

**Breydon Water: Water Skiing and Wakeboarding Trial Findings**  
Report by Head of Safety Management

**Summary:** This report sets out the findings of the trial of recreational wakeboarding including 'getting air' on Breydon Water.

The Committee's views are sought on the options for the future management of water skiing on Breydon Water as set out in Section 3.

## **1 Background**

- 1.1 Water skiing has existed on the Broads for many years primarily based on Breydon Water and the wide rivers in the southern area of the Broads, on the rivers Yare and Waveney.
- 1.2 The Speed Limit Byelaws 1993 defined specific areas where water skiing could take place. These original ski zones consisted of five zones on the river Yare and five zones on the river Waveney. Breydon Water was not included in the designations as the area was outside of the Broads Authority remit as the area was under the jurisdiction of Great Yarmouth Port Authority at that time.
- 1.3 Since the Broads Act 2009 received Royal Assent in 2009 there have been many changes to the management of water skiing as there were specific provisions within the Act to allow the Authority to manage the activity. These changes have included the formal requirement for permits, changes to the original zones in geographic limits and timings, and the requirements for skiers and their boats. The original zones were repealed and re-designated under the Broads Authority Act 2009.
- 1.4 Whilst all of these changes were being implemented on the rivers within the Broads Authority jurisdiction, a limited amount of water skiing continued to exist on Breydon Water relatively unregulated as this area was still under the jurisdiction of Great Yarmouth Port Authority.
- 1.5 However within the 2009 Act a provision existed which allowed for the transfer of Breydon Water to the Broads Authority. Following negotiations with Great Yarmouth Port Authority the Broads Authority assumed responsibility for this area on 1st June 2012.
- 1.6 An unforeseen consequence of the transfer was the overnight banning of water skiing on Breydon Water as there had been no designation of a water ski zone as the Act made it an offence to water ski in an area which had not been previously designated for the purpose.

- 1.7 During the remaining period of 2012 the Authority worked with stakeholders to propose a zone where water skiing could take place on Breydon Water. As Breydon Water is an internationally important Special Protection Area (SPA), a Ramsar site and nationally important Site of Special Scientific Interest (SSSI) so any proposed designation relating to its use is required to be assessed in accordance with the Habitats Directive. Natural England was consulted on the proposed new zone following a Habitats Regulation Assessment (HRA) (see Appendix C), and after detailed communications mitigation measures were agreed with Natural England which would allow for the zone to be established (see Appendix D).
- 1.8 Following a public consultation the Authority at its meeting on 23rd March 2013 designated a water ski zone for the purposes of a trial for a period of at least a year with effect from the 1st April 2013. Permit conditions were developed, agreed mitigation measures were implemented, signs were erected, water ski permits amended to include Breydon Water as an available water space and communication channels were established to assist with the monitoring to reflect the mitigation measures and the newly designated zone was signed and ready for use on the 1 April 2013.
- 1.9 The zone is located in the straight stretch of the navigation channel for navigational safety reasons and is 1.4 nautical miles in length (see Appendix A).
- 1.10 Following an informal review at the end of 2013 which recorded no formal use of the water ski zone the Authority at its meeting in 21 March 2014 decided to extend the trail for a further year to allow for data to be gathered.
- 1.11 In a legal agreement between the Broads Authority and British Water Ski and Wakeboard it is agreed that any changes to water ski times, geographic limits and permit conditions will be reviewed by a stakeholder panel with an independent chairman. This Water Ski Review Panel was convened and has met on a number of occasions over the years to review proposed changes to the management of water skiing.
- 1.12 The Review Panel's membership includes a wide range of stakeholders including representatives from boating, angling, rowing, conservation organisations, the hire boat industry and water skiing. Their role is to consider all aspects of the activity, usage, safety, complaints and user and ranger feedback, any potential impact on conservation objectives and other users of the Broads and to make recommendations to the Authority based on evidence.
- 1.13 Following the continued trial the Water Ski Review Panel was asked to review the outcomes and prepare recommendations for the future management of water skiing on Breydon Water.

## 2 Breydon Water Ski Zone Review

- 2.1 At its meeting on the 2 October 2014 the Water Ski Review Panel considered the trial of water skiing on Breydon Water (see Appendix B).
- 2.2 There had been very little activity with only one formal use of water skiing being recorded over the last two seasons on Breydon Water. This level of activity was viewed as an indicator that the zone was not as appealing to water skiers as the other river zones and future usage was believed to continue at a similar very low level.
- 2.3 The Panel further considered the potential for disturbance by water skiing of the birds on Breydon Water which were in some areas increasing in numbers and concluded that the very low usage seen over the last few years if continued was unlikely to have a significant negative impact. However further options were considered including the relocation of the zone, which was rejected due to safety concerns, additional restrictions on total number of occasions when skiing could take place and a ban on skiing over the winter period when the site is heavily used by birds over wintering.
- 2.4 It was also recognised that the Authority had powers under the 2009 Act to regulate water skiing and if there were issues developing then the Authority had a legal framework to take any necessary action.
- 2.5 After much debate the Water Ski Review Panel concluded a recommendation for consideration by the Authority to formalise water skiing on Breydon Water within the existing designated zone. No additional management measures were proposed but to continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009. Water skiers on Breydon Water would still be required to log on through Broads Control to enable monitoring to be undertaken and recording of usage within permit conditions.
- 2.6 The Boat Safety Management Group considered the safety implications of the Panel's recommendation and is content for the recommendation to proceed.

## 3 Options

- 3.1 Using the evidence based approach the Navigation Committee's views are sought on the options below in consideration of navigational safety and the ease and convenience of the users of the Broads.

The options below are presented to the Committee for consideration:

**Option a)** Accept the recommendation from the Water Ski Review Panel and formally designate the existing zone for water skiing and wakeboarding without any additional controls

Pro's	Stakeholder reviewed and agreed by Panel and Boat Safety Management Group Zone and monitoring already established, safety assessed. Good visibility
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Cons	Zone is exposed to weather conditions. Zone is close to area where birds roost in summer and winter presenting potential for disturbance
Risks	May be negatively viewed by conservation interests
Cost	No additional cost other than routine maintenance unless there were significant changes to the existing Habitats Regulations Assessment following a review process

**Option b)** Accept the recommendation from the Water Ski Review Panel and formally designate the zone for Water skiing and Wakeboarding but with additional controls:

- Not permit water skiing and wakeboarding during the winter (1 Nov – 1 March)
- Further reduce the total amount of skiing occasions in any one year from 78 currently agreed to account for the winter ban

Pro's	Zone already established, safety assessed. Good visibility. Reduction in potential for disturbance to birds both in summer and winter
Cons	Zone is exposed to weather conditions. Zone is close to area where birds roost in summer and winter presenting potential for disturbance
Risks	May be less negatively viewed by conservation interests No demonstrated need for additional measures
Cost	No additional cost other than routine maintenance unless there were significant changes to the existing Habitats Regulations Assessment following a review process

**Option c)** Reject the recommendation and embark on an additional trial period to enable data to be gathered for future consideration by the Authority

Pro's	Zone already established, safety assessed. Good visibility. Allows the Authority to state with confidence that there is no significant likely impact on the birds
Cons	Zone is exposed to weather conditions. Additional monitoring will be time consuming and may not give concrete results either way.
Risks	Results of monitoring may not be conclusive due to other disturbance drivers and lack of sufficient activity
Cost	Approximately £10,000 in staff cost

**Option d)** Reject the recommendation and revoke the designated water ski zone

Pro's	Likely to be welcomed by conservation interests. Reduction in maintenance costs.
Cons	Removes access by users which is at odds with BA's principles but given the extremely low level of use has impact on very few individuals

Risks	Negatively viewed by water skiing interests and other users due to restriction of existing activity
Cost	Little cost in removing signs and updating documentation

#### 4 Next Steps

- 4.1 The Navigation Committee's views on the options will be presented to the Broads Authority on the 15 May 2015.
- 4.2 Any proposal as a result of the outcome of the Broads Authority meeting on the 15 May 2015 will be subject to a public consultation in accordance with the provisions within the Broads Authority Act 2009, which includes consulting the Broads Forum, the results of which will be presented to the Authority for consideration before a decision is reached.
- 4.3 As part of this process the Habitats Regulations Assessment will be reviewed, amended where necessary and further consultation will be entered into with Natural England.
- 4.4 As part of that consultation the Navigation Committee will be formally consulted again on the proposed option.

