although for this consultation reference is made to the old and the new classifications (called 'building blocks' in the Plan)

C. Water body status objectives

The proposed water body objectives are set on the basis that they could be achieved in the long-term if all measures that are technically feasible and when implemented, would give rise to more benefits than they cost are followed. No measures, at this stage, are ruled out on the basis of affordability constraints or available funding. The long term is defined as 2027 and beyond. The proposed water body objectives also take into account the requirement to prevent deterioration though costs and benefits are not taken into account when setting objectives to prevent deterioration.

It is proposed to set the objective of at least good status or potential in 62% of water bodies. For 38% of water bodies an alternative objective of less than good status or potential is proposed. With the 244 water bodies with a proposed alternative objective these relate to natural background conditions, no technical solutions currently being available or the costs of the measures needed to achieve good status being greater than the benefits. Where a status of less than good is proposed this may be because only one or two elements cannot be reasonably be expected to achieve good status. Where this is the case, the objective for all the other water body elements is to achieve good status.

Economic appraisal has been used to develop the proposed objectives. It has been based on HM Treasury's Green Book guidance for the public sector and refined for the purpose with the help of external partners. Worthwhile measures are those where the benefits to society from implementing them exceed the costs of putting the measures in place. The economic appraisal considers a range of benefits and a monetary value can be assigned to some. A simple measure can provide multiple benefits and the Environment Agency provide an example of riverside tree planting which can help the riverside ecology, improve the landscape for anglers and tourists, and help retain farmer's soil. They however are not so clear about taking account of any dis-benefits as might be raised by sailors.

The Environment Agency is also developing methods for assessing climate risk and vulnerability at various scales. Through vulnerability testing it is hoped to establish which individual or combinations of measures are most effective at achieving protected area and water body objectives.

For each of the significant water management issues, the Plan identifies what could be done by each relevant sector and identifies proposed new local measures.

D. The funding challenge

The draft plan identifies water body objectives for the long term assuming implementing all measures that bring a positive benefits-costs balance. However, currently there is insufficient money committed to the water environment for this to be implemented. The Agency therefore suggests there needs to be choices about which objectives are achieved first and how the improvements are funded. The economic analysis illustrates the costs to 4 sector groups (Government, rural land management, water industry, and industry, services, infrastructure and the voluntary sector). It also considers the costs and benefits of 5 scenarios of funding.

Scenario 1	On going measures continue but no new measures to mitigate the trends that will change the environmental baseline.
Scenario 2	Aim to prevent deterioration and achieve protected area objectives through additional measures.
Scenario 3	Aim to prevent deterioration, achieve protected area objectives, and all technically feasible improvements towards 'good' status (No affordability constraint)
Scenario 4	Aim to prevent deterioration, achieve protected area objectives and improvements in status where benefits exceed costs. (No affordability constraint.)
Scenario 5	Illustration of potential progress towards scenario 4 by 2021. Based on an assumed level of available national funding (up to and including 2021) related to the most directly relevant programmes and an assumed level of additional voluntary action through local efforts.

The Environment Agency's conclusions for these 5 illustrative scenarios are:

Scenario 1 will result in significant deterioration in the quality of the water environment and associated loss of benefits. It does not comply with WFD requirements.

Scenario 2 will prevent deterioration and achieve the protected area objectives proposed in this consultation, but it does not make much progress in improving the status of water bodies.

Scenario 3 will result in the best outcomes for the water environment but at an overall cost in excess of benefits. It may go beyond the requirements of the WFD and could be seen as 'gold plating'.

Scenario 4 will result in significant improvement to the water environment, with benefits in excess of costs. The scale of improvement is probably not feasible or affordable to achieve by 2021.

Scenarios 2 and 4 therefore represent the extreme lower and upper limits of the scale of environmental improvement and associated cost that might be included in the updated river basin management plans.

Scenario 5 illustrates a further point within the boundaries of scenarios 2 and 4. Measures in addition to scenario 2 are voluntary or are funded by government taxes and those who pay water bills.

E. Broadland Rivers Catchment details

In 2009 this catchment was divided up into 94 river water bodies, 19 lakes, 2 surface water transfers, 2 estuaries & coastal waters and 1 groundwater body. The water bodies were given a baseline classification using data and information from existing monitoring points within the water body. However, some generally smaller water bodies didn't have any monitoring points; these were classified either by using data from a water body with similar characteristics or by a judgement made by technical experts. The apparent change in status since 2009 may not be actual improvement or drop in status. It could be owing to new and improved knowledge of water bodies and data collection factors, for example, monitoring location changes (using new, more appropriate locations or not using others). Where water body monitoring has recently started the 2013 classification will not be based on a full dataset so should be regarded as indicative.

This management catchment contains the Broadland Rivers chalk and crag groundwater body. Groundwater in this body is used for a variety of purposes including a significant amount for public water supply. The chalk and crag are classified as principal aquifers. It is evident from monitoring that the pressures of land use and permeability of soils in this area have resulted in leaching of nitrate to the groundwater. The majority of this comes from agriculture. This results in the groundwater body being of poor chemical status. The quantitative status is at good status.

Number of water bodies in the Broadland Rivers Catchment at each status or potential status as at 2013

Water body type	High	Good	Moderate	Poor	Bad
Rivers & Canals (including Surface Water Transfers)	0	7	48	3	2
Lakes	0	1	10	9	2
Estuaries and Coastal waters	0	0	2	0	0
Ground waters	-	0	-	1	-

Monitoring used to determine WFD status is designed to show trends in ecological quality and will not reflect certain pressures. For example, the frequency and type of sampling does not pick up certain events and will not give the full picture regarding diffuse pollution, as has been shown by the intensive monitoring carried out as part of the Wensum Demonstration Test Catchment Project.

Other important issues which impact on the Broadland Catchment are not measured for WFD. Salinity is a key concern, with increased tidal surges and a changing flooding regime causing changes in ecology. Whilst this may be reflected over time in changing status, the impact it has on the ecologically important wetlands of the catchment must not be overlooked.

It is equally important to stress that the timescales being considered between plan cycles are very short in terms of reflecting measureable improvements. There have been many projects during the first plan period that are expected to deliver long term changes. An example of this is the Catchment

Sensitive Farming initiative, which has involved significant investment by farmers across most of the catchment.

The main issue raised through the 'Challenges and choices' consultation was pollution; particularly diffuse sources from agriculture and roads. Nutrients were seen as an important issue – leading to eutrophication, excessive weed growth and low oxygen levels. It was considered that development was putting pressure on water supplies and water quality. Climate change was mentioned as having the potential to put further pressure on river flows and water supplies, and increasing the risk of flooding in these low lying areas. It was considered that there is a risk of damage to important wetland sites due to habitat change, eutrophication, changes in land use and saline incursion.

The Broadland Rivers Catchment Plan, launched in June 2014, includes 7 goals and 19 actions around:

1. Land management to reduce run-off, and soil, nutrient and pesticide loss, and to link habitats and access
2. Waste water management to reduce nutrients in watercourses from public and private waste water
3. Water management to increase water capture and water efficiency
4. Flood risk management and sustainable drainage to reduce and slow run-off and increase aquifer recharge
5. River and floodplain management to increase connectivity reduce fish barriers and control invasive species
6. Recreation and understanding to increase sustainable use of, and learning about, water and wetlands
7. Investment to increase, combine and attract funding for projects

Achieving the long term objectives for the water environment will require a coordinated approach to making improvements across a number of different planning processes. One of the most important links relates to the way flood risks are managed in the catchment. Over the next two years, the Environment Agency will be undertaking considerable planning work, culminating in the publication of the updated river basin management plans (RBMPs) and the flood risk management plans (FRMPs). Together, these plans will shape important decisions, direct considerable investment and action, and deliver significant benefits to society and the environment.

There are 39 proposed measures in the draft Flood Management Plan which include working with natural processes to reduce flood risk and implement WFD actions through habitat improvement and creation, naturalising the river channels and improving land management techniques.

For the sake of the RBMP, the Broadland Rivers Catchment is split into 4 operational catchments. These are the Bure (encompassing the Ant and Thurne and reaching up to the headwaters); the Waveney all the way to its headwaters; the Wensum west of Norwich to its headwaters; the Yare from its junction with the Bure, incorporating the Chet and westwards past Norwich to its headwaters.

The Bure

There are 15 river and 15 lake water bodies in this catchment. The status (health) of the water environment in 2009 was assessed as being generally moderate. In 2013, the status of the water environment had not deteriorated. It can take five to ten years for the positive benefits of actions to be reflected in the ecological status. The technically feasible and cost beneficial measures identified suggest that 76% of the water bodies in the Bure catchment should have a long term objective of achieving good status.

Economic assessment for the proposed measures-

Net present value: £26.9 million
Benefit cost ratio: 4.9
Present value benefits: £33.8million
Present value costs: £6.9million

This means that for every pound that is spent towards improving the water environment in this catchment, you could expect to receive £4.90 of benefits.

The Waveney

There are 18 river and 2 lake water bodies in this catchment. The status (health) of the water environment in 2009 was assessed as being generally moderate. In 2013, the status of the water environment had not deteriorated. It can take five to ten years or the positive benefits of actions to be reflected in the ecological status. The technically feasible and cost beneficial measures identified suggest that 40% of the water bodies in the Waveney catchment should have a long term objective of achieving good status.

Net present value: £37.8million
Benefit cost ratio: 3.27
Present value benefits: £54.4million
Present value costs: £16.6million

This means that for every pound that is spent towards improving the water environment in this catchment, you could expect to receive £3.27 of benefits.

The Yare

There are 17 river and 3 lake water bodies in this catchment. The status (health) of the water environment in 2009 was assessed as being generally moderate. In 2013, the status of the water environment had not deteriorated. It can take five to ten years for the positive benefits of actions to be reflected in the ecological status. The technically feasible and cost beneficial measures identified suggest that 65% of the water bodies in the Yare catchment should have a long term objective of achieving good status.

(Only about one third of this catchment falls within the Broads direct area of interest)

Net present value: £6.01million
Benefit cost ratio: 1.24
Present value benefits: £31.5million
Present value costs: £25.45million

This means that for every pound that is spent towards improving the water environment in this catchment, you could expect to receive £1.24 of benefits.

River Water bodies in the Broads – summary of status and objectives

River Water bodies in the Broads - summary of status and objectives					
River water bodies	Elements of condition	2009 Cycle 1 assessment	2013 Cycle 2 assessment	Objectives	supporting reasons for objectives
Ant (Dilham to Bure)	Overall status	Moderate	Moderate	Good	
	Ecological	Moderate	Moderate	Good	
	Chemical	Not assessed	Good	Good	
Bure (Hostead Mill to St Benet's Abbey) <i>New designation - not in Cycle 1</i>	Overall status		Good	Good	
	Ecological		Good	Good	
	Chemical		Good	Good	
Thurne	Overall status	Moderate	Moderate	Good	
	Ecological	Moderate	Moderate	Good	
	Chemical	Not assessed	Good	Good	
Muckfleet	Overall status	Moderate	Good	Good	
	Ecological	Moderate	Good	Good	
	Chemical	Not assessed	Good	Good	
Yare (Wensum to tidal)	Overall status	Moderate	Moderate	Moderate	Unfavourable balance of costs-benefits; Cause unknown; Practical technicalities
	Ecological	Moderate	Moderate	Good	
	Chemical	Not assessed	Fail	Fail	Unfavourable balance of costs-benefits; Cause unknown; Practical technicalities
Chet	Overall status	Poor	Bad	Good	Ecological recovery will take time
	Ecological	Poor	Bad	Good	Ecological recovery will take time
	Chemical	Good	Good	Good	
Waveney (Ellingham mill to Burgh St Peter) <i>New designation - not in Cycle 1</i>	Overall status		Moderate	Good	
	Ecological		Moderate	Good	
	Chemical		Good	Good	
Bure&Waveney&Yare&Lothing Transitional waters	Overall status	Moderate	Good	Good	
	Ecological	Moderate	Good	Good	
	Chemical	Good	Good	Good	

Broads Authority

Planning Committee

Minutes of the meeting held on 9 January 2015

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Miss S Blane
Prof J Burgess
Mr N Dixon
Mr C Gould

Mr G W Jermany
Dr J S Johnson
Mr P Ollier
Mr R Stevens

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms A Long – Director of Planning and Resources
Mrs A Macnab – Planning Officer
Mr G Papworth – Planning Assistant
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2014/0205/FUL St Olaves Marina, Beccles Road, St Olaves

Mr Dennis Sewell	Chairman, Fritton and St Olaves Parish Council
Ms T Bromley	On behalf of Applicant
Mr W Kemp	Local District Member

BA/2014/0347/FUL Compartment 25 13, Buttle Marshes, Off Blind Lane, Ludham

Dr Dan Hoare	On behalf of Applicant
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7/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public. He also welcomed George Papworth who had recently been appointed as Planning Assistant to replace Maria Hammond, who had been promoted to Planning Officer following the departure of Fergus Bootman.

