

Broads Local Access Forum

Minutes of the meeting held on 09 June 2021

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Present

Keith Bacon – in the Chair, Linda Aspland, Richard Atkins, Louis Baugh, Katie Baxter, Harry Blathwayt, Christine Cane, Peter Dixon, Tony Gibbons, Tim Harris, John Murray, Steve Read, Martin Rendle, Paul Saunders, Christopher Yardley.

In attendance

Jade Davies–Intern, Dan Hoare – Head of Construction, Maintenance and Ecology, Kylie Moos – Administrative Officer, Lewis Treloar – Waterways and Recreation Officer, Martin Sullivan – Norfolk Local Access Forum, Ken Hawkins – Norfolk Local Access Forum.

1. Apologies for absence and welcome

Apologies received from Dawn Hatton.

2. Declarations of interest

Members indicated they had no further declarations of interest other than those already registered and set out in Appendix 1 to these minutes.

3. Appointment of Chair

Keith Bacon was nominated for the position of Chairman of the Broads Local Access Forum. There were no other nominations. Members voted unanimously to appoint Keith Bacon to this role.

4. Appointment of Vice Chair

The appointment of Vice Chair will take place at the next meeting. The position remains vacant for this meeting.

5. Minutes of the Broads Local Access Forum meeting held on 10 March 2021

The minutes of the meeting held on 10 March 2021 were approved as a correct record and signed by the Chairman.

6. Matters arising from the minutes

Reedham Permissive Path

The Broads Authority has written a press release which is currently with Reedham Parish Council to review before publishing.

7. Open Water Swimming

Paul Saunders presented open water swimming to the Forum. How it can be undertaken on the Broads in a safe and enjoyable way, as well as highlighting the risks and giving information on how to mitigate the risks.

History

- For many years the Broads Authority has said “Do not swim in the broads” The website displays the following:
 - “This is potentially very dangerous without the benefit of support from an open water swimming organisation”.
 - “The Broads Authority strongly advises against entering the water unless part of an organised event”.
- This mindset has changed recently, however, the message is currently along the lines of it being “discouraged”.
- There are a growing number of people who do swim in the Broads.
- Ongoing discussions are taking place with BA officers proposing a review of the Broads guidance.

Benefits

The unique properties of water make swimming perfect for people of all ages to exercise. There is increasing evidence that swimming is a cost-effective activity with positive impact for the NHS.

Physical benefits:

- Increases fitness and improves cardio vascular fitness
- Can help weight loss
- Cold water stimulates your parasympathetic nervous system (PNS),
- Lower heart rate and blood pressure
- Reduce stress hormone production
- Boosts the immune system
- Helps to deliver a better night's sleep

Mental benefits

- A feeling of relaxation
- A sense of contentment
- Deliver a better night's sleep
- Feel closer to nature
- Improve overall feelings of wellbeing

Who swims in the Broads?

- Immersers or dippers
- Social / casual swimmers

- Triathletes
- Open water swimmers
- People 'having fun' in the water

It's useful to think about the different groups and how the proposed guidance can keep them safe, and also how they can access the guidance.

Risks

Most open water swimmers know the risks and how to mitigate them, below is a list of risks which may occur:

- Cold water shock, hypothermia, cramp
- Boats (hire boats vs private)
- Scullers / Rowers
- Tides
- Weeds and plants
- Deep mud
- Hidden obstructions
- Exit and entry points
- Blue Green Algae
- Weils disease

Staying Safe

- Swim within own capabilities (distance, water temperature)
- Don't swim alone
- Navigation - Rules of the road
- Avoid areas with high traffic
- Be seen - Bright colored swim hat and a bright tow float
- Look – Be aware of other river users, boats, kayakers, anglers
- Have a kayak lead if possible
- Let people ashore know where you are and when you are out
- Charged phone, what three words app, in emergency 999 coastguard
- Be Bio-Secure and respect the environment
- Be respectful to all other users on the Broads

The Broads Authority have endorsed the Outdoor Swimmers Code, and a link has been included in the proposed guidance.

Benefits to the Broads

- Encourage more people to use them
- Local businesses will see new customers
- Maintain bankside entry and exit points
- Litter picking
- Help promote cleaner water and a better environment

Risks to Landowners

Landowners and authorities often believe that they could be liable if something happens to people who swim in water they manage.