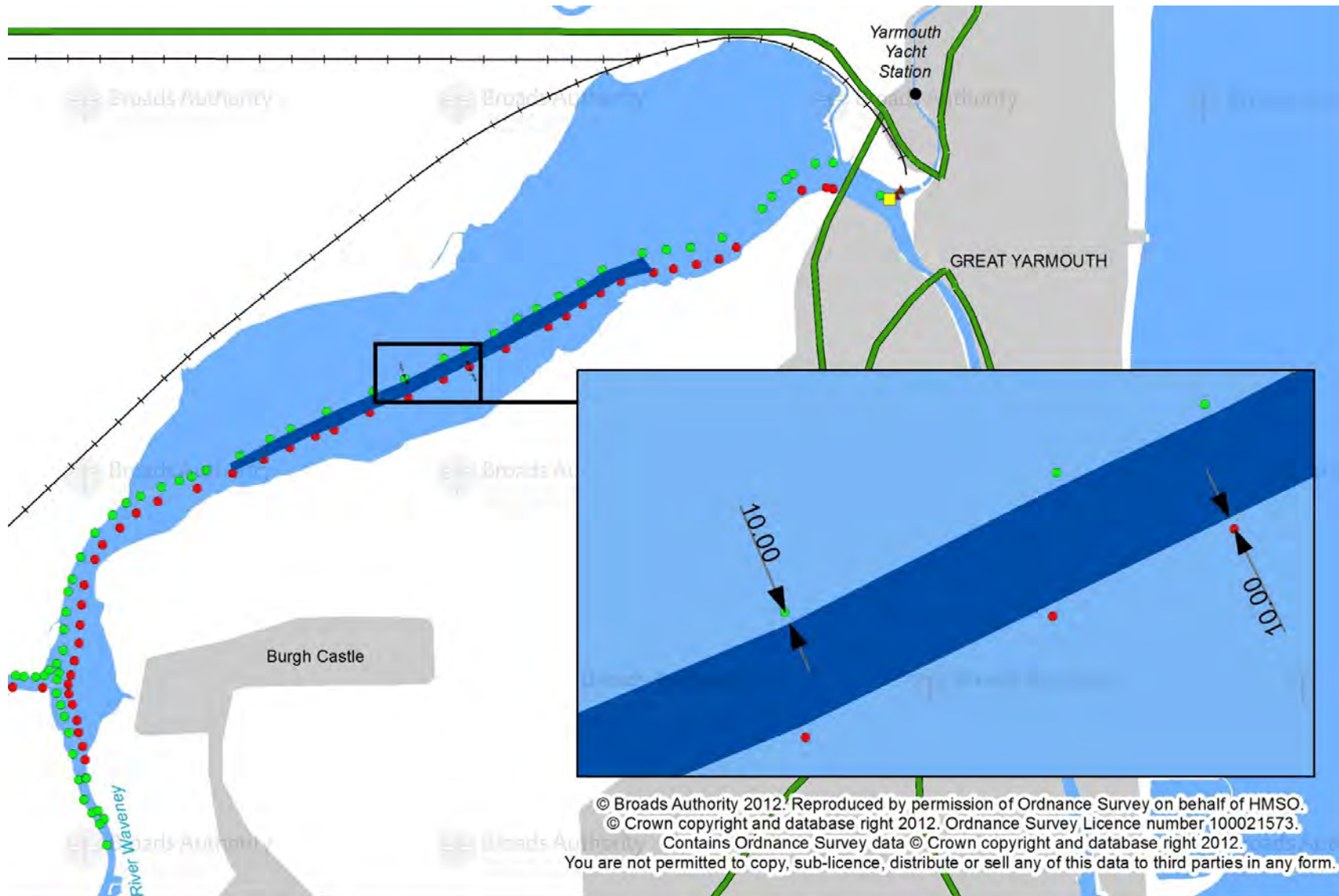
Background papers: None

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Date of report: 7 February 2014

Broads Plan Objectives: NA4

Appendices:  
APPENDIX A – Map of Breydon Water waterski and wakeboard zone  
APPENDIX B – Minutes of Water Ski Review meeting 2 October 2014  
APPENDIX C - Habitats Regulation Assessment  
APPENDIX D – Letter from Natural England

# Appendix A



## Appendix B

### Broads Authority

#### Water Ski Review Meeting

Notes of the meeting held on 02 October 2014

#### Present

Ian White (in the Chair)	Independent Chair – Appointed by Broads Authority
David Broad	Broads Authority Member
Julian Barnwell	Eastern Rivers Ski Club (ERSC)
John Carr	Eastern Rivers Ski Club (ERSC)
Professor Richard Card	Norfolk & Suffolk Boating Association (NSBA)
Phillip Ollier	Royal Yachting Association (RYA)
Philip Pearson	Royal Society of the Protection of Birds (RSPB)

#### In attendance

Trudi Wakelin	Director of Operations, Broads Authority
Steve Birtles	Head of Safety Management, Broads Authority
Adrian Vernon	Head of Ranger Services, Broads Authority
John Ragan	Ranger Breydon Water, Broads Authority
Chris Bailey	Administrative Officer Operations, Broads Authority

#### 1. Apologies and Welcome

Apologies were received from Tony Howes (Broads Hire Boat Federation), Laura Gillett (British Waterski and Wakeboard), Colwyn Thomas (Canoeing and Rowing), Colin Dye (Broads Society) and Diane Monsey (Natural England).

The Chairman welcomed everyone to the Water Ski Review meeting.

#### 2. Minutes of the meeting held 15<sup>th</sup> October 2013

The minutes were approved as a correct record.

#### 3. Matters Arising

AV reported that there had not been any complaints received during the season although there had been two minor incidents on the River Waveney. One had been when a ski boat was observed speeding towards the ski run and had been issued with a blue book warning and the second incident was where a ski boat may have turned outside the ski area and was currently being investigated. There had not been any issues on the River Yare or Breydon Water.

RC confirmed that no complaints had been received from NSBA members, which was felt to be due to good management of ERSC and thanks were expressed to the club for doing a good job.

JB confirmed that he had not heard anything from the rowing clubs which he felt

was a good sign. Skiers were using the Cantley area more therefore reducing the usage of Yare 1 where the rowers were. AV had attended a meeting with the rowers the previous evening where CT had confirmed that there had not been any issues.

Members discussed levels of activity during the season and it was confirmed that this year's log books were yet to be analysed. However permit number had reduced to 31. JB confirmed that ERSC had 105 members and three new boats had gone through the training and testing regime and that membership was static.

The Chairman reported that, as there had been little activity on Breydon Water during the 2013 season, it had been decided that the next meeting of the panel would be delayed until this October to allow for data to be collected from 2014.

#### **4. Review of the Breydon Water Trial**

The Water Ski Review Panel had been established for several years in advance of the 2009 Act which set out the panel's membership and terms of reference. The transfer of jurisdiction for Breydon Water from the Port Authority to the Broads Authority had the unforeseen consequence of outlawing water skiing on this stretch of water although this activity had historically taken place.

Consultation had been undertaken regarding establishing a ski zone on Breydon Water. A Habitats Regulation Assessment (HRA) had been conducted due to the site having several conservation designations and it being a Site of Special Scientific Interest (SSSI). Natural England (NE) having reviewed the Authority's HRA, suggested additional mitigation measures which were established through permit conditions for water skiing on Breydon Water.

At the Broads Authority's meeting in March 2013 it had been agreed that a dedicated ski zone be established on Breydon Water for a minimum of one year for the purpose of a trial with a review being undertaken in Spring 2014. Monitoring of the activity would be undertaken through:-

- Usage – numbers and times of skiers through logging on through Broads Control
- Active observations
- Ad hoc video recording

As there had been little activity to monitor during the 2013 season it had been agreed to extend the trial for a further year.

AV reported that there had been only one vessel skiing on Breydon during the 2014 season and this activity had been observed and digitally recorded. A meeting had been held on the 18<sup>th</sup> July with members from the Authority, NE and the RSPB where the video had been watched. At that meeting the RSPB had suggested a possible alternative location within Breydon Water for the water skiing to be undertaken. A site visit was subsequently conducted on the 25<sup>th</sup> September with members from the RSPB and NE member of the Navigation Committee and officers of the Authority.



The existing ski zone was visited and possible reasons why the area was not being used were identified:-

- Flat water was seldom obtained
- Strong tides
- Skiing freedom reduced by the zone and times when water skiing could take place
- The area had never been a particularly popular area for skiing
- Some of the original skiers had sold their vessels as skiing had become more expensive
- Some existing skiers did not want to comply with two people on a vessel and other BA permit conditions.

The RSPB's proposed ski zone in the area near the Dickey Works at the western end of Breydon Water between marker posts 62 to 48 was then visited. The RSPB's original proposal had been discounted as it had been felt that skiers would not be interested as the zone was too short. The area had been proposed as its narrower banks were already used by pedestrians and was felt that a person towed by a ski boat was unlikely to cause any further disturbance and would be easier for the RSPB to assist in bankside monitoring rather than on the water. It was also suggested that this area was more likely to have flat water. The RSPB had confirmed that they would check that the Dickey Works area itself was not significant for roosting birds.

SB had undertaken a risk assessment of the proposed area and the following comments were noted:-

- The length of the proposed was 980 meters which would make it the shortest designated ski zone on the Broads
- The width of the zone narrows towards the eastern end
- The zone included a bend
- There were submerged stakes in the Dickey Works area and additional channel markers would need to be installed at a cost of between £4-5K
- The NRA jetty was within the navigable channel which was a hard engineered structure

Due to these issues the risk assessment for the area had scored 14.5 and it was confirmed that 15 was classed as an unsafe area. The existing zone scored 11.

PP presented survey data which identified the numbers of birds using Breydon had increased over the last 10 years and confirmed that the importance of the estuary was increasing as well. On examination of the survey data it was noted that there had been a decline in some breeds of birds for which there was no explanation offered by the RSPB. It was further noted that bird numbers were increasing during the period 2008 to 2009 when water skiing was unregulated and there were water ski clubs at both Great Yarmouth and Gorleston using the area relatively frequently with no restrictions. Breydon Water had also been used by a couple for skiing during the winter months.

A member questioned what had happened to the birds to substantiate why the water skiers were being asked to move to a different area. It was explained that the winter season was a difficult time for birds who were more stressed and sensitive during this period and also varied between different species. There was concern for the birds in the 400m band at low water as there was the perception that someone outside the boat (a skier on the end of a towline) had a different effect on the birds than vessel movement.

AV thought that it was difficult to link the activity of skiing to the data collected and confirmed that there appeared to be no effect on the birds whether people were in or out of the cabin on the Breydon launch whereas people and dogs on the bankside had been observed causing disturbance. JB reported that ERSC with British Waterski and Wakeboard had employed a graduate to undertake a survey on the effects to the wildlife at Strumpshaw Fen. Taped noise of boats had been played and waterski boats had been used in the area with no differing effect of the birds.

It was recognised that the lack of water skiing on Breydon had caused difficulties in monitoring and that there needed to be activity undertaken to monitor what impact this had on the birds. Members noted that there was no sign of any birds on the video clip which had been taken when the only skiing activity on Breydon had been filmed this season.

JB suggested that if the period October through to March was a key time to wintering birds there was the option of having a closed season for the activity during this period.

It was felt that there was a perceived risk of disruptions to the wintering birds which had not been substantiated and concern was expressed that the proposed ski zone was at the beginning of Breydon Water from the Southern rivers which was a busy area for boat movement. It was suggested that there was not enough evidence to support the moving of the existing zone but the proposal could be a reserve site to be considered if there were problems in the future.

## 5. Future Management Options

Members reviewed the options for consideration for recommendation to the Authority noting that any revocation and designations would need to be subject to full consultation as set out in the Broads Authority Act 2009:

- a) Formalise the existing water ski zone on Breydon Water and continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009 – It was recognised the importance of gathering good evidence on the possible impact of water skiing and noted the increase year on year of bird numbers.
- b) Revoke the designation of the water ski zone thus removing water skiing in its entirety from Breydon Water – This option was not supported by members and was confirmed that Special Directions could be issued by the Authority if there were any issues.