Apologies were received from: Mrs J Brociek-Coulton, Mrs L Hemsall, Mr J Timewell and Mr Peter Warner.

7/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0347/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered and those set out in Appendix 1.

7/3 Minutes: 5 December 2014

The minutes of the meeting held on 5 December 2014 were agreed as a correct record and signed by the Chairman.

7/4 Points of Information Arising from the Minutes

Minute 6/8(2) BA/2014/0307/COND Silver Dawn, Woodlands Way, Horning

The Chairman reported that this was likely to be brought to the next Committee meeting on 6 February 2015.

7/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business. The Chairman reported that he had received notification relating to the referendum on the Acle Neighbourhood Plan and this would be reported under minute 7/10.

7/6 Chairman's Announcements and Introduction to Public Speaking

(1) Training/Briefing for Members:

The Chairman reminded members that training would be provided on conservation and navigation issues following the next meeting of the Planning Committee on 6 February 2015.

(2) Dates for Members to note: Re Minute 6/8(3) Planning Committee Site Visit on 16 January 2015

The site visit to view the proposals relating to the Hoveton Great Broad canoe trail BA2014/0407/FUL would take place on 16 January 2015, details of which were available for members.

(3) Electronic Agendas and Reports

The Chairman reported that this would be the last meeting when members would be receiving their agendas in paper format. The agenda and reports for the Planning Committee would be in electronic format as from 6 February 2015.

(4) Public Speaking

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.

7/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests for deferral had been received.

7/8 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/ 0205/FUL St Olaves Marina, Beccles Road, St Olaves**
Proposed Mooring Pontoons along the River Waveney frontage to St Olaves Marina Ltd
Applicant: Mr David Bromley

Having declared an interest as a member of the NBSA and the Navigation Committee which had provided detailed comments and objections on the application, Mr Ollier withdrew from the meeting for this item.

The Head of Planning provided a detailed presentation of the amended application for the installation of mooring pontoons and three fishing platforms along the River Waveney frontage to St Olaves Marina Ltd. She provided the history of the application, referring to the changes in the site since an application had been approved in 1997 together with a Section 106 Agreement. She reminded members that a previously amended application had been deferred from the 10 October Planning Committee in order to seek clarification on mooring rights particularly relating to the St Olaves' residents on the eastern side of the river, to clarify discrepancies on the measurements of the river width and seek advice from the Navigation Committee.

Since consideration of the application at the October Planning Committee meeting and in light of comments and objections received from the Navigation Committee and residents (detailed in the report),

the applicant had amended the application for a third time to address the concerns particularly in relation to navigation.

The proposals now before members would provide 116m of floating pontoon (Instead of 164m) and installation of 48m of piled frontage to the south of the pontoon, including 22m of visitor/ demasting moorings at the southern end of the piled frontage. The proposal also proposed beam restrictions along the pontoon with 81 m of moorings being restricted to boats of up to 3.6m beam with the remainder providing moorings for boats up to 4.5 m beam. The Head of Planning drew attention to the Officer's sketch at Appendix 2 of the report illustrating the measurements of the proposal in relation to the river width explaining that allowance also needed to take account of the 1 metre step/gap from the river bank to the pontoon. The reduction of the river width and navigable water space would therefore range between 11% and 22% which was within the informal maxim river width of 25% navigable space as indicated in the guidance within Broads Byelaw 62.

Since the writing of the report further consultations had been received from Fritton and St Olaves Parish Council, the Local District member for the Lothingland ward, as well as residents from St Olaves on the opposite bank of the river to the application site. In addition a letter from the Crown Estate had been received advising that as they owned the river bed and had control over the water above this, the applicant would require their permission but they had not received any approach from the applicant to discuss terms of occupation. The Crown Estate had granted licenses for quay heading and stagings for some properties on the opposite bank and therefore would expect the land to be used as such. This would then indicate a potential further reduction in navigable waterspace.

With regard to Mooring rights, letters had been received from two properties advising the Authority of the history of mooring. Although it was recognised that some properties had been granted Crown Estate licenses and it was accepted that mooring did take place and could do so for up to 28 days within the year, there was no evidence from the deeds or records that planning permission had been granted or sufficient evidence provided to confirm continued and established use for mooring.

In providing a detailed assessment particularly relating to Policy DP16, the Head of Planning acknowledged that there would be an impact on navigation, but it could be difficult to justify a refusal on these grounds given that the 25% guidance used by the Rangers, although a material consideration, was not set out specifically in planning policy. However, the concerns of the Navigation Committee, the NSBA and the local residents were acknowledged.

In assessing the other main issues for consideration concerning criteria (b) within Policy DP16 of the development plan namely the impact on

ecology and impact on protected landscape of the Broads as well as the NPPF, the Head of Planning considered that there would be an adverse impact. Although the pontoon would not have a negative impact on ecology, the introduction of piling would do so as it would remove the soft bank with reedbed, and also remove the transition buffer area from marina/boatyard industrial to the softer more natural rural landscape.

With regard to criterion (h) to provide new visitor short stay moorings at not less than 10% of total new moorings, there was not a strong case for provision of visitor moorings in the area proposed. Although there was a need for demasting, however, this was preferred to be nearer to the bridge and not in this particular location. The applicant had indicated that he would pay for visitor moorings but that the Authority would need to pay for the demasting moorings.

In conclusion, the Head of Planning considered that the application as amended could not be recommended for approval on the basis that the proposals would have an adverse impact on the ecology and landscape of the area and was contrary to Policy DP16 particularly criteria (b) and (h).

Mr Sewell, on behalf of Fritton with St Olaves Parish Council reiterated the objections from the Parish Councils of Haddiscoe and St Olaves. He emphasised that this application had caused more concerns and objections than any other he had been associated with. There were serious concerns relating to the disruption and impact on navigation and the deteriorating effect on wildlife and landscape. Although acknowledging that there was no specific right to moor for the residents, the width of the river and the tidal flows made manoeuvring of boats in this location more problematic especially for novices. It was not a stretch of river where additional permanent moorings should be contemplated. In addition the loss of 50m of natural reed bed would be contrary to Broads Policies and totally inappropriate. He urged the Committee to reject the application.

The Chairman checked that none of the objectors present wished to speak.

Ms Bromley, on behalf of the applicant commented that the boatyard/application site was part of a small family run business which had moved to the site in the late 1990s. The family were still developing the site, including implementing the 1997 permissions, as and when finances allowed. She explained that they had attempted to comply with all that had been requested by the planning officers including reducing the stretch of river bank for moorings as well as beam width. The small area of green belt at the base of the site would remain. The proposed pontoons would link in with those belonging to the adjacent Johnsons boatyard, which had been granted permission in 2014. The boatyard would therefore be able to offer more berths. She

explained that the Authority's Senior Waterways and Recreation Officer had previously asked the boatyard to provide a demasting area for which the Authority would pay as there were funds within the 2014 budget as part of the Authority's Mooring Strategy. She considered that most boats using the Broads would be within the beam width suggested and the yard would continue to comply with restrictions imposed. She considered that congestion in this stretch of the river occurred nearer to the public house and bridge. Mooring on the proposed pontoons would be parallel.

Mr Kemp the Local District member commented that he was pleased to support the Officer's recommendation. The impact on the environment was unacceptable and he was not convinced that the public purse should fund the proposed demasting area. He commended the report and the officer's recommendation.

With regards to the Authority's Mooring Strategy, it was clarified that as part of that, provision of demasting points at four quadrants of the river particularly by bridges were well documented Broads Authority aspirations. However, the exact location was important and the proposed location within the application was not considered appropriate. The Navigation Committee at its meeting on 11 December 2014 had been further appraised of the proposed amendments and was still concerned about the impact of navigation in this area and did not support the location for demasting.

Members were satisfied that the measurements of the river width based on GIS measurements and those taken by the applicants consultants were satisfactory for the consideration of the application.

Members gave attention to the issue of public permanent moorings and Byelaw 62.2(b) and considered that the latter was more related to temporary moorings. They recognised that this was largely custom and practice and not set out in a specific planning policy, a matter which could be addressed when considering the review of the Local Plan. However, Members expressed considerable concerns relating to the navigation aspects as expressed by the Navigation Committee particularly with regards to the river width, the tidal flows and circumstances in this location and the impact on navigation safety. Although the proposed reduction in navigable river width was under 25%, this did not take account of any mooring that took place on the opposite side of the river. They considered that the Authority would be derelict in its duties if it did not take these matters into account. Although only a guideline, the terms of the byelaw would not be satisfied. They considered that the application was contrary to criterion (a) of Policy DP16 and should be refused on grounds of navigational safety.

Members fully concurred with the assessment that the amended proposal would have a detrimental environmental impact on the

ecology and the landscape of the area and therefore would be contrary to criteria (b) and (h) of Policy DP16.

Dr Johnson proposed, seconded by Mr Dixon and it was

RESOLVED unanimously

that the application be refused on the basis:

- (i) that with the introduction of an engineered river edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on protected species and protected habitats as well as the landscape character of the protected landscape of the Broads. As such the development is contrary to criterion 'b' of Policy DP16 of the adopted Broads DM DPD in respect of ecological and landscape impacts;
- (ii) that the application does not provide new visitor moorings or, in lieu of visitor moorings, demasting moorings, as required by criterion 'h' of Policy DP 16. As such the development cannot be considered to accord with criterion 'h' of Policy DP16; and
- (iii) the proposal would also result in the reduction in width of the river as a result of the pontoon and its use and would consequently have a negative impact on navigation. As such the development is contrary to criterion (a) of Policy DP16 of the adopted Broads DM DPD in respect of navigation impacts.

(2) **BA/2014/0347/FUL Compartment 25 13, Buttle Marshes, Off Blind Lane, Ludham**

To extend the existing Scrape by excavating some of the lower areas along two edges of the Compartment and to renovate an existing access track to the site

Applicant: The Broads Authority

The Planning Officer provided a detailed presentation on the proposal to extend the existing scrape on Buttles Marsh, owned by the Authority on land formerly used for agriculture and then created as fen and water habitats as part of the Bittern Two project. The proposed U-shaped scrape would cover an area of 1.09ha. The excavated material of approximately 2000m³ would then be used to raise the existing track which ran parallel to the public footpath. Although the site would be very raw while landscaping was being carried out, it was anticipated that it would not take long before natural vegetation would be re-established. Once the new track was established, it was anticipated that it would only be used by those managing the site. No further correspondence had been received since the report had been written.

Having provided a detailed assessment of the proposals, taking account of the main issues in relation to principle, ecology, landscape and flood risk, the Planning Officer concluded that the scheme was designed to enhance the ecological and biodiversity value of the area in line with the wider Broads Authority land management and conservation objectives. Therefore, it was considered to be in accordance with the Authority's development plan and the NPPF and was recommended for approval.

Members concurred with the officer's assessment and welcomed the proposal.