The following legal position has been outlined by respected authorities such as RoSPA, the Visitor Safety Group and Outdoor Swimming Society; people willingly choosing to take the obvious risks of entering open water cannot make a claim if they are injured.

Are designated swim spots an option?

Advantages:

- Select areas where we know people already swim safely
- Signs
- Provide information (entry and exit points, hazards, obstructions, no right of way, etc).
- Website links – Best practice, tides, suggested routes
- QR code

Disadvantages

- What about areas that are not 'designated'?
- Could it give the impression that people shouldn't swim there?
- Is there sufficient parking?
- Could locations become overwhelmed?
- Costs

Insurance

British Triathlon Members are covered with the following:

- Public Liability cover
- Personal Accident Cover
- Legal Claims Service

Next Steps -points to consider

- Identify potential swimming locations

- Remove existing signage (if any) from agreed locations that currently state “no swimming”
- Add signage to agreed locations giving advice on swimming
- Consideration of buoyed off areas for swimming only
- QR code and web address
- “Warning swimmers” signs for boaters
- Add details of locations to the BA website
- Add details of locations to “Broadcaster”.
- Facebook and social media posts, especially where not to swim
- Add more locations

Comments and answers to questions

- A public risk assessment is carried out by Broads Authority rangers at each mooring before installing signs and displaying ‘no swimming’.

Dan Hoare agreed to discuss with Broads Authority rangers the consistency of signs and information displayed.

- Further investigation is required to confirm who would be liable in the event of a boat striking down a swimmer in the water. Whilst swimmers swim at their own risk, people could still make claims in the event of an accident, would hire boat companies be liable?
- If people enjoy swimming in one area, they are likely travel to other areas, not just designated swimming spots. Advice on swimming needs to be standardised across all areas of the of the Broads.
- In some areas of the Broads the risk of Weils disease will be higher than others, people need to be made aware of this, whilst keeping the messaging consistent.
- Honeypot locations such as Caen Meadow have seen an increase in casual swimmers. This has resulted in increased litter and blocked driveways for residents who live nearby. If open water swimming is going to be encouraged across all areas of the Broads than there needs to be an increase of facilities available.
- There have been instances of people jumping in and swimming from boats, but frequently are unable to climb back on the boat. This is more common with hire boat users.
- Increased visitors to honeypot locations may only benefit a select few stores rather than all businesses.
- People who have preexisting cardio vascular medical conditions should not be encouraged to take part in cold water swimming.

- Lowestoft and Great Yarmouth have large populations however their nearby swimming locations are not the safest options. Considerations needs to be given for the tide at Great Yarmouth and the popular boating area of Oulton Broad.
- Encouraging swimming in the off season would be safer, especially if areas could be sectioned off for swimming only.
- Water quality is a concern, with some areas in the Broads, particularly the Wensum and places on the Yare, still recording high levels of mercury.
- All different types of exercise and activities should be encouraged, but risk assessments for each area need to be completed.
- The Environment Agency is responsible for water quality testing in the UK and carry out different testing for non-designated bathing waters and bathing waters. Bathing waters are specifically tested for levels of fecal bacteria. Once the testing has taken place the water is assigned a quality score, this must then be displayed at the bathing location during the bathing season. There is a risk that advertising swimming spots may be confused with bathing waters which have been water quality tested.
- An assessment of safe entry and exits to the water need to be carried out. Waterway access point change by the minute due the tide, as does the quality of water.
- The management and promotion of open water swimming would fit under the Broads Authority's responsibilities. Further development is needed to produce defined recommendations via a policy paper for the Forum.
- Requests are occurring more frequently for quieter stretches of the river to swim in and at what times of the day. People are willing to be advised when and where to go.
- Competitive open water swimming has been popular in the Broads for over 10 years, however there is now an increase in more leisurely swimming. A joined-up approach is required for all users to be safe on the water.
- A working group including Broads Authority officers, rangers, Head of Safety Management and relevant stakeholders is required to discuss potential sites, signage, mitigating risks and addressing the issues raised by Forum members today.

Lewis Treloar agreed to begin internal discussions at the Broads Authority regarding the policy review of open water swimming.

8. Lost Paths in the Broads Authority

Richard Atkins provided a report highlighting two footpaths within the Broads National Park currently regarded by Norfolk County Council (NCC) Highways as being "lost to the river". Once the path has been "lost to the river", NCC Highways no longer have a duty to maintain them.