- c) Revoke the existing water ski zone and designate a new zone stating where and when water skiing could take place as proposed by the RSPB – Although the proposed ski zone between marker post 48 to 62 could and had been used historically it was recognised the zone was not as good as the existing zone.
- d) Vary the times when water skiing could take place in the existing zone to further mitigate any potential significant effect on the features of the site. – Ski times were already defined relating to high and low water but the option to have a closed season from October through to March could be considered for the future if required. PP suggested that there could be amendment to the permitted ski times ½ before and 2 hours after low water, but concern was expressed regarding the need for vessels to transit Breydon at low to slack water to allow transit under the bridges. There was no real appetite for recommending this option

The Chairman suggested members recommended to the Authority the formalisation of the existing ski zone on Breydon Water as there did not appear to have any significant effect on the habitat and there was the requirement for the Authority to continue to monitor the position. There would be the requirement on the Authority to revisit and examine the following options if over a period of time the trend changed:-

- Introduce a close season in the winter
- Relocate zone upstream
- Revising skiing times bearing in mind the need for people to transit under the bridges
- Special Directions could be issued
- The Water Ski Review Panel could be reconvened

Members were reminded that water skiing on Breydon Water was not a new activity and that the only difference now due to that transfer of Breydon Water to the Authority was that it was regulated. The Authority was exercising control over the activity and was monitoring the impact. The Authority in conjunction with the RSPB and NE should look at statistical information against usage. Reliable evidence on the impact of activities undertaken outside of boats should be examined in order to make an informed judgement in the future. PP confirmed that the RSPB would be willing to assist in survey work but that charitable contributions could not be used for statutory obligations.

Members agreed the suggestion for the recommendation to formalise the existing water ski zone on Breydon Water and continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009. Water skiers on Breydon Water would still be required to log on through Broads Control to enable monitoring to be undertaken and recording of usage within permit conditions.


TW requested that a copy of the RSPB's survey data could be given to the Authority which would then be included in the report to the Broads Authority's members.

## **6. Any Other Business**

This would be the last meeting of the Water Ski Review panel as it had completed its obligations to review and advise the Broads Authority on an appropriate management framework for water skiing and wakeboarding. The Authority would continue monitoring activity within the ski zones which would be reviewed under the Port Marine Safety Code's Annual Hazard Review through the Boat Safety Management Group. Members were advised that they could raise any issues with the Authority and if necessary a further meeting of the panel would be arranged.

The Chairman expressed his thanks to members of the panel saying that at the start of the process members had not been in favour of promoting water skiing on the Broads. However working through the collected evidence and the excellent input from the skiing fraternity had resulted in a positive outcome. It was recognised that it could be an awkward situation for the RSPB but that a sensible approach had always been taken and had worked well with the ski club for a better understanding of the issues. The Broads Authority staff were thanked for all the work undertaken.

DB expressed his thanks to the Chairman confirming that, although at present there was no need for the panel to meet again, the activity would continue to be monitored and that any issues relating to Breydon would be raised at the Breydon Water User Group meeting.

<b>Appropriate Assessment Habitats Regulations Assessment</b>		
<p><b><i>Broads Authority Assessment of Likely Significant Effect on a European Site</i></b></p> <p>The new application for designating a water ski zone on Breydon Water.</p>		
<b>PART A</b>		
1.	Type of permission/activity:	Designating a water skiing zone for recreational water skiing on Breydon Water (SSSI, SPA, Ramsar). Designating body is the Broads Authority
2.	National Grid reference:	See Maps Appendix 1
3.	Site reference:	Breydon Water (SSSI, SPA, Ramsar).
4.	Brief description of proposal:	The proposal involves allowing water skiing within a 1.4 nautical mile stretch of the navigation channel of Breydon Water
5.	European site name(s) and status:	Breydon Water (SPA, also SSSI and Ramsar site)
6.	List of interest features:	See Table 1 for full list of features notified for the Internationally important SPA, Ramsar and nationally important SSSI in the attached Conservation Objectives and Favourable Condition. <b>SPA peak bird numbers (Jan 2011)</b> See Appendix 3 for full summary data 7150 Golden plover 29370 Wigeon 16955 Lapwing 5407 Dunlin
7.	Is the proposal directly connected with or necessary to the management of the site	No

8. **What potential hazards are likely to affect the interest features?** (Refer to relevant sensitivity matrix and only include those to which the interest features are sensitive). **Are the interest features potentially exposed to the hazard?**

**Potential Hazards and Exposure:**

There is considerable literature on bird disturbance. The references used in this HRA is set out below:

- BOU proceedings: <http://onlinelibrary.wiley.com/doi/10.1111/ibi.2007.149.issue-s1/issuetoc>
- Davidson N., Rothwell, P. 1993. Disturbance to waterfowl on estuaries. WSGB 68 Special Issue is available at <http://elibrary.unm.edu/sora/IWSGB/n068/>
- BTO report:  
<http://www.bto.org/sites/default/files/u196/downloads/rr388.pdf>
- Orwell estuary disturbance study 2004-05:  
[http://www.suffolkcoastandheaths.org/uploads/STOUR-ORWELL%20DISTURBANCE%20STUDY%202004-05%20REPORT%2025-9-05\(2\).pdf](http://www.suffolkcoastandheaths.org/uploads/STOUR-ORWELL%20DISTURBANCE%20STUDY%202004-05%20REPORT%2025-9-05(2).pdf)  
[http://www.uea.ac.uk/env/all/teaching/eiaams/pdf\\_dissertations/2011/Millican\\_Luke\\_2011.pdf](http://www.uea.ac.uk/env/all/teaching/eiaams/pdf_dissertations/2011/Millican_Luke_2011.pdf)  
[http://www.solentforum.org/resources/pdf/natconsv/solent\\_disturbance\\_phase1.pdf](http://www.solentforum.org/resources/pdf/natconsv/solent_disturbance_phase1.pdf)
- **Direct disturbance to significant populations of wintering birds** – NE report (2001) states that birds are highly vulnerable to disturbance from waterskiing and that further investigation is required to assess the impacts at Breydon. Wintering birds are disturbed by high speed craft on Breydon Water SPA (pers comm. RSPB). This disturbance is in response to high speed boat activity across Breydon Water. The RSPB have observed that often flocks of birds will not settle for periods up to one hour or on some occasions they will leave the estuary, on which they rely for feeding and resting. Birds are not significantly disturbed by boats travelling within the channel at lower speeds (EN 2001). This disturbance had not been reported to the Port Authority or to Natural England as it was only observed on a few times.
- **Direct disturbance to significant populations of summer birds** – Birds are already exposed to a high background of regular recreational vessels within the navigation channel, particularly during the summer (over 400 movements recorded at Great Yarmouth Yacht station in the 2010 three day summer boat census – see Appendix 2). Waterskiing is likely to form a small fraction of the overall summer boating activity. The majority of waterskiing will take place in the summer. It is proposed that waterskiing will be confined to the navigation channel and a further 10m inside the posts for safety reasons. There is no evidence that suggests that summer birds are significantly disturbed by current recreation activity. However, there is a single record of possible fatalities of shelduck (Peter Allard pers. comm.) as a result of water skiing. The proposed water ski zone seeks to formalise and regulate the previous and current activity that mainly occurs in the summer to monitor and understand any impacts through data collection and observation. An assessment of the historic level of use as well as frequency and timing, area of use, and control measures has been compiled and is attached as Appendix 5
- **Wash** – It is envisaged that the wash from water skiing will not be a significant hazard as all water ski tow boats have a planning hull profile and once up to cruising speed deliver very little wash compared to displacement hull forms of other recreational boating that occurs on the site. All permitted ski vessels are tested to ensure they comply with wash standards set out in Water Ski and Wakeboard environmental standards
- **Pollution** – It is not envisaged that pollution from water ski boats will be a significant issue as all vessels within the Broads are required to comply with the national Boat Safety Scheme which sets standards to control the risk of fire, explosion and pollution.
- **Noise** – All permitted ski vessels are tested to ensure they comply with British Water Ski and Wakeboards environmental standard and the noise levels demonstrated are not largely different from noise from other recreational boats.
- **Unqualified skippers** – All permitted ski vessel drivers are required to successfully complete the British Water Ski and Wakeboard ski boat driver course. There is no mandatory requirement for qualifications of skippers of other recreational boats.

All mitigations listed below will be enforced through the waterskiing permit scheme, and monitored and enforced on site where possible by the Broads Authority rangers.

The full list of mitigations that are proposed to be put in place for the proposed Breydon water ski zone are:

- Broads Authority Act 2009 states it is an offence to water ski in any area that has not been designated and as such water skiing will only be able to take place the proposed zone area on Breydon which will be signed. This is a restriction of approximately 59% of the previous area historically used for the activity therefore limiting any potential disturbance to a smaller area.
- Water skiing will only be able to take place at the times prescribed by the Authority. For Breydon Water this means that skiing is prohibited between 0.5 hrs before and 2 hrs after predicted low water at Yarmouth Yacht Station.
- Patrolling of Breydon Water will be undertaken by the Broads Authority year round, to police the permit conditions and issue Special Directions to regulate activity if required.
- All skiers will be required to book on with Broads Control before commencing skiing to facilitate active monitoring.
- All water skiing activity will be permitted and key permit conditions are set out below:
  1. All drivers to hold the Ski Boat Driver Award;
  2. A minimum level of insurance (£2,000,000 third party liability) required;
  3. Boats to have passed a wash and noise test and a steering check;
  4. All permit holders are required to be members of Eastern rivers ski club and British Water Ski and Wakeboard;
  5. All permit holders are required to submit log books of their activity at the end of the licence period to the Authority. These are used to monitor usage and review the activity.
- Other conditions relating to navigational safety, which were previously set out in byelaws.
- A full set of the current conditions are set out in Appendix 4, also included is the current legal agreement between the BA and British Water Ski and Wakeboard and the Eastern Rivers Ski club.
- Monitoring of the zone usage will take place throughout the year, including proactive monitoring via the booking on system (Broads Control) and observations made by the local rangers, and reactive monitoring through analysis log books.
- A review by Broads Authority officers will be triggered if usage of the zone exceeds the soft usage cap as defined in Appendix 5
- A review will be undertaken by the independent Water ski Review Panel in October 2013 to agree the effectiveness of the measures, usage of the zone, and identify whether any additional constraints need to be applied.