It was RESOLVED unanimously

- (i) that the application be approved subject to the conditions as set out within the report; and
- (ii) that the proposal is considered to be acceptable in accordance with Planning Policy and in particular Policies CS1, CS4 and CS20 of the adopted Core Strategy and Policies DP1, DP2, and DP29 of the Development Management Policies DPD (2011) as well as paragraphs 109, 115, Part 10 of the NPPF.

7/9 Enforcement of Planning Control: Enforcement Items for Consideration

Potter Heigham, Plot 51, North East Riverbank

The Committee considered a report concerning the unauthorised installation of decking at a riverside property Plot 51 known as Bathurst on the North East Riverbank at Potter Heigham. The matter had been investigated following the receipt of a complaint. Despite a considerable amount of correspondence, the owner of the plot insisted that it was not necessary to seek planning approval for the installation of the decking and had sought the backing of the Thurne Bungalow Tenants Association. Although it was accepted that some decking would be appropriate, the matter in question was the extent of that decking which covered almost the whole plot down to the riverside and also extended slightly beyond the river bank. This was not considered appropriate as it would alter the landscape character of the area and therefore would be contrary to policy and also could set an undesirable precedent. The Authority's officers had suggested that a proposal for a smaller area would be acceptable.

Although recognising that there was a breach of planning control and planning permission was required, Members considered that it would be premature to authorise enforcement action at this stage. It was considered important to establish whether the decking covered the whole plot and the boundary and ownership in relation to adjacent plots. It would also be helpful to have a more detailed examination of the other plots, the degree of decking being used and provide members with a complete survey of the character of the area. The photographic survey carried out in 2014 by the Rangers would be helpful.

RESOLVED

that the authorisation of enforcement action be deferred in order to gain additional information as to the boundary of the plot in question and the nature of decking within other parts of the area.

7/10 Neighbourhood Plans

(1) Acle Neighbourhood Plan

The Chairman reported that he had received an email from Lana Hemsall, the Local District member for Acle, informing the Authority that the Acle Neighbourhood Plan referendum had taken place on 8 January 2015 and making of the plan was supported with 299 voting Yes and 53 voting No.

Members noted that the results indicated that support for a neighbourhood plan was more than 50 % of those who voted in the referendum and therefore the Planning Committee was satisfied that the Neighbourhood Plan should be adopted and therefore form part of the Authority's Development Plan..

RESOLVED

that a report be prepared for the Broads Authority recommending that the Acle Neighbourhood Plan be adopted and included as part of the Authority's Development Plan.

(2) Oulton Neighbourhood Plan: Designating Oulton as a Neighbourhood Area

The Committee received a report from the Planning Policy Officer on the proposal to designate the parish of Oulton as a Neighbourhood Area for a Neighbourhood Plan following a six week consultation period. The report briefly summarised the comments received. It was noted that 67% of those who responded to the consultation were in favour of the designation and 33% were opposed. It was noted that the area which the parish council wished to designate was made up of the civil parish of Oulton plus a small unparished area. The proposed area also included some properties partly outside the parish boundary relating to the Parkhill Estate. It was noted that the area fell outside the Broads Authority Executive Area although part of Oulton came within the area and therefore under the Neighbourhood Planning (general) Regulations (2012), the Authority was required to approve it. Waveney District supported the application including the Parkhill Estate section, subject to the Authority's approval.

RESOLVED

- (i) that the comments received during the consultation period be noted; and
- (ii) that the Authority agree to designate Oulton as a Neighbourhood Area as the first step in the process of preparing a Neighbourhood Plan.

7/11 Consultation Documents Update and Proposed Responses Brundall Neighbourhood Plan

The Committee received a report from the Planning Policy Officer on the Pre-submission consultation Draft Brundall Neighbourhood Plan prepared by a Working Group representing a wide range of community interest groups within Brundall over the course of 2014 since the Authority's Planning Committee and Broadland District Council designated Brundall as a Neighbourhood Area in March 2014 for the purpose of producing a Neighbourhood Plan. The comments from the Authority were to provide Brundall with assistance to the working group. The next stage would be for the Brundall working group to amend the Plan to take account of comments prior to examination by an independent Inspector and a referendum.

Members endorsed the proposed comments. In addition they considered that the comments relating to the pressure on gardens should be strengthened emphasising the importance of retaining large gardens and green spaces to the character of the area and the Broads landscape in general and not to do so had the potential result of over development. With regard to the comments from the Senior Waterways and Recreation Officer concerning the potential for slipways, it was considered that examples of specific potential locations should be identified.

RESOLVED

that the proposed consultation response together with the comments made be endorsed.

7/12 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee.

With reference to Thorpe Island the Head of Planning reported that further to receiving notice of the challenge to the Planning Inspector's decision on the appeal, this had been acknowledged and the Authority's paper work and evidence was being prepared. In tandem with that, the Authority was preparing to apply for an injunction relating to further breaches of planning control on this site.

It was emphasised that the challenge to the decision was not against the Authority but against the Planning Inspectorate/Secretary of State's decision. Members of the Committee had received letters from the landowner, Mr Wood and agent Lanpro raising a number of issues which had been discussed at the Inquiry and would be rehearsed in respect of the challenge. The matters were not ones for members of the Authority, but for consideration in the High Court.

The Solicitor confirmed that the Authority was awaiting a date for a hearing in the High Court and members would be informed accordingly.

With regard to the Section 73 planning application by the Landowner which sought to vary 19 of the 20 conditions imposed on the planning permission issued by the Planning Inspector, the Authority had not accepted and validated the application since many of the issues related to the legalities of the Inspector's decision.

RESOLVED

that the report be noted.

7/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 24 November 2014 to 15 December 2014..

RESOLVED

that the report be noted.

7/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 6 February at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich. The meeting would be followed by a training session for Members of the Committee on conservation and navigation considerations when dealing with Planning applications.

The meeting concluded at 12.30pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of meeting: 9 January 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	7/8(2)	Application BA/2014/0347/FUL Compartment 25 13,Buttles Marshes, Off Blind Lane, Ludham As Members of the Broads Authority...
Mike Barnard	7/10	Member of Waveney Local Plan Working Group considering Oulton Neighbourhood Plan
Phil Ollier	7/8(1)	Member of NSBA Committee and BA Navigation Committee. Will Withdraw

Apologies were received from: Mr C Gould, Mrs J Brociek-Coulton, Mrs L Hemsall and Mr J Timewell.

8/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0411/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

8/3 Minutes: 9 January 2015

The minutes of the meeting held on 9 January 2015 were agreed as a correct record and signed by the Chairman.

8/4 Points of Information Arising from the Minutes

The Chairman provided information on the following:

- (i) **Minute 7/9 Enforcement Item for consideration: Plot 51 Potter Heigham**
A report would be provided for the next Planning Committee meeting on 6 March 2015.
- (ii) **Minute 7/10(1) Acle Neighbourhood Plan** The Authority had agreed to adopt the Acle Neighbourhood Plan at its meeting on 23 January 2015.

8/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

8/6 Chairman's Announcements and Introduction to Public Speaking

(1) Training/Briefing for Members:

The Chairman reminded members that training would be provided on conservation and navigation issues for consideration when assessing planning applications following this meeting of the Planning Committee.

(2) Dates for Members to note:

- **Utilities Site Pre-Application Presentation**

Before the next meeting of the Planning Committee on 6 March 2015 there would be a presentation to last for an hour on the pre-application proposals for the Generation Park at the Utilities Site. The site falls within the Broads area as well as Norwich City Council's and therefore was a joint application to both Authorities,

although Norwich City Council was taking the lead in dealing with the application. The applicants were Norwich Power House. The Planning Committee briefing would therefore start earlier at 9.30am. The main committee will then follow on at 10.30am.

- **RTPI Conference - 24 February 2015 9.30am – 4.00pm**
The East of England Region of the RTPI (Royal Town Planning Institute) has organised a one-day conference on “Rural Affordable Housing”, which would take place on Tuesday 24 February 2015 at The Maltings in Ely. Anyone interested, was requested to inform the Administrative Officer.

(3) Electronic Agendas and Reports

The Chairman reported that this would be the first meeting when members would be receiving their agendas in electronic format.

(4) Public Speaking

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 intended to audio record the item relating to Enforcement matters particularly concerning Thorpe Island.

8/7 Requests to Defer Applications and /or Vary the Order of the Agenda

A request had been received to vary the order of agenda to accommodate an objector. The Chairman proposed that Application BA/2014/0369/COND relating to Silver Dawn be taken first before application BA/2014/0407/FUL relating to Hoveton Marshes. Members concurred.

8/8 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/2014/0369/COND Silver Dawn, Woodlands Way, Horning**
Variation of condition 3 of PP BA/2012/0056/FUL to amend approved roof material
Applicant: Mr Nick Barrett

The Planning Officer reminded members that the application had been deferred from the meeting on 5 December 2014 as new information had been received and to give the applicant the opportunity to respond. As a consequence additional letters from two specialist companies in roofing were provided at Appendix 3 of the report. The Planning Officer also reminded members that the objector's Solicitor, Leathes Prior, had submitted a letter on 3 December recommending a site visit prior to determination which had been given consideration. Since the writing of the report additional material had been provided by the objectors on behalf of Mr Murrells which included:

- Email of 31 January 2015 with four attachments:
 - Explanatory Notes to accompany attachments
 - Proper Sunrise table, Sun Map 2 Plan and
 - Sun Plan 3 (section)
- Email of 3 February 2015 with three attachments:
 - Vmzinc1 (cover of vmzinc General Technical Recommendations)
 - Vmzinc2 (page titled Surface finishes) and
 - Rheinzink (Rehinzink page of text 0)

Members had also received a letter from Lana Hempsall, as a member of the Committee.

The Planning Officer provided a detailed presentation on the proposal for the retention of zinc galvanised roofing panels which therefore involved the variation of condition 3 which had been discharged on BA/2012/0056/FUL. Samples of the material originally approved by officers and that which had been used were displayed, both of which were of pre-weathered galvanised zinc. The presentation included a number of photographs taken from August 2014 when the roofing panels were first installed up until February 2015. These showed the roofing from various vantage points and in varying weather/light conditions.

In providing the assessment, the Planning Officer emphasised that the use of pre-weathered zinc had been accepted by officers in the discharge of the conditions. The letters from the two specialist companies indicated that it would not be possible to tell precisely when, after how long or if the material which had been fitted would tone down to give a more matt finish. It was accepted that there would be an impact which was more likely to be at its greatest in the summer months but overall this would depend on varying conditions of season, weather and time of day. However, in general it was considered that any changes in the appearance of the roof would not be significant and

the material was not considered inappropriate to the setting and was recommended for approval in accordance with policies DP4 Design and DP28 Amenity. Members needed to consider whether the galvanised material was acceptable for this development, not which material was better than the other.

Mr Murrell, the objector and resident of neighbouring Broadshaven emphasised that the material installed provided a blinding glare which was intolerable and had a considerable impact on his amenity. His property had been purpose built for his needs prior to the neighbouring property having been built and he considered that no consideration was being given to the long term effects on his health or those of his parents who cared for him. Therefore his human rights were being infringed. He recognised that all roofing materials were expected to dull down but the rates would depend on weathering conditions, atmosphere and on differing locations and the views of the specialist companies themselves could not be conclusive. He considered that the non-reflective material originally approved should have been used and therefore the current application should be rejected.

Mr Barrett, the applicant apologised for the genuine mistake in the use of material which due to the complicated nature of installation did not come to light until the panels were installed. Although he acknowledged that there would inevitably be some glare this would only be at certain times and he had been assured that the sheen would dull over time, which he considered had already occurred since August 2014. He clarified that if treated to increase weathering, this would invalidate the guarantee.

Mrs McGoun, the Local District Member spoke on behalf of Mr Murrell emphasising that the misery caused by the glare from the roof panels should not be permitted. She queried why the officers were recommending approval of a material which was not matt and felt this was inconsistent with their original decision. She recommended refusal in that the material was not acceptable as it was inappropriate due to the considerable impact of glare which had no signs of dulling and therefore its use was contrary to Policy DP28. The application was also contrary to Policy DP4 as the material was visually intrusive and its industrial appearance should not be used as a flagship for design particularly at the entrance to the iconic village of Horning.