**8. What potential hazards are likely to affect the interest features?** (Refer to relevant sensitivity matrix and only include those to which the interest features are sensitive). **Are the interest features potentially exposed to the hazard?**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard & mechanism of effect/impact if known:
Aggregations of non-breeding birds:		
Bewick's Swan *	None above normal activities in this area	No
Wigeon *+	None above normal activities in this area	Yes
Shelduck *+	None above normal activities in this area	Yes
Avocet *	None above normal activities in this area	Yes
Golden Plover *	None above normal activities in this area	Yes
Ruff *	None above normal activities in this area	Yes
Common Tern *	None above normal activities in this area	No
Lapwing +	None above normal activities in this area	Yes
Shoveler +	None above normal activities in this area	Yes
Gadwall +	None above normal activities in this area	Yes
European white-fronted Goose	None above normal activities in this area	No
Black-tailed Godwit	None above normal activities in this area	Yes
Zostera community: Intertidal mudflats and sand flats; eel grass beds	None above normal activities in this area	No
Plant assemblage of coastal embankments, sea-walls, open poached, dry or periodically inundated brackish or saline mud	Changes in extent would be considered unfavorable if attributable to activities which interrupt natural estuarine processes. There is no evidence that the existing levels of boat activity which includes high speed boats and any associated erosion and resuspension is resulting in any impact on the designated features.	No

\* Annex 1 species + Migratory species

**9. Is the potential scale or magnitude of any effect likely to be significant?**

<b>a) Alone?</b> (explain conclusion, e.g. in relation to de minimus criteria)	Yes/No, as the use is restricted to below half of historic use there is therefore a reduction to the degree of disturbance that the birds are already subjected to. No reported concerns have been raised and populations/ species present have increased since designations were applied.  (Including the prevailing environmental influences)
<b>b) In combination with other plans or projects?</b>	Yes/ No Other normal boating activity (e.g. recreational boating).



<p><b>c) In combination with plans/projects of other Competent Authorities?</b></p>	<p>Consultation has been undertaken with NE as competent authority, RSPB, Great Yarmouth Bird Club and local naturalist Peter Allard.</p> <p>EA/BESL - Planning application to be submitted, accompanied by and EIA, in the next 4-6 weeks for improvement works to 1.2km of floodbank on the north side of Breydon. Discussions with NE and RSPB have resolved that there will be no significant effects on the SPA subject to suitable programming of works to avoid winter and breeding season.</p> <p>The work will include a small encroachment onto the SPA because of the need to do front face strengthening along the section immediately next to the railway line (drawings can be provided). BESL will be sourcing material from Railway Marsh (in partnership with RSPB), which is within the SSSI but not the SPA.</p> <p>BA – work to navigation channel marking. Works in two phases, to avoid as much as practical the main over-wintering period.</p> <ol style="list-style-type: none"> <li>1. Downstream of Breydon Bridge close to the mouth of the River Bure (outside of the SSSI). Remove and replace a damaged marker and install two additional marker posts. Due to the tidal conditions and channel restrictions, for safety reasons this work has to be undertaken outside of the main hire boat season. The work will take approximately 10 days and we have a start date of 12<sup>th</sup> November 2012 – now completed.</li> <li>2. In the same area as above and on Breydon water. Removal of dolphins at the mouth of the River Bure and installation of timber marker posts and piles at the upstream end of Breydon Water. Programmed to start in April with approximately 2 weeks work on Breydon Water.</li> </ol> <p>NCC/EA/BESL - Easy-access ramp from Asda car park, grass mesh, replacement hide and information board. This is already a heavily walked section around Breydon so this project is unlikely to change the degree of disturbance that the birds are already subjected to. The project will be accompanied by an Environmental Statement.</p> <p>There are no other Competent Authorities that have plans or projects that could act in combination with waterskiing. The Authority can conclude that this application alone will not result in adverse effect on the SPA and could also act in combination with other plans/projects being undertaken with the Breydon Water area.</p>
<p><b>10. Conclusion:</b> <b>Is the proposal likely to have a significant effect 'alone or in combination' on a European site?</b></p>	<p>Yes/No</p> <p>Given the historic and predicted use of the water ski zone coupled with the controls and mitigation measures proposed the Authority can conclude that there will be no likely significant effect on the features of the site.</p>
<p><b>11. Other competent authorities involved</b></p>	<p>Natural England</p>
<p><b>12. Determine the extent to which each possible impact can be avoided.</b></p>	

<b>What alternative solutions could be considered?</b>	None	
<b>11. Name of BA Officer:</b>	Trudi Wakelin	Date: 25/03/13
<b>12. NE comment on assessment:</b>  (If the NE officer disagrees with the conclusion of 10c, please include details of the other Competent Authorities which should be consulted).		
<b>13. Name of NE Officer:</b>		Date:

## References

Breydon Water European marine site, English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats & c.) Regulations 1994, published in 2001 by English Nature (now Natural England)

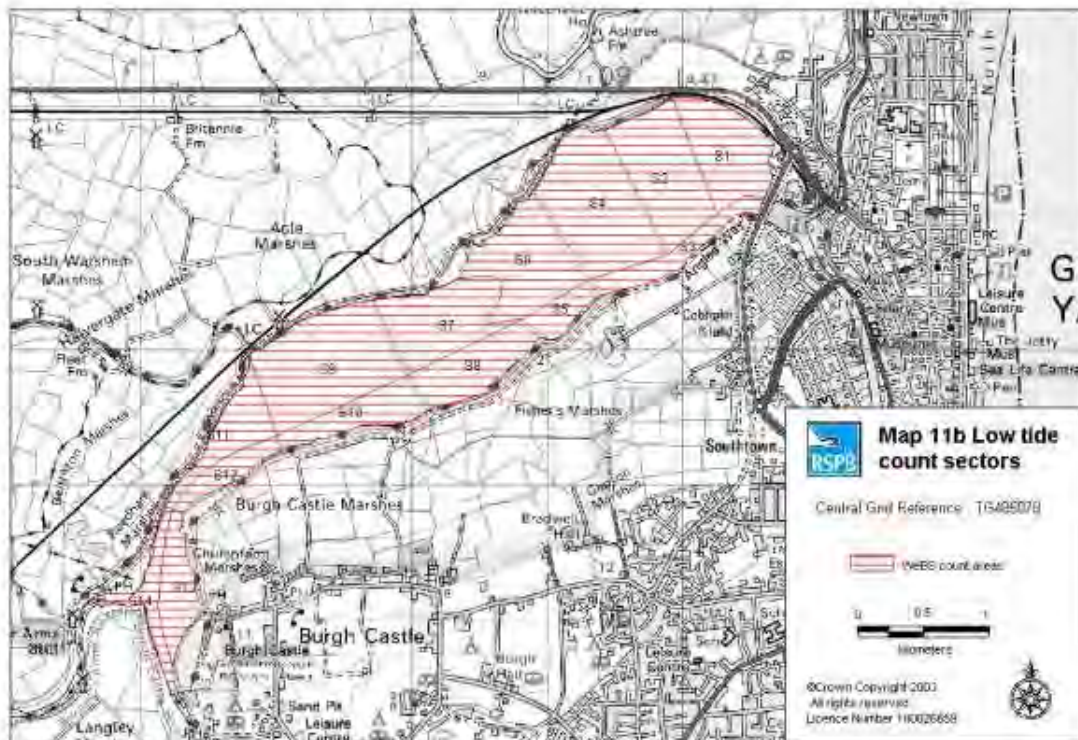
## Appendix 1. Maps of Breydon

(see Appendix 4 and 5 in the main Broads Authority Committee report 231112) <http://www.broads-authority.gov.uk/authority/meetings/broads-authority.html>

## Appendix 2. BoatTraffic that is indicative of summer boating activity on Breydon water

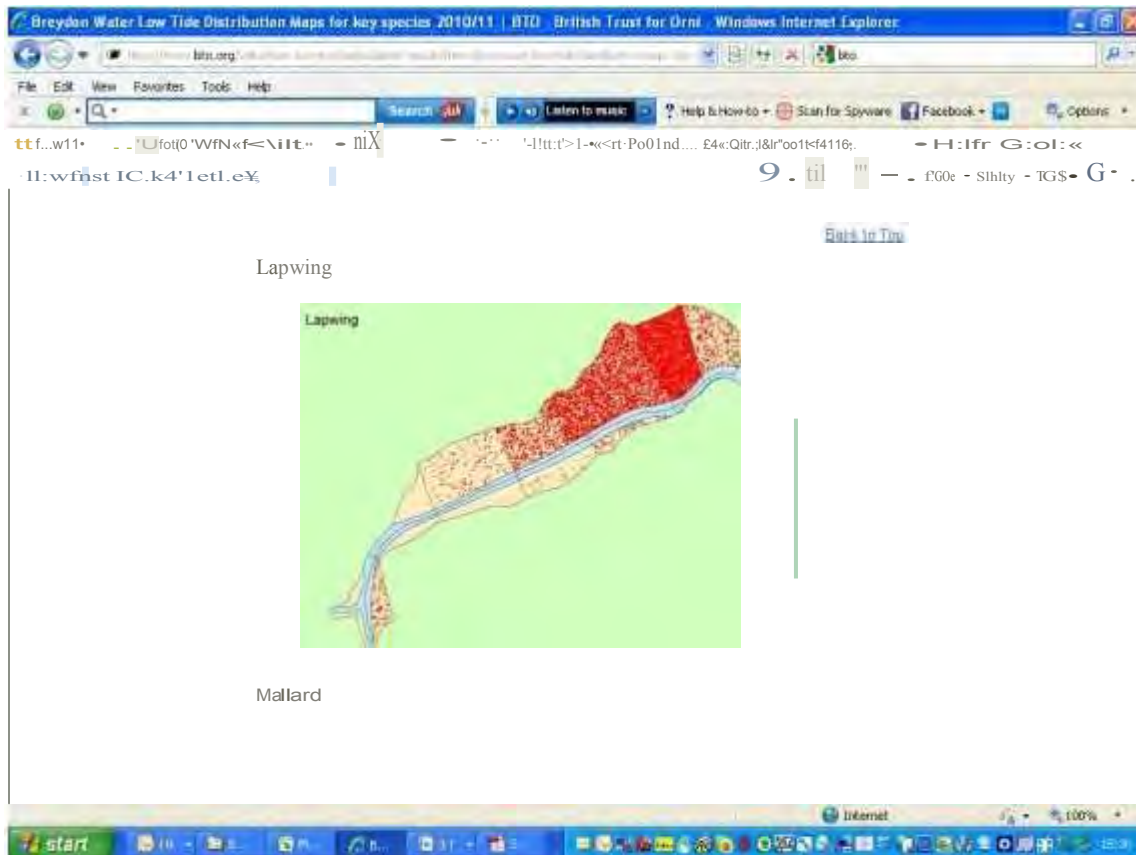
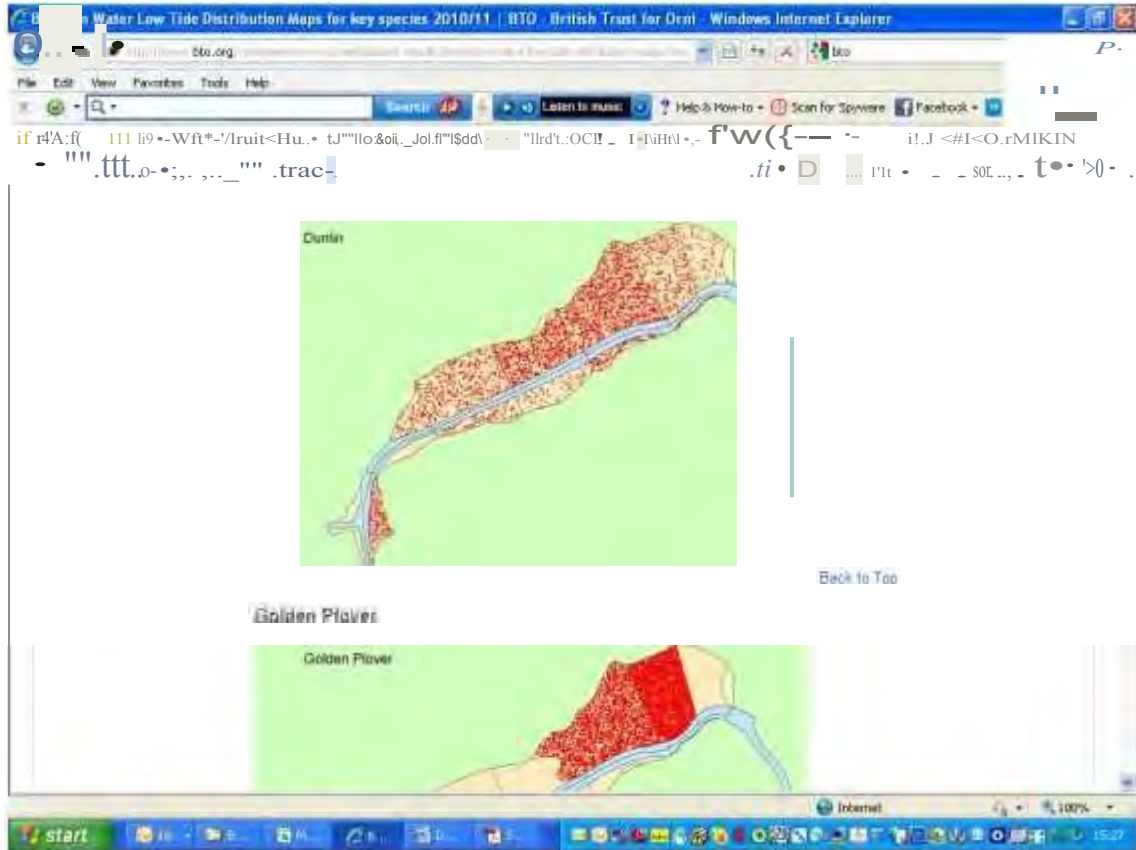
(see Appendix 6 and 7 in the main Broads Authority Committee report 231112) <http://www.broads-authority.gov.uk/authority/meetings/broads-authority.html>