Members considered that the application posed a difficult dilemma. They were mindful that Officers had accepted the use of galvanised zinc and that, had they been shown a sample of the material in place, they were likely to have accepted it on the basis that it was in keeping with the building's design. One member commented on this basis, the officer's recommendation should be accepted. However, members considered that as members they were now in a more fortunate position in that they had more information available to them than previously. Given the location, they were of the view that the roofing

material would take some considerable time to dull down and therefore there would not be a reduction in impact in the near future.

Some members stated that they were not only concerned about the impact on the general neighbouring amenity, but also on the wider impact on the character of the area. There was concern that the glare from the roofing material did not integrate well with the historical character of the adjacent properties. Although recognising that the impact on the neighbour would be dependent on season, weather and time of day, there could also be an impact on other buildings in the vicinity.

Mr Warner proposed, seconded by Mr Dixon and on being put to the vote, it was

RESOLVED by 5 votes to 4

that the application be refused as it was considered to be contrary to policies within the Development Management Policies for the following reasons:

- (i) the proposed variation of condition would retain a roof material which has an adverse impact on the amenity of the neighbouring properties as a result of glare and sheen, contrary to Policy DP28 of the adopted Development Management Policies Development Plan Document (2011); and
- (ii) the variation of condition would retain a roof material which has an adverse impact on the character and appearance of the area as a result of the glare and sheen which does not integrate with the local surroundings and setting, contrary to Policy DP4 of the adopted Development Management Policies.

- (2) **BA/2014/ 0407/FUL Pound End and Hoveton Marshes, Horning Road, Hoveton St Olaves Marina, Beccles Road, St Olaves**
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 de-watering lagoon
Applicant: Natural England

The Planning Officer provided a detailed presentation of the application to provide the necessary infrastructure to facilitate the operation of a canoe trail in association with the Hoveton Great Broad Lake Restoration Project. Members of the Committee had had the benefit of a site visit on 16 January 2015 a note of which was attached at Appendix 1 to the report. The Planning Officer clarified that it was intended to have six canoes for visitors (not five as suggested at the site visit) each of which would have the ability to be occupied by three people, plus a guide canoe. These numbers had dictated the proposed

number of car parking spaces based on maximum use with places for 6 cycles. It was emphasised that the route of the canoe trail was not the subject of the application as it did not require planning permission. Given the importance of the whole site for its ecology and landscape it was important that necessary mitigation measures were in place. Therefore it was proposed that the route and its management would be monitored as to the impact on wildlife and the general ecology and therefore may be varied. This was confirmed by the applicant.

Since the writing of the report consultations had been received from a member Peter Dixon, objecting to the application, details of which had been circulated. Horning Parish Council had sent in comments following the site visit confirming that it had no objections. In addition, a full assessment of tree loss relating to the development of the slipway and footpath to the Broad had been undertaken and it had concluded that there was not likely to be an adverse impact on the integrity of the wet woodland. The Planning Officer commented that many of the representations received had voiced the aspiration for greater public access, particularly from the water. Although the proposal did not fulfil this aspiration in its entirety, Members were required to consider the application on its merits.

In conclusion and having taken account of the potential impacts on landscape, highways, navigation, flood risk and water quality and amenity, the Planning Officer considered that the operational development for a canoe trail in association with the lake restoration project with managed access would be acceptable subject to specific mitigation measures to take account of this very sensitive area. She therefore recommended approval subject to a number of conditions prior to and during construction, prior to first use and relating to restoration and enhancement and operation.

Chris Bielby, on behalf of the applicant, Natural England confirmed that the access would not be open to the public generally but only for those who had pre-booked to use the canoe trail, although the gate would be open during the day while the canoe trails were operating, otherwise the gate would be locked. Details of the operation were not fully defined but these would be the subject of planning conditions and signage could be included as part of this.

Chris Bielby explained that the Canoe Trail would be run by the landowners, the Hoveton Estate and although a commercial operation, it would be part of the partnership with Natural England and therefore subject to mitigation measures to protect the area and comply with habitat legislation. Chris Bielby assured members that Natural England had stringent monitoring measures to ensure that there would not be a negative impact on the biodiversity of the area, as stated by the Planning Officer. He also explained that as part of the wider lake restoration project, and the funding bid, Natural England required a full

lease agreement to be in place with the landowner, which was at present in draft although a letter of intent had been received.

Members were particularly concerned about the special ecological qualities of the area which they considered unique. They considered the proposal would provide a very attractive proposition for visitors who would wish to be close to nature and have a unique experience. Although mindful that greater public access was required for the Heritage Lottery Fund bid for the restoration proposal for Hoveton Great Broad, and this was the Authority's view, they were concerned that the access on this side of the Broad should be appropriately controlled, managed and mitigating measures should also include signage. Officers clarified that if the site was to be opened to general public access this would require another planning application.

A member suggested that a five year temporary permission might be considered. However, officers were of the view that it would be difficult to justify a temporary permission and that the management arrangements would be sufficient especially as the operation would be constantly reviewed as part of these and Natural England was the responsible professional body involved.

Some members expressed concern that the track and location of the car park across an arable field would be visually intrusive and also were apprehensive about its control and that it should possibly be scaled down. It was suggested that if anywhere it should be nearer the road. However, it was clarified that the material used would not change the visual appearance of the grass margins and could be removed should the canoe trail fail. Others considered that the car park would be fit for purpose, but agreed that it should also be screened.

In general members were supportive of the scheme as it would provide increased opportunities for people to experience the unique qualities of the area and increase understanding of those qualities, provided there were effective controls to protect them as had been outlined by officers with additional conditions to cover signage and additional landscaping.

Professor Burgess proposed, seconded by Mr Dixon and it was

RESOLVED by 8 votes in favour, 1 against with one abstention,

that the application be Approved subject to conditions as outlined within the report covering aspects prior to construction, during construction, prior to first use, restoration and enhancement and operation with the addition of conditions to cover landscaping of the car park as well as signage to ensure managed access.

The application is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP5, DP11, DP12, DP14, DP28 and DP 29 of the adopted Development Management Policies DPD (2011),

Policies CS1, CS6, CS9, CS11, CS17 and CS20 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(3) **BA/2014/0411/FUL 3 Bayed Areas of Reedswamp Fronting Hill Common, Hickling**

Install erosion protection along 3 bayed areas at the Northeast end of Hickling Broad.

Applicant: Broads Authority

Attention was drawn to the objection received relating to the legalities of the processes in dealing with the application. Having taken legal advice and in accordance with the Authority's constitution and the relevant planning legislation and best practice, Officers were satisfied that the Authority was compliant with these. Having assessed the main issues concerning the application, the Planning Officer concluded that the proposed development was a necessary part of the ongoing management and maintenance of Hickling Broad. It was in accordance with the wider objectives of the Broads Authority as set out in the Broads Plan and also in accordance with the Sediment Management Strategy. There would be no adverse effect on ecology, landscape quality, navigation or flood risk, was in accordance with Development Management Policies and was therefore recommended for approval subject to conditions.

Sally McColl for the applicant assured members that similar materials for the project had been used elsewhere and no incidents of damage to wildlife had been reported.

Members were satisfied that the technique had been satisfactorily trialled elsewhere and that the scheme could be commended. Given the limited disposal sites for dredging available, the opportunity afforded by the proposal was welcomed. They concurred with the Officer's assessment.

Mr Ollier proposed, seconded by Mr Jermany and

It was RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposals were considered to be in full in accordance with the relevant Development Plan Policies and the National Planning Policy Framework, particularly Policies CS1 and CS15 of the Core Strategy and DP2 of the Development Management Plan DPD and the National Planning Policy Framework.

8/9 Conservation Area Re-Appraisals : Halvergate Conservation Area

The Committee received a report providing a summary of the feedback on the consultation relating to the Halvergate Marshes Conservation Area Re-Appraisal prior to a decision on its adoption. This was in accordance with the Authority's responsibility to review its current Conservation Areas and publicise Appraisals and Management Proposals. Members had agreed the draft appraisal for consultation at its meeting on 25 April 2014, following consideration by the Heritage Asset Review Group and the consultation was carried out in line with the Authority's Statement of Community involvement.

The level of feedback was understandably low given the limited number of residential properties in the area, and the fact that no change was proposed to the boundary. It was noted that the Halvergate Marshes Conservation Area was the only one wholly within the Broads Executive Area which was currently at risk. It also came within the boundary of the proposed Landscape Partnership Area.

Members agreed that the area identified by the boundary map and described in the appraisal and management plan was worthy of Conservation Area designation following detailed assessment, public and stakeholder consultation. They welcomed the detailed interesting document which provided excellent justification for the area's designations and for adopting the Conservation Area Re-Appraisal. It was suggested that the first sentence of the second paragraph on page 22 of the document (Page 80 of the papers) should be replaced with the following words:

"The current condition and characteristics of the Halvergate Marshes reflect a history of sustainable human use and management of the land over many centuries"

RESOLVED

- (i) that the feedback from the consultation on the Halvergate Conservation Area be noted; and
- (ii) that the the Halvergate Conservation Area Re-Appraisal and Management Plan with minor amendments as suggested above be formerly adopted by the Broads Authority

8/10 Consultation Documents Update and Proposed Responses Duty to Cooperate – Formal Cooperation through a Shared Non-Statutory Strategic Framework

The Committee received a report from the Planning Policy Officer on the proposal for the Authority to be part of the formal cooperation through a shared non-statutory strategic framework in order to assist in discharging the duty to co-operation requirements of the Localism Act 2011 in order to maximise the effectiveness of Local Plan preparation and provide efficiency savings through joint evidence base. Members noted the five options put

forward and agreed that Option 3 as outlined would be the most appropriate way forward. It was noted that this format had been used elsewhere in the region with success in examinations of Local Plans.

Members also gave consideration for the need to cooperate with Waveney District and Suffolk County Councils, recognising that Suffolk was not as far forward in the processes as Norfolk. However, it was considered that the option recommended by the Norfolk Duty to Cooperate group would not jeopardise arrangements to be made with Suffolk County, particularly as Norfolk County itself would be required to cooperate with its adjacent Authorities. The Authority would continue to engage with Waveney District.

A member queried whether issues relating to water quality/supply etc with special reference to the Water Framework could be addressed. The Planning Policy Officer commented that these matters were included within the Norwich Great Development Project Joint Core Strategy (Policy 3) and the Government had recently published a consultation document on building regulations which included matters relating to water quality. Links would be provided for members' information.

http://www.south-norfolk.gov.uk/planning/media/1_Adopted_Joint_Core_Strategy_January_2014.pdf

The recent Government consultation on water
[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354089/140901_G2 - Water.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354089/140901_G2_-_Water.pdf)

Members endorsed the proposal, recognising that details would still need to be worked out but they were mindful that the combined experiences would provide access to more resources and help to reduce costs.

RESOLVED

that the proposal be endorsed and the Broads Authority become part of the formal cooperation through a shared non-statutory strategic framework subject to later agreement of:

- Amended terms of Reference for the Member Duty to Cooperate Group
- Appropriate Officer and Member Working Arrangements for Budget and Timetable issues

8/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Thorpe Island

With reference to Thorpe Island, the Head of Planning reported that further to receiving notice of the Section 288 challenge to the Planning Inspector's decision on the appeal, the appellant had also submitted a Section 289

Challenge seeking to repeat the arguments that the original planning permission had not been abandoned. Both Inspectors had decided that it had been abandoned. It was again emphasised that the challenge to the decision was not against the Authority but against the Planning Inspectorate/Secretary of State's decision.

The Head of Planning confirmed that the Authority was preparing to apply for an injunction relating to further breaches of planning control on this site.

With regard to the Section 73 planning application by the landowner which sought to vary 19 of the 20 conditions imposed on the planning permission issued by the Planning Inspector, the Authority had not accepted and validated the application since many of the issues related to the legalities of the Inspector's decision. The landowner had subsequently lodged an appeal against the Authority for non-determination.

Land at OS4299 at North End Thurlton

The Authority had taken direct action and was now seeking recovery of the costs which amounted to around £5,000. There were various options open to members and these would be brought to the Committee with associated costs for full consideration at the next meeting.

Former Piggery Building adj to Heathacre, Chedgrave Common

The Head of Planning reported that following a site visit, it was confirmed that compliance had now been achieved. There was a caravan on the site and this was being monitored. It was noted that the issues relating to Chedgrave Common were separate.

J B Boat Sales

The case scheduled for 28 January had been adjourned for four weeks.

Wherry Hotel, Bridge Road, Oulton Broads Authority

A planning application had been received.

RESOLVED

that the report be noted.

8/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 December 2014 to 26 January 2015.

RESOLVED

that the report be noted.

8/13 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications

The Committee received Development Control Statistics for the quarter ending 30 September 2014 which had been corrected as well as those for the quarter ending 31 December 2014. The original report for September 2014 had not included all the information due to technical adjustments being required following the introduction of new software. The figures illustrated that the Authority was performing within the Government targets which was welcomed.

RESOLVED

That the reports be noted.

8/14 Design Tour and Design Awards – Views of members to be sought

The Historic Environment Manager provided members with a presentation setting out proposals and options for a possible Design Award for the Broads area. It was recognised that there were a number of quality developments within the area and to encourage further quality design it might be beneficial to recognise this in some way.

Currently the Authority undertook to carry out an annual Design Tour with a geographical focus looking at a selection of developments approved under both delegated and Committee decisions. The Member's assessments and discussions were then fed back to the developers. However, this did not include the views of third parties. In addition, some of the developments chosen were not necessarily considered worthy of a design award but were included in the Design Tour for other reasons.

Members were informed of some of the procedures for providing awards in other District Authorities which included a selection of differing categories of development, nominations from individuals and parish councils, short listing procedures as well as possible site visits and a Selection Panel followed by an award ceremony in some cases.

Three possible options were posed:

- Continue with the status quo of a Design Tour for members and feed back comments to property owners
- Use the existing Design Tour to select Projects for an Award
- Launch a Design Award with single categories and choose an outstanding Design.

Members were mindful that to run a Design Award scheme would have an impact on resources. There were other awards available from organisations such as RIBA, CPRE and the Authority could recommend developments for such and encourage owners to apply. Members considered that any selection process should involve independent persons. It was considered that

the current Design Tour provided a specific purpose for members to view design which had worked well and to learn from other developments which had not been so successful. They therefore considered that the current Design Tour should be kept separate from any Award Scheme. Although one member suggested that a design award within the Broads area should be administered by another group rather than be undertaken by the Authority itself, others considered that it was important that it was seen as a Broads Authority Design Award.

The Committee considered that further investigations could be undertaken, particularly with the National Park Authorities as well as other Authorities, such as Southend, in order to examine other options as well as the resources and timescales required. They did not consider that a lot of time should be spent on this as it was not a priority.

RESOLVED

- (i) that the report be noted and low level further investigations be made into the options for setting up a Design Award;
- (ii) that the current format for the Authority's Design Quality Tour be retained; and
- (iii) that the provisional date of the next Authority Design Quality Tour be 12 June 2015.

8/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 6 March 2015 starting at **10.30am** at Yare House, 62- 64 Thorpe Road, Norwich. Prior to the meeting members should receive a presentation on pre-application proposals for development at the Utilities Site, Norwich with the main decision making committee starting at 10.30am.

The meeting concluded at 13.40pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 6 February 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	8/8((3	Application BA/2014/0411/FUL 3 Bayed areas of Reedswamp protection fronting Hill Common, Hickling As Members of the Broads Authority...

Broads Forum

Draft Minutes of the meeting held on 5 February 2015

Please note that these draft minutes will be reviewed by the Broads Forum at its next meeting on 30 April 2015 and may be subject to amendments prior to being confirmed

Present:

Dr Keith Bacon in the Chair

Mr Andrew Alston	Mr Robin Godber	Mr Philip Pearson
Mr Brian Barker	Ms Barbara Greasley	Mr Bryan Read
Mr Ashley Cato	Mr John Hiskett	Mr Richard Starling
Mr Michael Flett	Mr Brian Holt	Mr Charles Swan
Mr Martin George	Mr John Lurkins	Mr John Tibbenham
Mr Tony Gibbons	Mr Peter Medhurst	

In Attendance:

Mr Adrian Clarke – Senior Waterways and Recreation Officer
Ms Esmeralda Guds – Administrative Officer
Mr Simon Hooton – Head of Strategy and Projects
Mr Piero Ionta – Solicitor & Monitoring Officer
Ms Andrea Kelly – Senior Ecologist
Mr John Organ – Head of Governance and Executive Assistant
Dr John Packman – Chief Executive

Also in attendance:

Mr Will Hershel-Shorland – Insight Track

3/1 Apologies

Apologies for absence were received from Martyn Davey and Simon Partridge.

Also present was John Carr.

3/2 Chairman's announcements

The Chairman reported on the Broads Authority meetings of 23 January 2015 and the issues discussed including:

- (1) The proposal on branding had been accepted.
- (2) The Ten Year Mooring Strategy Plan had been accepted.

- (3) The outcome on the Waste Facility Review is that the Broads Authority will only be involved with collecting waste at Ranworth because it is the landowner.
- (4) The 24 hour moorings and the Marsh at Geldeston will be retained but the woodland will be disposed of, although public access will be maintained.
- (5) The Agriculture Environment Scheme which was discussed and noted.
- (6) The use of electronic paper work by the Broads Authority and how the Committee will be encouraged to use electronic papers but will continue to be provided with paperwork if necessary.
- (7) Titus Adam has left the Authority as Head of Finance and has now been replaced by Emma Krelle.
- (8) Sediment Management Plan had been approved.
- (9) 1.7 % rise of tolls for next year had been approved.

The Chief Executive updated the members that he had just learned that the bid for £715K to the Department for Transport for the Wroxham/Hoveton to Horning Section of the Three Rivers Way Cycle Route had been successful. Furthermore members were updated that the Authority now had the details of how much it would cost to maintain the existing moorings for the next ten years, that the length of the Hoveton Viaduct mooring will be reduced by 50% and that the lease for the Thorpe River Green mooring would expire in 2017.

3/3 To receive and confirm the minutes of the meeting held on 6 November 2014

The minutes of the meeting held on 6 November 2014 were confirmed as a correct record and signed by the Chairman.

3/4 Public Question Time

No questions had been raised by members of the public.

3/5 Summary of progress/actions/response taken following discussions at previous meetings

A report summarising the progress of current issues was received and members noted the report.

3/6 Climate Change Adaption Plan

Members were provided with a report which outlined progress made with the Climate Change Adaptation Plan. The technically detailed plan was being developed to be sent to Defra but a simpler summary (circulated) had been approved for consultation with organisations and interested parties (subject to finer editing and design). They were made aware that their views were sought and that any responses received would be reviewed and used to inform any necessary revisions to the plans.

Members were reminded that a new approach was adopted making use of a concept developed by the National Wildlife Federation in the USA called 'Climate Smart' which seemed to be a helpful way to tackle the impacts.

Martin George (MG) mentioned he believed that water quality is absolutely key and advised members and the Authority to look into the research done after the 1938 flood on what steps to take to restore agriculture land damaged by sea water. He continued that he believed that the risks of fens being contaminated by salinity is overlooked and that whatever possible needs to be done to keep a predominately fresh water system within The Broads. The Chairman added that it was remarkable that the number of houses which were flooded in the 1938 flood was in single figures as back then they knew where to build and where not.

Robin Godber (RG) expressed concerns regarding the barriers which were put up in Ipswich and Boston and possibly another one in Lowestoft as this could lead to raised water levels in Norfolk.

After a comment from Andrew Alston (AA) that land takes a very long time to recover after it has been flooded by seawater, MG responded that the Dutch had been aware that water bodies are the slowest to recover and therefore believed it was a priority for land to be drained in order for it to recover quicker. Tony Gibbons (TG) believed that the issue therefore was not so much flooding but prevention of saline incursion.

Philip Pearson (PP) said that he was pleased with the set timeframe of two years for the Broads Climate Change Partnership to be implemented and believed it was important to stick to this, to which the Head of Strategy & Projects responded that although the two year timeframe was not guaranteed, he felt optimistic as the Environment Agency had not challenged it.

Richard Starling (RS) however thought there were too many adaption plans already and that this exercise had not led to any changes on the ground since it was started 6 years ago. Climate Smart involves funding in part by carbon offset schemes which remains a controversial program. It enables polluters to carry on without any change or adaption.

AA mentioned that if people living in the Broads like to continue to receive fresh water they would need to take some responsibility themselves.

Bryan Read (BR) said he welcomed the adaption plan and suggested he would discuss the issues with bodies he is involved with to explore what it might mean for them. This was greatly welcomed by the Head of Strategy and Projects who offered to support where he could any organisation wanting to review the document or do their own adaptation planning.

Members welcomed and noted the report.

3/7 Initial Results from Stakeholder Surveys

Members received a report which provided them with a summary of the outcome of the surveys of private boat owners (PBOs), hire boat operators (HBOs), visitors and residents that had recently been carried out for the Authority by Insight Track, a local market research company.

Members were informed that the research accords with the standards and best practice guidance of the Market Research Society and therefore the findings of the surveys provide the Authority with a solid evidence base on the views, priorities and opinions of its customers.

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.

It was highlighted that dredging was considered to be a high priority across all audiences as was wildlife conservation and educating the next generation about the Broads.

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.

RS mentioned that the survey should have illustrated the figure of boat owners and residents in percentages and questioned the statistical validity of the survey as a whole.

Will Hershel-Shorland from Insight Track's response was that although they did not interview all the residents, 10 % was considered to be a very robust sample which included all profiles and therefore would have much the same result as a census where 100% of the residents would have been interviewed.

Peter Medhurst said that the survey in many ways was confirming what they already knew, but the Senior Waterways and Recreation Officer added that even if this was the case it was important to get what they already knew confirmed and evidenced.

The Chief Executive commented that there were some surprising elements to the survey like the future boat ownership. He mentioned that the view prior to the survey had presumed that the overall profile of boat owners was that dominated by retired individuals. The survey showed brought to light that in future younger people were aspired to increase the number and size of boats they own.

Mike Flett said that another surprising fact was that a third of the residents were unaware of who was responsible for managing The Broads and unaware of the Government's proposal regarding direct elections.

Barbara Greasley highlighted the dissatisfaction of the HBOs and wanted to know if the Authority had made any plans to approach them to improve

communication to which the Chief Executive responded that a meeting with the Chairman of the HBOs had already been set up.

Members noted the report.

3/8 Workshop on fen ecology, hydrology and holistic water management in the Broads

Members were informed that the Authority is proposing to hold workshops to raise awareness of and discuss fen ecology and hydrology and holistic water management and that their views were sought on the objectives and who should be considered for involvement in these workshops.

It was pointed out that the workshop would be divided into a technical ecology and hydrology workshop and a summary workshop on ecology and hydrology and that an appointed steering group who would be responsible for facilitating the workshop would consider the members views when agreeing on the speakers and the discussion topics on the agenda.

It was highlighted that due to the decision making process of water abstraction around Catfield Fen area by the Environment Agency the background for this workshop would be politically sensitive.

The Chairman believed that the Workshop ought to include representatives of the Local Access Forum and Parish Councils as the fen areas are located in local communities and should be made accessible to the public as public money is being spent to preserve them.

RS mentioned that as long as the workshop wouldn't be held in the busy summer months during the bird nesting period and the sedge harvest, he thought it was a good idea. However, he believed clear and easy to understand information was required, particularly in relation to whether dredging would improve water quality as currently information given was inconsistent.