## Appendix 3. Low Tide Counts zones, summary data and distribution for Breydon Water



Site	Month	Species	LTC
Breydon Water and Berney Marshes	01-DEC-10	Lapwing	438
Breydon Water and Berney Marshes	01-NOV-10	Wigeon	6457
Breydon Water and Berney Marshes	01-NOV-10	Dunlin	3070
Breydon Water and Berney Marshes	01-JAN-11	Wigeon	29370
Breydon Water and Berney Marshes	01-FEB-11	Dunlin	3470
Breydon Water and Berney Marshes	01-NOV-10	Redshank	801
Breydon Water and Berney Marshes	01-JAN-11	Teal	562
Breydon Water and Berney Marshes	01-DEC-10	Teal	375
Breydon Water and Berney Marshes	01-JAN-11	Golden Plover	7150
Breydon Water and Berney Marshes	01-FEB-11	Black-tailed Godwit	548
Breydon Water and Berney Marshes	01-NOV-10	Black-tailed Godwit	878
Breydon Water and Berney Marshes	01-JAN-11	Lapwing	16955
Breydon Water and Berney Marshes	01-DEC-10	Dunlin	5407
Breydon Water and Berney Marshes	01-DEC-10	Wigeon	8812
Breydon Water and Berney Marshes	01-JAN-11	Avocet	150
Breydon Water and Berney Marshes	01-JAN-11	Redshank	1194
Breydon Water and Berney Marshes	01-FEB-11	Oystercatcher	34

# Breydon Water Low Tide Distribution Maps for key species 2010/11



Mallard





## **BROADS AUTHORITY**

### **Water Skiing and Wake Boarding Permit**

This Permit is issued under Section 27 of the Broads Authority Act 2009.

The Broads Authority hereby permits

\_\_\_\_\_ to navigate the Authorised Vessel

for the purpose of towing a water skier (or wake boarder) in the zones and at the times specified in Appendix 1 to this Permit provided this is in accordance with the conditions specified below.

This Permit is issued on the basis that

- a) the Authorised Vessel has a block area of no more than 13 square metres, has a planing hull, and does not have permanent covered accommodation.
- b) the Authorised Vessel has been registered in accordance with the Authority's Byelaws and that payment of the Prescribed Annual Toll for the vessel has been made.

In this Permit the following definitions apply:-

The "2009 Act" means the Broads Authority Act 2009

"Authorised Vessel" means the vessel described in Part 1 of the Schedule

"Authorised Person" means the persons named in Part 2 of the Schedule

The "Authority" means the Broads Authority

The "Permit Holder" means the person named above

The "Prescribed Annual Toll" means the appropriate annual toll within a scale of tolls, currently in force in any year, as prescribed by the Authority pursuant to Section 26 of the Harbours Act 1964

"Kill Cord" means a device to automatically stop the engine of the Authorised Vessel if the person navigating the Vessel leaves the helm

"Air Chair" means a board or chair with an integral hydrofoil for the purpose of lifting the rider and board or chair above the surface of the water

“Bank Start” means where a skier is pulled from a bank or platform by a water ski vessel to start the water skiing activity.

“Boom” a device which extends over the edge of a vessel for the purpose of providing physical support during training and for barefooting.

“Inflatable” means an object that can be inflated with gas or air.

“Jumping” means being towed by a boat and using a ramp to leave the surface of the water.

“Parascending” means being towed behind a vessel while attached to a specially designed parachute, known as a parasail.

“Kneeboard” means a buoyant board ridden in a kneeling stance that is used to ride on water whilst being towed behind a boat.

“Wakeboard” means a device where the feet are bound to a device at an acute angle to the parallel that is designed to travel on the wake created by the towing vessel,

“Water Ski” means a ski-like board used in pairs, or a mono ski, where the feet are bound in-line with the parallel that is designed to ride on water whilst being towed behind a boat.

## THE CONDITIONS

1. This Permit runs from \_\_\_\_\_ to 31 March 2013 unless cancelled earlier by the Authority under Condition 23 of this Permit.
2. This Permit is personal to the Permit Holder and is not transferrable.
3. (a) This Permit does not permit anyone other than the Permit Holder and the Authorised Persons to navigate the Authorised Vessel.  
  
(b) Condition 3(a) does not apply in respect of training for the British Water Ski ski-boat driver award that can be undertaken for a maximum of 3 months in the period covered by this Permit. The Permit Holder or Authorised Person must be on board the Authorised Vessel and is considered master of the vessel at all times during the period of training.
4. a) This Permit authorises the Permit Holder and the Authorised Persons to navigate the Authorised Vessel at a speed over the ground greater than specified in the Broads Authority Speed Limit Byelaws 1992 Schedule 1 while being used for the purpose of “towing a water skier” in the zones and at the times specified in Appendix 1 to this Permit  
  
b) For this purpose, “towing a water skier” shall be deemed to include the act of recovering a water skier who has been separated from the vessel during towing.
5. The Permit Holder and any Authorised Person must:-  
  
(a) Throughout the period of this Permit each maintain a policy of insurance in respect of any liability referred to in paragraph 2 of Schedule 3 to the 2009 Act in the sum of £2,000,000.  
  
(b) On written request from an Officer of the Authority to do so produce to the Authority evidence of the insurance cover referred to in Condition 5 (a).
6. (a) The Permit Holder and any Authorised Person and any person under training must throughout the period of this Permit:-
  - (i) Each be a member of both the Eastern Rivers Ski Club and the [British Water Ski & Wakeboard](#)
  - (ii) Except where Permit Condition 6 (b) applies, only tow water skiers or wake boarders who are members of such clubs.



- (b) Condition 6 (a) (ii) does not apply in respect of water skiers and wake boarders who are towed up to a maximum of 4 occasions in the period covered by this Permit.
  
- 7. The Permit Holder and any Authorised Person must throughout the period of this Permit each hold a current British Water Ski Boat Driver Award or qualification approved by the Authority following consultation with the British Water Ski and Wakeboard.
  
- 8. (a) Whilst in use for the purpose of water skiing or wake boarding the Authorised Vessel must display in the approved position a set of registration marks at a minimum height of 225mm (9 inches) and of a type, colour and material approved by the Authority.  
  
(b) For this purpose, “approved position” means on each side of the bow and at the after end of the vessel so as to be visible from astern.
  
- 9. The Authorised Vessel must not be used pursuant to this Permit if, following its issue, either:-  
  
(a) A material change is made to it or to its systems which in either case may affect the generation of wash or noise from the vessel, unless that change has been approved by The Authority; or  
  
(b) A change is made to the vessel that either increases its block area to more than 13 square metres or involves the provision of a non-planning hull or permanent covered accommodation.
  
- 10. The Authorised Vessel must have completed and passed a Wash and Noise Test of a type approved by the Authority and complying with the pass criteria set out in Appendix 3 to this Permit.
  
- 11. (a) The Authorised Vessel must be subjected to an annual test (which complies with the methodology set out in Appendix 4 of this Permit) carried out by a person approved by the Authority which verifies that:
  - (i) The steering system of the vessel is in good condition and fit for purpose and,
  - (ii) The Kill Cord functions correctly.  
(b) The Permit Holder must produce to the Authority on request details of the test carried out under condition 11(a).
  
- 12. The Permit Holder and any Authorised Person must use “approved equipment” only
  - a) For this purpose, “approved equipment” shall be limited to
    - i. The Authorised Vessel
    - ii. Tow Rope;
    - iii. Knee Board

- iv. Wake Board
- v. Skis
- vi. Boom

13. The Permit Holder and any Authorised Person must not permit the use of ballast or excessive weight in the vessel or carry passengers in excess of the manufacturer's recommendations.
14. The Permit Holder and any Authorised Person must not permit the use of "air chairs", and any "inflatable".
15. The Permit Holder and any Authorised Person must not cause an Authorised Vessel to make any sustained wave, against a bank, of more than 300 mm (12 inches) in height from trough to crest.
16. (a) The Permit Holder must:-
  - (i) Maintain and keep up to date a log book issued by the Authority in respect of the use by the Permit Holder and any Authorised Person of the Authorised Vessel under this Permit.
  - (ii) Keep the log book on the Authorised Vessel whilst being used by the Permit Holder and any Authorised Person under this Permit.
  - (iii) Produce the log book on request to any officer of the Authority.
  - (iv) Return the log book to the Authority at the end of the period covered by this Permit or upon its cancellation if earlier.
- (b) Any Authorised Person whilst operating the Authorised Vessel under this Permit must produce the log book on request to any officer of the Authority.
17. The Permit Holder and any Authorised Person must navigate the Authorised Vessel with care and caution.
18. The Permit Holder and any Authorised Person must not navigate the Authorised Vessel unless there is also on board at least one person to provide assistance during towing.
19. The Permit Holder and any Authorised Person must not at any time navigate the Authorised Vessel so as to tow more than 2 persons.
20. The Permit Holder and any Authorised Person must ensure that any water skier or wake boarder being towed does not engage in parascending, ski jumping, or bank starts.
21. The Permit Holder and any Authorised Person must:-
  - (a) Use tow-ropes of equal length when towing two water skiers; and

- (b) Ensure that two water skiers do not cross in front of, or behind, each other; and
  - (c) Not navigate the Authorised Vessel without attaching the Kill Cord to their person in a way which ensures that it will operate effectively.
- 22.
- a) The Permit Holder and any Authorised Person must ensure that any water skier or wake boarder being towed remains in or on the water at all times during towing.
  - b) Condition 22 (a) does not apply in respect of water skiers and wake boarders provided that all of the conditions 22 b) i),ii),iii), and iv) are complied with.
    - i) Water skiing and wake boarding shall be limited to zones and times set out in Appendix 2.
    - ii) No more than six concurrent Authorised Vessels are used at any one time in any one zone set out in Appendix 2.
    - iii) The Permit holder and any Authorised Persons shall register with the Authority on each occasion their intention to navigate the Authorised Vessel.
    - iv) The Permit Holder and any Authorised Person must not at any time navigate the Authorised Vessel so as to tow more than 1 person.
23. The Authority may cancel this Permit, or amend its conditions, if:-
- (a) The Permit Holder or any Authorised Person is convicted of an offence under Section 29 of the 2009 Act; or under any byelaw made by the Authority; or
  - (b) Condition 5 of this Permit has not been observed.

## **The Schedule**

### **Part 1**

The Authorised vessel to which this Permit applies is as follows<sup>1</sup>:

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### **Part 2**

---

<sup>1</sup> This information should be added by the Broads Authority only.

The Authorised Person/s to which this Permit applies is/are as follows<sup>2</sup>:

1	Permit Holder
2	Authorised Person
3	Authorised Person
4	Authorised Person

### **Appendices**

- 1 Water Ski and Wake Boarding Zones and Times
- 2 Water Ski and Wake Boarding Zones and Times applicable to the Wake Boarding Trial 2012/13
- 3 Wash and Noise Test Pass Criteria
- 4 Annual Steering and Kill Cord Test Methodology

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<sup>2</sup> This information should be added by the Broads Authority only. Additions may also only be made by the Broads Authority.

## Breydon Water ski designation

### Background

Waterskiing has taken place on Breydon Water for in excess of 40 years. During this time the Great Yarmouth Water ski Club operated approximately 25 – 30 boats, prior to the club's amalgamation with Eastern Rivers Ski Club (ERSC) in 2001.

### Frequency and timing of use

The level of historic use has been investigated, through personal communications with the Chair of Eastern Rivers Ski Club and individual skiers, with 6 ski boats identified as active over recent years. 4 of the skiers involved have been interviewed concerning the frequency of their previous activities.

It has been confirmed that most activity has taken place between April – Nov, largely in evenings and weekend days, with 2 skiers reporting skiing activity in March, and 1 reporting activity all year and also in early mornings. All activity took part when weather and sea state were favourable.

The duration of skiing in the summer is usually between 2 to 3 hours per session although the shoulder months have reduced opportunity in the evenings due to available daylight. In the winter only one water skier has confirmed that they had previously water skied during the winter and only for periods of between 1 to 1.5 hours mainly due to the temperature encountered. The skier confirmed that they engaged in water skiing in all weathers however when very low temperatures existed this curtailed the duration to a maximum of 1 hour per session.

Historically those taking part in water skiing on Breydon rarely engaged in the activity together/ at the same time, as there were no restrictions on access.

With this information it can be estimated that maximum potential skiing movements are likely to be as follows in the table below, based on 2013 calendar/ tide table and the assumptions outlined;

The restriction the Authority has proposed regarding no water skiing to take place between 0.5 hour before to 2 hours after predicted low water at Yarmouth Yacht Station has reduced the available opportunities for water skiing in the evenings due to the timings of the low water event and the available daylight hours. The number of evenings when water skiing is viable are shown in column 6 in the table below. This is the number of evenings between 1600 hours and sunset where the available time to water ski is greater than 2 hours dictated by the tide restriction and available daylight.

E.g. Sunset is 2000 hrs minus 2 hours to ski minus 2 hours after low water when skiing is prohibited delivers a result that if a low water time later 1600 hrs skiing not viable. This method has been applied to the 2013/14 tide tables to determine the number of available skiing opportunities in the evenings. Furthermore if the low water events is mid day to early evening at weekends this will likely deter skiers from participating at the weekend days, this has been applied to the data shown in column 7 of the table which shows the likely remaining weekends available for skiing.

Further assuming that potential skiing opportunities will be affected by weather events occurring during the course of the year which will inhibit activity (high winds, rain, low temperatures) it is suggested that a reduction of a 20% weather factor be applied to reduce the maximum potential available opportunities, shown in the table below;

Reported individual use			Potential use opportunities			
Months	Reported frequency	Reported individual uses	Potential Evenings (after 4pm)	Potential Weekend days	Available potential after Tide/ daylight restrictions (Eve, after 4pm)	Available potential after Tide/ daylight restrictions (w/e days)
March	Every w/e day	10	20	10	5	6
April – October	Every w/e day	60	156	60	83	30
	30+ times	30				
	2x per week	62				
	Every Sunday* plus 1 weekday per week	30* 31				
Nov - Feb	2x per month	8	nil	34	nil	23
Maximum potential uses			176	104	88	59
Suitable Weather factor	-20%		<b>280</b>		147 (113 summer) (34 winter)	
total individual use		<b>231</b>			<b>118</b> (91 summer) (27 winter)	
* Grand total noting reported concurrent use		<b>183 (summer) 18 (winter)</b>				

The grand total of available opportunities to water ski of 118 compared with the previous total reported use 231 would infer that if the activity were to remain as previously reported the overlap of uses would increase due to the reduced available time slots.

This would therefore reduce the number of likely disturbance events by 49% on those that were presented when the activity was uncontrolled. Additionally permit conditions require 3 persons in a ski team (helm/ lookout/ skier) then this also increases the likelihood of concurrent use. The water skiers on Breydon have reported that they rarely saw other water skiers either confirming that the activity when concurrent occurred in more than one area of Breydon or that there was serial activity given the number of reported uses.

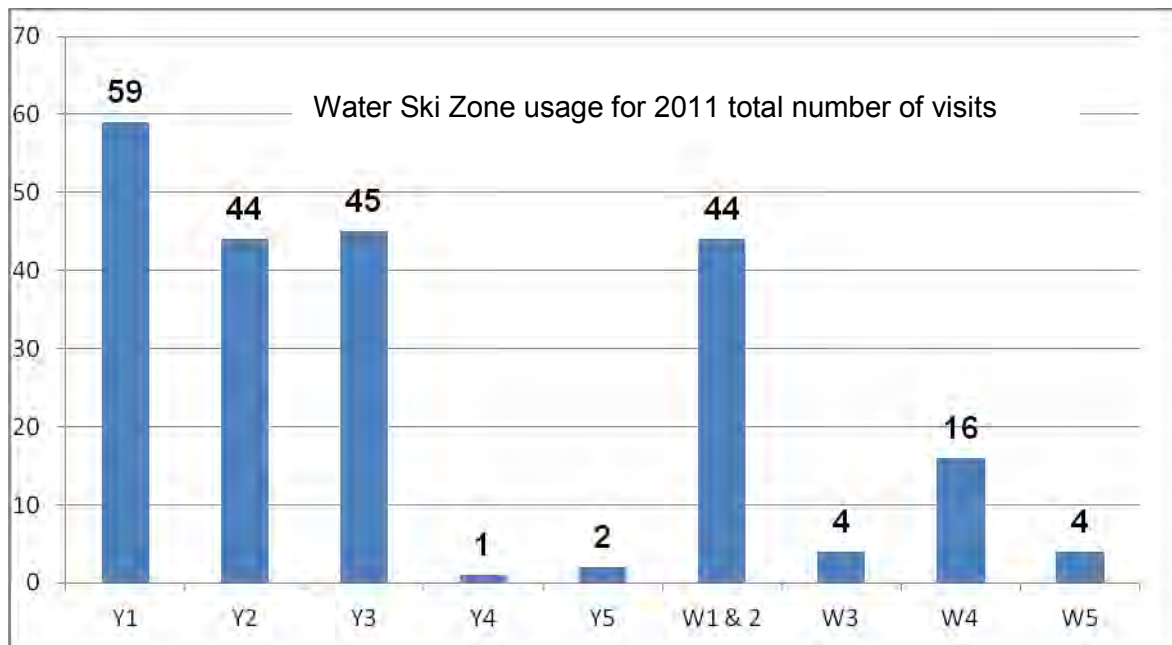
This level of activity of 231 visits would also assume that the number of active skiers were to remain as previously reported however the following must be considered –