The Senior Ecologist responded that this was not the purpose of the workshop and there was another workshop focusing on the Lake Review. However to respond to this point she agreed that whether the value of sediment removal was enough to clear water improvement was a complicated matter and that it would therefore be important for knowledge to be shared to members through a non-technical workshop which was not the subject of this paper which was about a fen ecology and hydrology seminar.

Although the Chairman said that he would have preferred one larger workshop including everyone, PP believed that, knowing how technical these discussions can become, a summary workshop would work better so they could draw on experiences from the Dutch and be accessible to a wider audience. PP continued that it was important to look at pathways and identify

the key areas which required most effort and that feedback from hydro ecologist needed to be included in the workshop.

Both members and officers agreed that a lot of information had been collected for fens and hydrology and it would be of benefit to share this at this time. With the large amount of information that is available this should not hinder moving ahead to continue improving and protecting fen habitats.

Members welcomed and noted the report.

3/9 Chief Executive's Report

The Chief Executive presented his report, which summarised the current position of The Authority's strategic priorities.

Members were updated that the Broads Landscape Partnership was progressing very well and that currently the Authority was assessing over 60 projects which had been put forward. One of the strategic priorities for the coming year would be to develop a long-term plan for the future of Hickling Broad. The Strategy and Action Plan for Sustainable Tourism and the Broads Plan were both coming to an end and were up for review.

Members noted the report.

3/10 Parish Issues

Ludham Bridge Footpath

Members were informed that although it took a long time to come to an agreement as The Authority had to deal with 3 different landowners, the final draft of the agreement regarding a permissive footpath from Ludham to St Benet's Abbey had finally been sent to the solicitors and the aim was to have the footpath open to the public by the end of April 2015.

Harbour Revision Order

Charles Swan enquired whether any progress had been made with the Harbour Revision Order to which the Senior Waterways & Recreation Officer replied that Suffolk County Council had informed him that it was likely to happen this year but would get an update and feedback to the Committee.

West Somerton

Brian Barker mentioned professional signs regarding waste were needed at the moorings in West Somerton and RS added that visitors needed to be made aware where available facilities were located.

3/11 Current Issues

John Lurkins updated the members regarding the converted pig barn without planning permission in Chedgrave Common.

3/12 To note whether any items have been proposed as items of urgent business

No items were proposed as items of urgent business.

3/13 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.

3/14 Matters to be discussed at the next meeting

Several items were suggested to be discussed at the next meeting which were:

- A Broads Society Paper on Heritage Boats,
- Police cover in the Broads in view of recent budget cuts and the number of incidents of thefts at Staithes
- An update regarding a proposal from the parish councils to fund community officers,
- The Ferry Festival Fair
- A report on the source of sediment by Natural England
- Appointment of Chair and Vice Chair
- Network Rail proposals for Reedham Station

Also, Peter Medhurst mentioned he wishes to withdraw as Vice Chairman.

3/15 Date of Next Meeting

To note that the date of the next meeting will be Thursday 30 April 2015 at 2.00pm at Yare House, 62-64 Thorpe Road, Norwich.

The meeting concluded at 5 pm.

Chairman

Broads Authority

Financial Scrutiny and Audit Committee

Minutes of the meeting held on 10 February 2015

Please note these draft minutes will be reviewed by the Financial Scrutiny and Audit Committee at its next meeting on 7 July 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 Durrant

In Attendance:

Ms E Guds – Administrative Officer
Ms E Krelle – Head of Finance
Mr J W Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive

Also in Attendance:

Mr N Harris – Director, Ernst & Young
Ms E Hodds – Internal Audit Consortium Manager
Ms J Penn – Treasurer and Financial Adviser
Mr M Russell – Executive, Ernst & Young

2/1 Apologies for Absence

Apologies for absence were received from Mr N Dixon and Dr S Johnson.

2/2 Matters of Urgent Business

There were no matters of urgent business.

2/3 Declarations of Interests

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

2/4 Minutes of the Financial Scrutiny and Audit Committee Meeting held on 23 September & 21 November 2014

In relation to *Minute 2/10 Annual Review of Strategic Risk Register*, some members were considering whether a new risk might need to be defined or an

existing one strengthened to include an item concerning the adoption of the National Parks style, while others believed this to be unnecessary as the risk register would deal with risks at a strategic level and not at the level of individual proposals or decisions.

Head of Governance and Executive Assistant confirmed that issues such as communication, reputational risk and corporate risk arising from rebranding were fully covered by 'Ineffective Engagement with Key Partners/ Stakeholders' and 'Failure to comply with Legal Requirements' risks.

After a short discussion and clarification the minutes of the meeting held on 23 September 2014 and 21 November 2014 were approved as a correct record and signed by the Chairman.

2/5 Public Question Time

No questions were raised by members of the public.

2/6 Investment Strategy Performance Six Monthly Report 2014/15

Members received a report which set out details of the Authority's investment of surplus cash, including the investment principles adopted and performance during the six months to 30 September 2014 and included a review of the performance in 2013/14.

The Committee was reminded that the investment of surplus cash was governed by a Service Level Agreement between the Broads Authority and Broadland District Council and that the closing balance for 2013/14 was £2.750 million. As at the end of September this balance had increased to £3.750 million.

As the Authority had a greater need for cash flow flexibility, having drawn down reserves in 2013/14, it was proposed not to make any direct investments at present so currently a larger balance would continue to be invested with the Council. Any losses would be shared pro-rata between the two organisations.

RESOLVED

that members noted the report.

2/7 Consolidated Income and Expenditure: 1 April to 30 November 2014 Actual and 2014/15 Forecast Outturn

Members received a report that provided the Committee with details of the actual income and expenditure for the eight month period to 30 November 2014, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2015).

The current forecast outturn position for the year suggested a deficit of £91,977 for the national park side and a deficit of £19,006 on navigation resulting in an overall deficit of £110,984 within the consolidated budget, which would indicate a general fund reserve balance of approximately £707,000 and a navigation reserve balance of approximately £271,000 at the end of 2014/15. This would mean that the navigation reserve would fall slightly below the recommended level of 10% of net expenditure during 2014/15. The impact of both the national park and navigation reserve balances had been taken into account when preparing the budget and medium term financial strategy.

Members were of the opinion that the use and convention of figures in red and in brackets was confusing and suggested that an adverse variance would be demonstrated as a minus and a surplus with a positive. It was therefore decided that as from the 1 April 2015 figures would be illustrated in black using minus and positives to demonstrate a variance.

The Chief Executive updated the members that the Secretary of State had confirmed that the levels of National Park Grant for 2015/16 would be in line with that previously announced, a 1.74% reduction, which was in line with the budget already approved by the Authority.

Furthermore the members were informed that the Broads Authority in partnership with Norfolk County Council had been successful in securing a bid for the first stage of the 3 Rivers Way cycle route and Norfolk County Council would be receiving 715K from the Department of Transport. The funding would be used to construct a shared cycleway footway connecting Wroxham to Horning. The Authority would be contributing £65,000 of matched funding which would be funded from the Planning Delivery Grant Reserve.

To a question as to whether the Authority was looking at scenarios how to respond to the prospect of further cuts, the Chief Executive responded that officers were working with the other national park authorities in preparing for discussions with Defra officials on the future of National Park Grant. In the meantime it was important that the Authority demonstrated its ability to deliver on important projects such as the Landscape Partnership Bid.

RESOLVED

that members noted the report.

2/8 Internal Audit Strategic and Annual Audit Plans 2015/16

Members received a report which delivered an overview of the stages followed prior to the formulation of the Strategic Internal Audit Plan for 2015/16 to 2017/18 and the Annual Internal Audit Plan for 2015/16.

The resulting Annual Internal Audit Plan would then serve as the work programme and initial terms of reference for the Authority's Internal Audit Services Contractor, TIAA Ltd, and provided the basis upon which the Internal

Audit Consortium Manager would subsequently give an Annual Audit Opinion for 2015/16.

The Internal Audit Consortium Manager mentioned that the Audit Charter, , will be presented to the Finance and Scrutiny Audit Committee every two years from now on for review. The Code of Ethics that was previously brought to The Committee would be reviewed by the Internal Audit Consortium Manager as part of the Audit Charter review.

The details of the IT audits would be determined once the new contractor (TIAA) was in place from 1 April 2015. The Internal Audit Consortium Manager would determine the exact requirements in conjunction with the Head of IT and Collection of Tolls.

The audit of the Asset Management database would be undertaken in 2016/17 to make sure its contents are accurate and reflected the current Fixed Asset Register.

RESOLVED

that the Committee approved

- (i) the minor amendments to the Internal Audit Charter as noted with the report;
- (ii) the Internal Audit Strategy for 2015/16;
- (iii) the Strategic Internal Audit Plan for 2015/16 to 2017/18; and
- (iv) the Annual Internal Audit Plan for 2015/16.

The Committee noted

- (v) the Performance Management measures for the new Internal Audit Contractor.

2/9 Audit Procurement

This report provided an overview of the stages followed, and the outcomes of, the recent procurement exercise for Internal Audit Services across the Norfolk Internal Audit Consortium. The Consortium consisted of Breckland, Broadland, North Norfolk and South Norfolk district councils, Great Yarmouth Borough Council and the Broads Authority.

The role of the Head of Internal Audit and contract management was currently provided by South Norfolk Council via a group agreement, and the current contract for the provision of Internal Audit Services expired on 31 March 2015. An OJEU tender was undertaken due to the value of the work to be contracted, with three suppliers submitting final bids. The contract was awarded on a quality (60%) / price (40%) split and had now been awarded to TIAA Ltd, one of the largest specialist internal audit providers in the UK, and an employee-centred organisation with staff being the majority shareholders.

In addition all members of the Consortium had confirmed that they were staying with the role of the Head of Internal Audit and Contract Manager provided by South Norfolk Council.

RESOLVED

that members noted the report.

2/10 External Audit

Members received a report which appended the Annual Audit Letter for 2013/14, the Audit Plan for the 2014/15 audit and the Local Government Audit Committee Briefing by Ernst & Young.

The Committee was informed by Ernst & Young that no significant matters were identified from their 2013/14 audit when they had issued an unqualified value for money conclusion on 26 Sep 2014 and that there were no significant accounts, or control issues they needed to draw the Authority's attention. Moving on to the 2014/15 Audit Plan, they highlighted that the main audit risk was one of management override, when there is an incentive for manipulation, and that they would work with The Authority to validate this risk and see what measurements The Broads Authority was ready to put in place to prevent risks like this from taking place.

Members agreed that the auditors and the finance department are doing a good job and recognised that the accounts have improved greatly over the last few years to the effect that the Authority is now able to forecast income and expenditure very accurately.

One member was interested to know that now the Broads Authority was less of an audit risk, this would mean a reduction in the auditor's fees, to which the Director of Ernst & Young responded that the fee could be reviewed and that they would consider an amendment in the future if this was considered appropriate.

RESOLVED

that the Committee noted:

- (i) the Annual Audit Letter for 2013/14;
- (ii) the Audit Plan for the 2014/15 audit; and
- (iii) the briefing, including the key questions for Audit Committees as set out on page 8.

2/11 Implementation of Internal Audit Recommendation and Summary of Progress

Members received a report which updated them on progress in implementing Internal Audit recommendations arising out of audits carried out since 2013/14.

It was highlighted that an audit of End User Controls was completed in December, receiving an 'adequate' audit opinion with three medium and five low priority recommendations being raised.

The Head of Finance informed members that the Authority was aware of the identified areas of weakness, but as the IT department had not yet been successful in replacing their IT support worker, they had been short staffed and were therefore struggling with taking actions forward.

The Chief Executive explained that the difficulty with recruiting a suitable applicant was that although the demands of the job required a wide and specific skill set, the Authority was not in a position to offer a salary commensurate with the market rate that matches that skill set.

Members suggested recruiting through agencies, outsourcing the IT department or using students as an internship from the University of East Anglia.