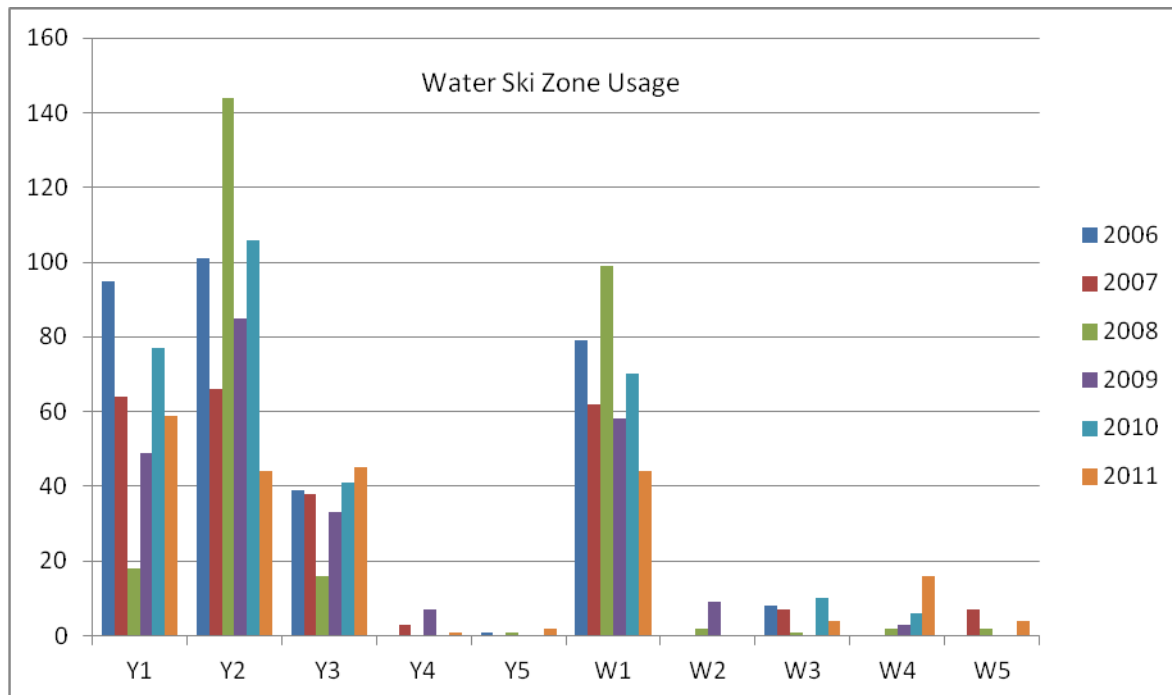
- a) the skier who reported to ski during the winter period has stopped water skiing and sold all of his equipment and his boat thus potentially removing all of the winter usage some 18 visits reported.
- b) from the analysis of water ski log books for the river sections that there is little to no activity during the winter period, these river sections would be preferred to Breydon as they offer better shelter and less choppy water.
- c) if skiing takes place in winter the duration of skiing is greatly reduced due to the temperature historically limited to only 1 hour in the depths of winter on Breydon.
- d) Individual use varies according to personal preferences and circumstance, but taking an average across the active permit holders in active zones it is reasonable to assume 13 uses per permit holder in the course of a year. If the 6 water skiers were to continue with this average this would equate to a total of 78 visits per year
- e) The zone is designated for recreational water skiing and physical constraints of individuals who take part will determine that 2 to 3 hours will be sufficient time, furthermore due to fitness levels the recreational skier is not likely to re –engage in skiing for a few days. This further reduces the likely number of disturbance events.

Evidence from the usage of the 9 existing river zones (see map at Appendix a) identifies that 36 permits have been issued in 2011, and the average uses in the well used zones was 48 visits per year. (See graph below) This usage is lower than that recorded or predicted for Breydon but one Breydon user who skis very regularly distorts these average figures. Indeed the figures for 2012 will show an increase in the river usage as this user has temporarily moved to the river sections.

Further examination of the 2011 data identifies that the majority of these uses were as a result of 15 water ski permit holders.

The number of permits issued by the Authority has consistently been below 40 for the last five years.





The width of the river in these zones are Waveney is 35m, Yare is 58m, Average overall 46.5m. Therefore the maximum distance from skier to bank edge will be approximately 23.3m. Additionally, zone Y2 is adjacent to Strumpshaw Fen and previous reviews have indicated no evidence of disturbance to wildlife at this proximity, albeit there is screening vegetation. The proposed width of the Breydon ski zone is 84m. At high water, the distance to the adjacent salt marsh is approximately 674m. From the edge of the Breydon water ski zone the average distance at low water to the mud flats is 14m. Water skiing is likely to take place in approximately the centre of the channel which is a distance of 42m to the edge of the mudflats. This is an increase of 55% on the distance to banks in the river zones. It should also be noted that it has been agreed to not allow water skiing 0.5hr before low water therefore the distance from the source of potential disturbance to the edge of the mud flats will always be greater than specified.

### Area of use

Historically, the whole of Breydon Water has been used for skiing – anecdotally, reports have been received that previous water skiing activity took place outside of the marked navigable channel at high water but for the purposes of this assessment the area of the posted channel is used as a baseline = 54.1ha

The dimensions of the agreed zone is 22.44ha; which equates to 41% of the previously available area of the navigable channel although, therefore this reduction in available water space is a further restriction on the extent of the historic activity.

This is particularly relevant as the unregulated activity had potential of disturbing a larger area of the site however the proposed water ski zone concentrates the activity this combined with the potential for concurrent use therefore reduces the potential disturbance events and the area over which this potential disturbance may affect.

### Breydon Water control measures

The control measures applied to the zone to allow waterskiing on Breydon Water can therefore be summarised as follows;

- Restricting the time when water skiing can take place specifically excluding around the low water event when lots of birds feed on the mud flats, thereby reducing the potential use to approximately 50% of the reported historic use.



- Reducing the area where water skiing can take place to within a small corridor in the navigation channel – a reduction of 59% taking only the navigation channel as previously available.
- Patrolling Breydon all year round to police the permit conditions, and issue Special Directions if required.
- Requiring all skiers to book on with Broads Control before commencing skiing.

### Standard control measures

There is also a suite of standard control measures which apply on water ski zones, which will likewise be applied to Breydon Water;

- Requiring all water skiers to be members of ERSC and British Water ski, who follow a statement of purpose and environmental commitment, supported by environmental policy note, and who would enforce any breaches.
- Requiring all ski boat drivers to be qualified helmsmen
- Requiring all ski boats to satisfy maximum wash criteria
- Requiring all ski boats to satisfy maximum environmental noise standards
- Requiring all skiers to be permitted by the Broads Authority and subject to many permit conditions, any breaking of which could ban the skiers from obtaining a permit in the future. These conditions also include the requirement to complete a log book.
- Requiring all wake boarders to book on with Broads Control before commencing skiing.

### Monitoring

The actual usage of the proposed zone will be monitored against a profiled target for the predicted use of 78 visits per year (the soft cap), which has been drawn from the river data averages. This will enable the Authority to rapidly act to any variances in use by calling an internal review to establish if additional control measures are required, and to extrapolate when the maximum potential use of 118 (91 summer) (27 winter) is anticipated to be exceeded.

Monitoring of the waterskiing will be done in 2 ways; firstly usage (number of times, number of skiers and duration) will be monitored by maintaining a running total of the number of uses by Broads Control based on the skiers logging on. Secondly, proactive trials will also be conducted with members of the ERSC with Broads Authority observers present to record the effects of waterskiing on the surrounding environment.

Additionally, Broads Authority Rangers who are rostered 7 days per week Easter – October, and 5 days per week November - Easter will also log the activity to ensure the conditions are being met, and check accurate recording with Broads Control. Regular observations will also be made of the environmental impact of the activity by staff and volunteers, including on other vessels and the bird responses. Regular, random digital video recording of skiing activity will also be completed as an objective record of the practice.

### Review

It is proposed that this data will be reviewed at the end of the season, Oct 2013, and assessed to determine whether any impacts can be identified, and consider whether further constraints might be required. This will be conducted by the Water Ski Review Panel.

Additional constraints can include;

1. A restriction on the maximum number of times when waterskiing is permitted – suggested this is determined following an assessment of actual demand.
2. A restriction on the maximum number of permits which can be issued, generally or zone specific – suggest this is reviewed when data is gathered regarding pattern of use/ demand is assessed, although from the river data it is noted that the number of permits issued does not directly correlate to the level of use.
3. A Direction can be given to restrict the number of users skiing concurrently in a zone, on the grounds of congestion or safety – to be assessed following experience; Special directions can be used in the interim period if required by the Rangers.

4. Special Directions can be issued by Rangers to regulate navigation, and to restrict the speed of any vessel in the navigation area, and failure to comply with Directions is an offence under Broads Authority Act 2009.

### Conclusion

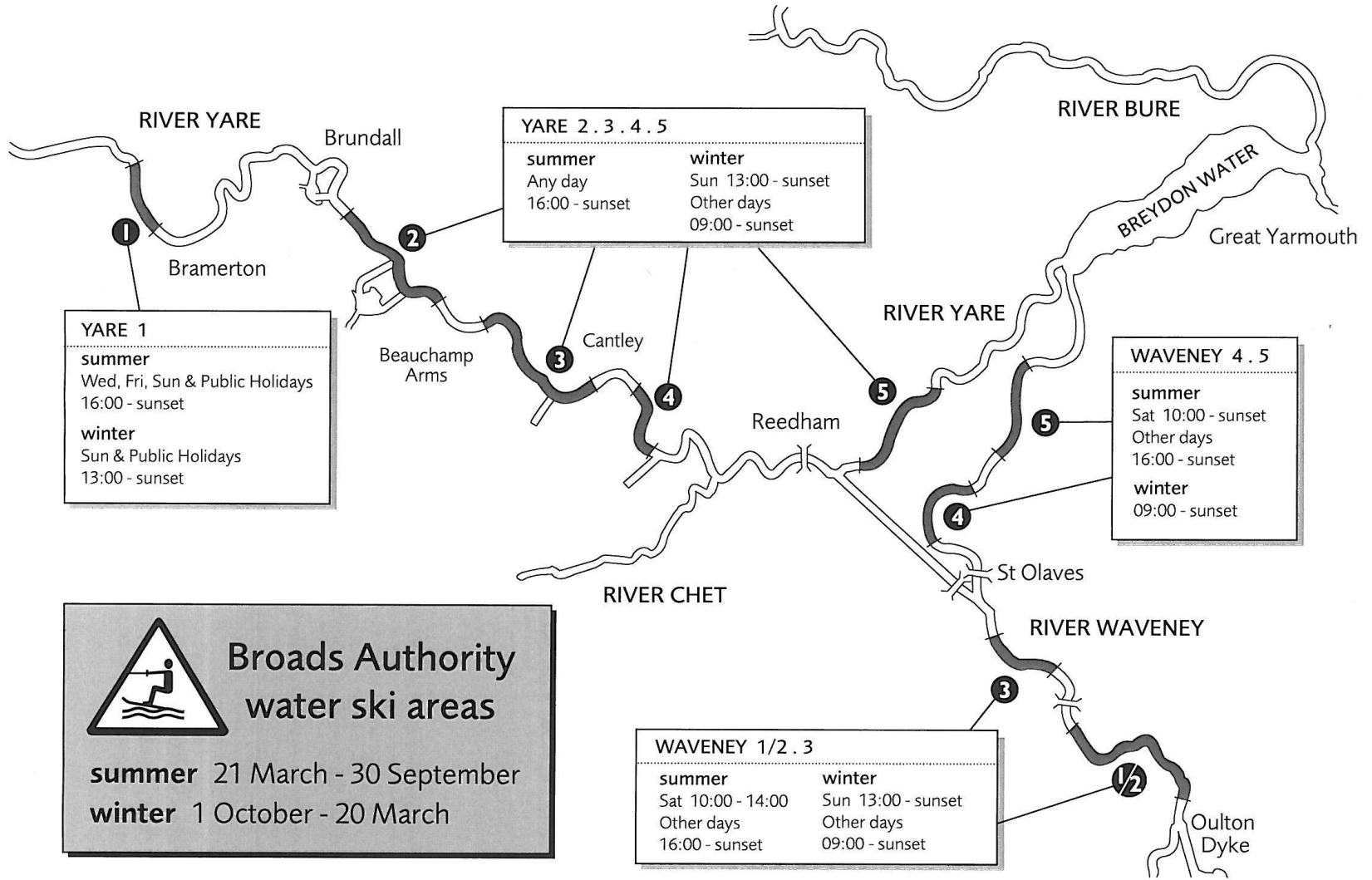
When this is compared with what restrictions were previously applied to water skiing on Breydon, this demonstrates that the Authority has been very careful and thorough in its precautionary approach to the likely effects of water skiing.

Also bearing in mind that water skiing was historically unrestricted on Breydon and when permit conditions were applied to the river systems there was not any increase in the numbers of skiers, rather the reverse. So from this it can be concluded that designating a ski zone on Breydon may see participant numbers fall rather than increase.

Given also that the RSPB local wardens have reported that bird numbers and species had significantly increased since the designations of the site SPA 1987, Ramsar 1996 etc and that these increases in bird population have occurred whilst the area has been used for recreation on the water in an unrestricted manner including waterskiing, which we now know has occurred during the summer months over many years, then this must demonstrate that recreation in general but specifically waterskiing is unlikely to have any significant effect on the features of the site. It is also noted that previously neither the RSPB nor NE have raised concerns that the features of the site may be being affected during this unregulated period.

After taking all of the above into account it is believed there are sufficient mitigation measures identified for the Authority to be comforted that they have taken all reasonable steps to ensure that there is no likely significant effect on the features of the site from waterskiing.

NB note this map relates to water ski zones/ times prior to 2013 season, now amended.



Date: 18/04/2013



**By email only**

Norfolk Land  
Management Team,  
Dragonfly House,  
2 Gilders Way,  
Norwich,  
NR3 1UB

Dear Steve

**Application to permit water skiing: Breydon Water Special Protection Area and Site of Special Scientific Interest**

Thank you for your email of the 25<sup>th</sup> March and the attached Habitat Regulations Assessment of the proposal to permit water skiing on Breydon Water SSSI/SPA. Note that this also constitutes a notice (under Section 28I of the Wildlife and Countryside Act 1981, as amended) to Natural England of the intention of the Broads Authority to permit water skiing on Breydon Water and therefore Natural England's role under the Act is to provide formal Advice on this proposal.

We note that the HRA concludes that the proposal constitutes a plan or project that is not directly connected with or necessary to the management of Breydon Water SPA but that is **not** likely to have a significant effect on the conservation objectives of the SPA.

Based on the information provided, Natural England **is not able to agree** with your conclusion. However, if certain conditions were attached (see below), we would potentially be able to advise that water skiing can be permitted with no likely significant effect on the integrity of the SPA. We would also be of the opinion that water skiing is unlikely to be damaging to the interest features of the SSSI.

**Recommended Conditions**

Use of the water ski zone should be capped at 78 'periods of use' from the 1<sup>st</sup> April up to and including the 31<sup>st</sup> October, with no more than 15 periods of use in any given calendar month. Each period of use should last up to but not more than 3 hours duration. The number of water skiers that can use the Zone during any given period of use does not need to be limited for conservation purposes.

Use of the Zone after the 31<sup>st</sup> October should not be capped but should be logged with Broads Control.

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An explanation for recommending these conditions is provided in Appendix 1.

The above is formal Advice and although the Broads Authority is not required to implement this advice in granting permission for water skiing on Breydon Water, **'I draw your attention to your duty, under section 28G of the Wildlife and Countryside Act 1981, as inserted by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.'**

**I also draw your attention to the provisions of section 28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then you must ensure that:**

- **notification is given to Natural England of the permission and terms of the permission and a statement of how, if at all, you have taken account of Natural England's advice**

**and**

- **the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.'**

#### **Appendix 1 – Explanation for recommending the proposed conditions**

- The Broads Authority's understanding is that water skiing has taken place on Breydon Water for at least the last 40 years and certainly ever since it was designated as a SSSI in 1987. While water skiing is perceived to be a fast and noisy activity, likely to disturb and scare birds, bird numbers on Breydon Water have increased significantly since designation, suggesting that water skiing and boat traffic in general has not had a detrimental impact on the bird populations. However, this increase in bird numbers must be looked at within the context of the wider Broads area and certainly the vicinity of Halvergate and Berney Marshes, within which much effort has been made to provide habitat for both breeding and over-wintering birds. In addition, national and international changes in bird distribution may have also resulted in changes to the number of birds recorded on Breydon Water. It is therefore possible that bird numbers have increased in spite of disturbance from water skiing activity.
- While the impact of water skiing on bird populations on Breydon Water has never been specifically assessed, at the outset of the HRA process it was anecdotally reported that water skiing activity on Breydon Water has historically been infrequently and practiced by a small number of local water skiers. **Natural England's advice was therefore that, if the Broads Authority can demonstrate this, it should be able to determine no likely significant effect on the conservation objectives of the SPA,** on the basis that even an activity that causes disturbance can be determined to be not significant if it is infrequent and of short duration (e.g a digger slubbing out ditches on a marsh for a few days each year).
- In terms of water skiing activity in winter (November – March inclusive), the Broads Authority has clearly demonstrated that this is the case. However, with regards to summer activity, historic activity was found to be much higher than originally thought and although factors including tides and the weather are likely to practically limit the use of the water ski zone, there is still considerable uncertainty as to how much activity will take place in the proposed zone. This makes it difficult to determine no

likely significant effect and therefore the HRA should proceed to the appropriate assessment stage. **However, we suggest that, if further conditions were imposed on water skiing, we would agree with the determination that water skiing is not likely to have a significant effect on the conservation objectives of the SPA.**

#### Summer use (April – October inclusive)

- The reported recent historic use of Breydon Water during the summer months is quite high, particularly in comparison to the rest of the Broads; 213 uses by the 4 skiers interviewed, compared to 219 across the rest of The Broads as a whole in 2011. This equates to an average of 30 uses per month. The Broads Authority also states in the HRA that water skiers generally did not tend to ski at the same time, so this effectively equates to 30 disturbance events per month (occasions when water skiing could potentially disturb birds - although it is likely that there was some overlap of activity). Water skiing generally took place at weekends and on weekday evenings and each skier usually skied for between 2 and 3 hours
- **Based on the above information, Natural England would not be able to determine such a level of activity as having no likely significant effect on the conservation objectives of the SPA.** However, the Broads Authority suggests that the limits on the use of the Zone (no water skiing 0.5 hours before and 2 hours after predicted low water) and weather will reduce potential opportunities to use the Zone to 91 (evenings after 4pm and weekend days). However, there is a degree of uncertainty about this figure, particularly with regard to the reduced opportunities to ski due to bad weather (20% reduction is a some-what arbitrary figure). However, the Broads Authority goes on to report that, on average, water skiers in the existing water ski zones in The Broads each go water skiing 13 times a year. For the six skiers reported to use Breydon Water, that would equate to 78 uses. Such a useage would equate to less than 12 uses a month. **Given that each useage would last approximately 2-3 hours, Natural England would be able to determine such a level of activity as having no likely significant effect on the conservation objectives of the SPA.**
- Natural England therefore advises that, in addition to the control measures already proposed, the Broads Authority should limit the number of periods of use of the water ski zone over the summer months (1st April to 31<sup>st</sup> October) to 78, with no more than 15 periods of use in any given calendar month. Each period of use should last up to but not more than 3 hours duration. Please note that we do not believe that the number of water skiers using the zone at any one time needs to be limited for conservation reasons, so by agreeing/arranging to ski at the same time as others, individual water skiers could ski more than the average 13 times (indeed, in theory, all water skiers could continue to ski at their reported historic level of use).
- We are of the opinion that, while this proposed cap is a precautionary figure (which it needs to be, given the uncertainties about how birds react to water skiing on Breydon Water), it still facilitates a meaningful level of access for water skiers. As only a handful of water skiers regularly use Breydon Water and given that all water skiers would be members of the Eastern Rivers Ski Club, we would hope that water skiers would be able to work together to maximise their use of the water ski zone, while keeping disturbance events to an acceptable level. We also believe that, through the use of Broads Control and the its rangers, the Broads Authority has the ability to implement and enforce such a cap.

Please note that the impact of water skiing should still be monitored as proposed and that the cap on summer useage should be reviewed at the end of October 2013 (with the observations made during monitoring taken into account).

Winter use (November – March inclusive)

- Of the 4 water skiers interviewed, 1 water skier reported that they used to water ski between November and February inclusive and 2 water skiers stated that they used to water ski in March. Their combined activity amounted to 18 uses over the 5 coldest months of the year – an average of <4 uses a month. In addition, we understand from the Broads Authority that the skier who previously used to ski in the coldest months has now sold their equipment and so is unlikely to ski on Breydon Water in future. The Broads Authority also states in the HRA that water skiers tend to ski for shorter periods of time due to the colder temperatures.
- **Natural England is of the opinion that there is sufficient evidence to reasonably expect a very low useage of the water ski zone during the winter months and that therefore, we agree that the Broads Authority can reasonably conclude no likely significant effect of winter useage.** However, all use of the water ski zone during the winter should be logged with Broads Control and be subject to the other control measures proposed in the HRA.

If you would like to discuss our Advice in more detail, I would be happy to meet with you. May I also suggest though that the RSPB and Peter Allard also be invited to attend any such meeting so that they can also understand how we have come to our opinion on this matter.

Yours sincerely



Chris Bielby  
**SSSI Lead Adviser**