The Chief Executive's response was that the problem with these options was that recruiting someone through an agency could create a situation where someone in a junior position would end up earning more than his senior. The issue with an apprenticeship would be that it's temporary whereas the IT position requires a full-time permanent position to allow the appointee the appropriate time to familiarise him/herself with the wide stretch of responsibilities involved.

RESOLVED

that members noted the report.

2/12 National Parks UK Commercial Sponsorship Proposal

Members received a report which sought the views of the Financial Scrutiny and Audit Committee on the establishment of a new company called National Park Partnerships Limited, a Company Ltd by Guarantee (CLG), to take forward the joint commercial sponsorship initiative for the fifteen National Parks in the UK.

It was recommended that to allow a small contingency, each National Park Authority would contribute £10,000 in Year 1 and allocate 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.

Members were informed that 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.

It was explained that membership of the Board would be by appointment by the wider membership (i.e. the NPAs, the fourteen UK National Park Authorities and the Broads Authority) and that it was proposed that NPA representatives should always be in the majority on the Board and that initially the Board would comprise of seven Members with four NPA and three external members.

It was then highlighted that agreeing to the national level sponsorship proposals would not hinder the right of individual National Park Authorities to undertake local sponsorships, giving, joint-ventures or any commercial activity of a local nature.

As National Parks face an extremely challenging period of sustained budget decline which is severely impacting on the Authority's ability to deliver their core purposes members were made aware that after having reviewed and evaluated the potential opportunities for commercial sponsorship of National Parks at a UK level, The Authority considered it appropriate to support this initiative.

However, some members were concerned that the risk of the costs attached to the Commercial Sponsorship Proposal would escalate to the extent that the net return would be greatly diminished and doesn't justify the effort. There was a further concern whether all the partners would be equal and control the salary and administration on-costs so that they were proportionate and reasonable.

The Chief Executive responded that Members of the Company would be the 15 National Park Authorities (as defined this would include the Broads Authority), that the remuneration of the Directors would be decided by the Members as would be the oversight of expenditure and that the recruitment of the Directors had been delegated to four National Park Chairs.

He continued that the National Park Authorities would extract value from the Company via the Intellectual Property Licence Agreement which would be the route to limit the amount of other expenditure by the Company. The Chief Executive explained that the intention was that the majority of any income would be distributed equally to the Members, the National Park Authorities, and that the safeguard was that the ultimate authority rests with the 15 Members.

It was made clear to the Committee that the accounts for National Parks UK and the new company National Park Partnerships Ltd would be scrutinised by the National Park Chairs who represent the Members and that the purpose of the new company would be to facilitate corporate sponsorship for the 15 National Parks. The bulk of any money raised would be divided equally between the Parks, the 15 Park Authorities are equal in this endeavour and 4 had volunteered to do the work of appointing the Directors.

A member suggested it might be a good idea to restrict the administration cost to a certain percentage similar as the Authority did for the Sustainable

Development Fund to which the Head of Governance and Executive Assistant responded that this would be a good idea but that it would be better for the directors to put a policy in place for this rather than put it in the Articles of Association.

The Chief Executive added that the Authority had already made provision in this year's budget for the payment of the initial £10,000 contribution and was of the view that the potential benefits of working with the 14 National Park Authorities on this endeavor outweighed the risk of losing the investment.

The Chief Executive's thoughts were shared by other members and it was mentioned that this would demonstrate to Ministers and the Government that the Broads Authority and National Park Authorities were actively looking for other sources of income.

RESOLVED

that the Committee confirmed the in principle decision by the Broads Authority:

- (i) that the establishment of a new Company Ltd by Guarantee, the 'National Park Partnerships Limited' to oversee the development of commercial sponsorship on behalf of the National Park Authorities and the Broads Authority be endorsed;
- (ii) that the Authority should become a signatory to the Members Agreement which binds all 15 UK National Park Authorities; and
- (iii) that a budget provision be made in 2015/16 for the potential second payment of £10,000

2/13 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.

2/14 Formal Questions

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

2/15 Date of the next meeting

Members noted that the next Financial Scrutiny and Audit Committee meeting would be held on Tuesday 7 July 2015 at Yare House, 62-64 Thorpe Road, Norwich, commencing at 2:00pm.

2/16 Exclusion of the Public

The Committee was asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves 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.

2/17 To receive and confirm the exempt minutes of the meeting held on 21 November 2014

The exempt minutes of the meeting held on 21 November 2014 were approved as a correct record and signed by the Chairman.

The meeting concluded at 3.20 pm

CHAIRMAN

APPENDIX 1

Declaration of Interests

Committee: Financial Scrutiny and Audit Committee

Date of Meeting: 10 February 2015

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	11	In receipt of pre-pay application advice at the moment	

Navigation Committee

Minutes of the meeting held on 26 February 2015

Please note these draft minutes will be reviewed by the Navigation Committee at its next meeting on 23 April 2015 and may be subject to amendments prior to being confirmed

Present:

Mr D A Broad (Chairman)

Mr K Allen
Miss S Blane
Sir P Dixon
Mr P Durrant

Mr A Goodchild
Mr P Greasley
Mr M Heron
Mr J Knight

Mr P Ollier
Mr M Whitaker

In Attendance:

Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways & Recreation Officer
Ms E Guds – Administrative Officer (Governance)
Mr P Ionta – Solicitor & Monitoring Officer
Ms E Krelle – Head of Finance
Ms A Leeper – Asset Officer
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
Mrs T Wakelin – Director of Operations

Also Present:

Prof J Burgess – Vice-Chairman of the Authority
Mr R Card – Norfolk & Suffolk Boating Association
Ms H Edwards – Insight Track
Dr S Johnson – Chairman of the Authority
Mr K Marsh – Broadland Environmental Services Limited
Mr R Sanderson - Environment Agency

4/1 To receive apologies for absence and welcome

The Chairman welcomed Dr Johnson and Prof Burgess to the meeting and also those candidates who had been recommended by the Selection Panel as prospective appointees to the Navigation Committee, who were present as members of the public and were asked to introduce themselves.

Apologies for absence were received from Lana Hempsall.

4/2 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

4/3 To receive Declarations of Interest

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

4/4 Public Question Time

There were no public questions.

4/5 To Receive and Confirm the Minutes of the Meetings Held on 11 December 2014

The minutes of the meeting held on 11 December 2014 were confirmed as a correct record and signed by the Chairman.

4/6 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 response to a question by a member concerning negotiations over 24hr moorings at Thurne Mouth and Boundary Farm, the Chief Executive said that he was hopeful that an agreement would be reached which would allow the moorings to be retained with access to the shore.

Members were updated that a meeting regarding External Funding Opportunities had taken place and that a full report including suggested ideas would be brought back to the Authority.

A member said he wanted it noted that in *Minutes 3/12 Planning Application with Navigation Implications: Development to Facilitate Canoe Access on Pound End Broad and Hoveton Marshes* of 11 Dec 2014 the planning application was not in relation to public access but was an application for a canoe trail.

Members welcomed and noted the report.

4/7 Consultation on the appointments to the Navigation Committee and Broads Authority

In accordance with the provisions in the Norfolk and Suffolk Broads Act 1988 members were informed that their views were sought on the recommended appointments to the Navigation Committee made by the Selection Panel following the interviews held in January 2015. The Committee's recommendation for two Co-opted members to be appointed to the Authority and the term for such future appointments was also sought.

Members were made aware that a Selection Panel comprising John Edmonds as the independent chair, the Chairman of the Broads Authority, and representatives from the Norfolk & Suffolk Boating Association, and the British Marine Federation had agreed unanimously to recommend eight candidates to be appointed to the Navigation Committee.

Comments had been received from the consultative bodies, including comments from the Passenger Boat Association that had not been included in the report. Some of these comments expressed concerns about Category D, where the Selection Panel had recommended the appointment of candidates who had not been nominated and did not have a commercial background.

It was made clear that there was no requirement for the Selection Panel to only recommend candidates who had been nominated and clarification was provided by the Solicitor and Monitoring Officer that all toll payers came under the Category D status and therefore the process was considered to be legally sound.

A member challenged the view that 'all toll payers came under the Category D status' on the basis that, if this is what Parliament had intended, then that is what it would have said. The member considered that the Act appeared to be clear that it expected the interests of commercial and passenger boats to be specifically represented.

The Committee noted that the way that the relevant Acts had been interpreted placed constraints on the appointment process that was not entirely helpful and should be reviewed.

It was also considered that the appointment process could be improved and the Committee requested a review of the appointment process and for a full report to be brought to a future meeting for consideration. A member suggested that this should include an appropriate process for casual vacancies as currently this was not available.

As the current two co-opted members of the Navigation Committee appointed to the Authority would cease their term on 20 March 2015, it was necessary

for the Committee to recommend the appointment of two co-opted members to the Authority on 20 March 2015 for an interim period until the Broads Authority meeting on 15 May 2015. The Committee was also asked to consider whether future appointment of the two co-opted members to the Authority should be for a term that is equal to the co-opted term of appointment, or whether this should be for a period of one year, to be recommended by the Navigation Committee each April and appointed by the Authority each May.

The Committee recommended:

- (i) by 10 votes to 1 to support the recommendations of the Selection Panel for the eight co-opted members to the Navigation Committee.
- (ii) that Michael Whitaker and Alan Goodchild be appointed as the two Co-opted Members to the Broads Authority
- (iii) that the term of appointment of the two co-opted members to the Broads Authority should be annual.
- (iv) That the Authority review the process for appointing members to the Navigation Committee.

4/8 Stakeholder Surveys

This report provided members with a summary of the outcome of the surveys of private boat owners (PBOs), hire boat operators (HBOs), visitors and residents that had recently been carried out for the Authority by Insight Track, a local market research company.

Members were informed that the survey work was carried out in September and October 2014 and that the findings of the surveys provided the Authority with a solid evidence base on the views, priorities and opinions of its customers. The survey results also gave strong indicators for the setting of future priorities. Dredging and mooring provision were considered to be a high priority across all audiences as was wildlife conservation and educating the next generation about the Broads.

Significantly, the survey results also showed that walking and bird watching were key leisure activities undertaken on the Broads.

Although the survey highlighted a number of positive outcomes for the Authority, perceptions of the Authority in the hire boat industry were significantly less positive than in the other audience groups. HBOs particularly felt unsupported and thought the toll represented poor value for money.

Further the survey demonstrated that support for the promotion of National Park status was stronger amongst both visitors and residents, compared to the 42% of HBOs and 52% of PBOs who supported this.

Members welcomed the presentation and complimented Hannah Edwards on the survey which they believed to be very informative and very understandable. The full survey report was available on the web site and was well-worth reading.

Members agreed that the survey demonstrated that walking, dredging, moorings and communication showed up as important factors. It was mentioned that valuable activities like walking and bird watching although free to the members of the public was costly to the Authority in maintaining footpaths and that therefore the Authority would be working together with partners like the Norfolk Access Forum to try and identify funding for this.

It also became apparent that more effective communication with stakeholders was needed, in particular with Hire Boat Operators and residents which should emphasise listening over publicising. In addition members believed that there was a need to have more effective communication with younger people and not focusing entirely on press releases. The Authority should adapt its style of communication to include social media and better Wi-Fi connections.

The officer responded that the main challenge for the future would be for the Authority to respond to the outcomes of the survey and that there clearly would be a need to consider how communication with all audience groups could be improved in order to keep them informed and involved in the work that the Authority does.

It was mentioned that while it was important that the Authority concentrated on what needs to be improved, it was equally important for them to recognise the positives and continued to provide a good service. In particular, the very high satisfaction with the visitor experience and equally high level of positive recommendations for others to visit were very good outcomes.

Members were in agreement that for this survey to be effective it would need to be repeated on a regular basis of about four to five years in order to give any actions taken time to establish themselves.

4/9 Powerboat Racing Annual Review

This report outlined the background to powerboat racing on Oulton Broad and the members' views were sought on the management of powerboat racing on Oulton Broad and the fixture list for the 2015 season.

Members were informed that the Formal Safety Assessment (FSA) identified powerboat racing on Oulton Broad as being a priority for more detailed consideration. The recommendations for powerboat racing included considering the closure of the Broad during racing events and ensuring that there is an adequate exclusion area and good buffer zone around the race circuit.

It was highlighted that the risk assessment had been reviewed and it was agreed the risk assessment should be amended to introduce an additional control measure relating to boats leaving the pits to join the race course.

As a result no further changes were considered necessary to the overall management plan for powerboat racing for the 2015 racing season.

Requested dates for the 2015 season were shown in Appendix 1 and members were made aware that, as long as the LOBMBC continued to provide safety patrolling cove, they would not need to contribute to the cost of the Broads Authority launch and ranger.

Members were satisfied to agree with the management of powerboat racing on Oulton Broad and the fixture list of the 2015 season however members noted the reduced numbers of spectators in recent years and discussed if there was scope for any additional promotion by the Authority in order to attract more visitors and funds to support this very exciting event

Members noted the report.

4/10 Paddy's Lane Boardwalk

Members received a report which set out the current situation in respect of Paddy's Lane boardwalk, which was identified as a low priority countryside asset as it does not fulfil a strategic need, or scores highly against the strategy's criteria for project prioritisation and was therefore identified for disposal in the Asset Management Plan.

However members of the Navigation Committee were keen to see the access retained and therefore agreed to the proposal that the site be brought into good condition using the current National Park Grant budget but thereafter be held as a Navigation asset and maintained using Navigation Income. A new lease would be negotiated with the landowners.

Members supported the approach proposed in the report.

4/11 Broads Authority Safety Management System External Audit

Members received a report which set out the findings from a recent external audit of the Authority's Safety Management System.

Members were reminded that as a Competent Harbour Authority, the Broads Authority was required to comply with the duties and responsibilities set out in the Port Marine Safety Code (PMSA).

Key points identified by the audit which were highlighted were that the Broads Authority complied with the PMSC and had adequate systems in place to manage safety and continued to discharge its statutory functions effectively and efficiently and to high standards.

The Audit recommendations were that further development was needed for competence standards, training records and incident data analysis/measuring performance.

Members supported these recommendations and welcomed the audit findings and the report.

4/12 Broadland Flood Alleviation Project: Planning Application for Crest Raising and Piling Removal Works in Compartments 5 & 6 (River Ant, River Thurne and Womack Water)

Members received a report which provided them with a summary of Broadland Environmental Services Ltd (BESLs) planning application proposals for crest raising and piling removal in Compartments 5 and 6 on the true left bank of the Rivers Ant and Bure and the true right bank of the River Thurne and Womack Water and the north bank of Womack Water.

The crest raising works would have no impact on navigation and apart from the former 24-hour mooring at Ludham Bridge none of the piling identified for removal in this application was used for formal or informal mooring.

It was highlighted that much of the piling in Womack Dyke was in poor condition and had been hazard marked accordingly so its removal would be welcomed.

The Senior Waterways and Recreation Officer therefore informed the Committee that the proposal presented the Authority with no concerns and would propose to raise no objections to the works set out in the planning application but to recommend that planning permission be granted for the works provided that the appropriate conditions are included.

Members raised some concern however that the particular stretch of bank at Ludham Bridge would be heavily congested with boats and although not permitted, it was highly likely that it would still be used for mooring causing bank erosion. The officer responded that this would have to be monitored if this were the case.

Members noted the report.

4/13 Boat Census 2014

Members received a report which summarised the results of the 2014 Boat Census and provided an overview of boat movements around 14 designated census points located at specific points round the Broads network.

Members were reminded that a boat census around the Broads had been undertaken by the Broads Authority every four years since 1986 and that the key findings for 2014 were that it was evident that there had been slight increase in boat movements within the Broads river system.

Whilst there had been a drop in the number of hired motor cruisers recorded, there had been an increase in hired out board dinghies and launches smaller non-powered craft such as canoes and row boats, whose usage has increased by over 60% in the last four years. It was mentioned how this might have safety implications and might need to be examined.

Also, the northern rivers showed a much higher percentage of vessels on the river, with 73% of traffic being recorded by the Northern River Census takers. Members regretted that the southern broads are not visited as well as the northern ones and believed this was due to poor facilities and that better promotion and infrastructure of the southern rivers was needed to encourage maybe a different kind of customer to visit the beautiful tranquillity of the southern broads.

The Senior Waterways and Recreation Officer clarified that the reason for visitors not crossing Breydon Water was not because of safety concerns but mainly because of time restrictions more applicable now due to shorter booking periods but that this year the Authority was looking at promoting boating in the southern rivers.

Some discussion followed on the decline in the impact of certain visitor attractions and members were pleased to hear that the Berney Arms Windmill was now going to be open again for the forthcoming season. The nearby Inn remained closed and it was hoped that this would be resolved as its associated moorings were felt to be in a very strategic location for shelter and convenience.

Members noted the report.

4/14 Navigation Income and Expenditure: 1 April 2014 – 30 Nov 2014

The Committee received a report which provided them with details of the actual navigation income and expenditure for the eight month period to 30 November 2014, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2015).

There had been some significant movements in the forecast outturn position for the year, which now suggested a deficit within the navigation budget for the year. With the latest amendments to forecast outturn, this would result in a navigation reserve balance of approximately £271,000 at the end of 2014/15 (before any year-end adjustments), which equated to 9.1% of net expenditure, slightly below the recommended level of 10%. The 2015/16 budget reflected this latest forecast outturn position and makes proposals which will restore the balance of the navigation reserve in 2015/16.

Also Head of Finance informed the Committee that The Authority is able to undertake the work for Turntide Jetty in March 2015.

The Head of Finance also provided a verbal update on the January position stating that the Authority remains on track to achieve its forecast position.

The Chairman briefed members on some changes to the format of the reports that had been discussed at the February FSAC meeting. From 1 April 2015 the monitor would incorporate the budgets for expenditure out of the ear marked reserves. This would hopefully reduce some of the variances that were created as the expenditure from the reserves was approved at the same time as the budget.

Members noted the report.

4/15 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. The Head of Construction, Maintenance and Environment confirmed that the Authority were still on target with the dredging and that timber for Turn Tide Jetty had been sourced in the UK, which had saved time.

Members were informed that currently Natural England (NE) is not permitting any works within the Hickling Nature Reserve. A small window of opportunity for works was opened in January and February 2015, but NE concerned about Prymnesium Algae and Copper levels in the interstitial water and had stopped further works. The Broads Authority would work on their preferred methodology and conduct testing to enable works to progress in the next open window, which was thought to be in or around October/ November 2015, when water temperatures were 8 degrees or falling.

The Director of Operations confirmed that Copper and Prymnesium Algae was found in the entire water system, with heavy metals being located in other broads and rivers, including Hoverton Great Broad, and not just in Hickling Broad. The Head of Construction, Maintenance and Environment added that grab dredging had the potential of fluidising sediment, especially in the shallow waters at the top end of Hickling, and this was what was causing NE

some concerns. The use of a silt curtain at Duck Broad was found to compound the sediment fluidisation issue and the methodology for dredging Hickling is being reviewed in light of information reviewed from NE.

A member expressed the hope that similarly diligent monitoring would be applied to the proposed dredging in the similarly designated Hoveton Great Broad.

Members noted the report.

4/16 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 that the marketing brand for the area, the Broads National Park had its first outing at The Outdoor Adventure and Travel Show in London which was received very positively, in particular by young people.

The members were updated that the Secretary of State had confirmed that the levels of National Park Grant for 2015/16 would be in line with that previously announced, a 1.74% reduction, which was in line with the budget already approved by the Authority.

The Chief Executive informed members that the bid for £715,000 to the Department for Transport for the Wroxham/Hoveton to Horning Section of the Three Rivers Way Cycle Route had been successful and that the Authority had responded to the consultation issued by Network Rail.

In relation to the proposed Thorpe to Whitlingham ferry it was mentioned that attention needed to be paid to the safety aspects as this was a heavily navigated stretch of water.

Regarding the 'Eating Out' leaflet, concern was raised that the Authority seemed to work with one hire boat operator in particular and as a result of this the Chief Executive was advised by two members that the publication would not be distributed this year by a number of operators. To avoid the risk that the publication would be boycotted by other operators the Broads Hire Boat Federation would be offering advice and coordination in future.

After enquiring about the outcome of a speeding incidence in Horning members were informed that although this was a very difficult case the offender was successfully prosecuted and fined.

It was mentioned that following the decision by the Broads Authority to use the Broads National Park branding guidelines would be produced to help local companies make the best use of the opportunities provided.

In relation to the River Basin Plan Rory Sanderson from the Environment Agency explained to the members how they had modified some of their criteria around defining recreation and navigable waters, which appeared not to have any significant impacts on the way the issues on the rivers would be tackled under the Water Framework Directive.

The Head of Strategy and Projects assured the members that he had looked into this in great depth and did not believe there would be any implications for navigation. Director of Operations added that the only concern would be for transitional and coastal water bodies (TRAC) as the designated uses proposed by the EA would not be consistent with the Marine Management Organisation's designations.

Members however were not assured and said they would need more time to look into this matter with more detail. Members were particularly concerned at the possible impact on commercial vessels if the Broads were re-classified as being purely for recreational use and that this matter had not been brought to the Committee earlier.

As the deadline for the River Basin Management Plan consultation would be after the next Navigation Committee meeting, members asked that a response be drafted in consultation with the Chairman and Vice Chairman and it was suggested that their comments be reported to the Broads Authority meeting on the 20 March 2015 so that a formal response could be made. It was also requested that digital copies be circulated of the paper referred to by Mr Sanderson.

4/17 Current Issues

In relation to the waste disposal facilities at Ranworth, the Director of Operations reported that the Broads Authority was working in partnership with Broadland District Council who had offered to provide additional waste collections if they were required.

The Lead Member for the Broads Flood Alleviation Project updated the Committee on the very good progress in the last 12 months and the BESL representative outlined the procedures that they had been undertaking for the handover of the maintenance of piling to private riparian landowners.

4/18 Items for future discussion

There were no items for future discussion.

It being his final meeting, the Chairman paid tribute to the retiring members: Mr Ollier, Mr Greasley and Mr Betts and thanked the Secretary of State Members for their contribution to the Navigation Committee hitherto and in anticipation of them continuing to do so as to provide the very necessary continuity at a time of great change to the Committee's leadership and membership.

2/19 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 23 April 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

4/20 Exclusion of the Public

The Committee was asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraphs 1 and 3 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

4/21 Disposal of Geldeston Woodland

Members received a report which summarised the proposals submitted in the informal bid process in respect of the agreed disposal of the woodland at Geldeston as it was no longer required for any specific purpose.

Members were advised that The Authority had advertised the sale and invited bids to be submitted in an informal bid process taking into account the criteria set for disposal by the Broads Authority which was to include public access and maintenance of the woodland.

The Asset Officer presented the Committee with information regarding four bids received by the Authority, each demonstrating their long and short term goals. After careful consideration the Committee recommended when all the relevant issues were considered that the bid from the owner of the public house was preferred as most meeting both criteria and offering best value for money to the Authority. It was hoped that their expressed plans for a collaborative arrangement with local volunteers would succeed.

The meeting concluded at 4.50 pm

Chairman

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 26 February 2015

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 J Knight		Hire Boat Operator, Toll Payer, Member of Yacht Clubs
Mr A Goodchild	4/7 – 4/16	Toll Payer, Landowner, MD GMS, Chair BMF cm
Mr D A Broad	4/7 – 4/16	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Mr P Greasley	4/7- 4/16	Toll Payer/Boat Operator/BHBF Committee
Mr P Dixon	4/7 – 4/16	As previous
Mr M Heron	4/7– 4/16	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NBYC, Rec, Chair Whitlingham Boathouses
Mr P Ollier	4/7 – 4/16	Toll Payer, NSBA Committee member, RYA and various Broads sailing clubs
Mr M Whitaker	4/7 – 4/16	Toll payer, Hire Boat Operator, BHBF Chairman