The two footpaths are Surlingham footpath 1 and Bramerton footpath 5. Both have been discussed for many years with input from the landowner, Highways officers, BA officers, the Environment Agency, the local parish councils and county councillors, without resolution.

The current NCC Highways policy means that Public Rights of way are silently disappearing without the scrutiny and opportunity to challenge afforded by the Highways Act extinguishment process. It is important to understand how many paths depicted on the Definitive Map are deemed to have been “Lost to the River” or at risk of being labelled so by NCC Highways.

Raising charitable funds for the restoration of the paths is proving difficult as the paths are still displayed on the Definitive Map. Each year the paths are worn away further and the cost of repairing is increasing.

Comments and answers to questions

- There is a similar concern within Norfolk Local Access Forum. The Rights of Way sub group is due to meet next week and proposes that this item is added to the agenda for further discussion and to provide support.
- Coastal paths have specific parts of legislation governing them whereby paths can be rerouted and maintained as a public right of way if eroded by the sea. This does not apply to riverside paths.
- The Broads Authority is responsible for the navigation, the Highways Agency are responsible for the surface of the footpaths and the Environment Agency will look after flooding issues. The responsibility of the riverbanks will lie with the landowner who may not want to pay for the repairs to maintain a footpath.
- Lewis Treloar met with NCC Highways Officers who are commissioning a contractor to survey the two footpaths at Surlingham and Bramerton and provide an indication of costs. An application for CIL funding has been submitted to complete the repairs.
- Four paths on the Wherryman’s Way and further paths on the Waveney have also been identified as needing riverbank restoration.
- There are many examples within the Broads where the status of the path and who is responsible for looking after the path is unknown. An example of this is along the side of Oulton Broad which almost links to Somerleyton footpath.
- Martin Sullivan suggested contacting Pathmakers to help with raising funds. The charity would welcome a trustee to join from the Broads Local Access Forum.

The Chair agreed to contact Norfolk County Council and Suffolk County Council to request a list of all paths which have been ‘Lost to the River’ and the reasoning behind each one.

9. Review of restrictions at Ludham and Potter Heigham Marshes

Lewis Treloar provided a report on the review of access restrictions at Ludham and Potter Heigham marshes. In 2016 Natural England opened up a short section (320m) of land across the National Nature Reserve (NNR) for public access. A restriction was placed on dog walking due to the continued sensitivity of birds breeding and feeding on the site.

The Broads Local Access Forum has a statutory role in both the initial and formal consultation stages. The report has been provided ahead of the public consultation to give members the opportunity to review the restriction and provide the Broads Authority with the Forum's initial feedback.

Comments and answers to questions

- Open access across other NNRs would need to be reviewed on a case by case basis. NNRs may not be eligible for open access due to the sensitivity of biodiversity in the area.
- The map in the report highlights a gap along the riverbank that is not registered as a public right of way. For the path to be registered, a public path creation order would be required from Environment Agency.
- Lewis Treloar has contacted the Environment Agency who own the stretch of path highlighted as a gap along the riverbank, and confirmed that they plan to keep permissive access in place.
- The current signage could be misinterpreted to allow dogs under effective control in the area. The message needs to be clear to avoid potential conflict.

The Forum supports the continued restriction of dog access on Open Access land at Ludham and Potter Heigham marshes ahead of the public consultation.

10. Any other business

Horning Little Staithe

Harry Blathwayt updated the Forum on the developments of Horning Little Staithe. The staithe has recently come up in discussions at a Horning Parish Council meeting. There is a right of way along an access road to the staithe, but there is no right of way on the parcel of land. The land and staithe are registered to North Norfolk District Council (NNDC) and costs £110 a year in maintenance. No fishing or mooring is permitted at the staithe and it needs repair.

Remote meetings

Subject to Covid-19 regulations, there is the opportunity for face to face meetings to resume for the next meeting. The meeting room at Yare House would not be large enough to allow all members, officers and members of the public to attend whilst remaining socially distanced.

Broads Authority officers agreed to investigate alternative venues.

11. Date of next meeting

The next meeting of the Broads Local Access Forum would be held on Wednesday 1 September 2021 at 10.00am, location TBC.

The meeting ended at 16.05.

Signed by

Chairman

Summary of progress

Outstanding actions	Meeting date	Assigned to
Begin internal discussions at the BA regarding the policy change of open water swimming.	10/06/2021	Lewis Treloar
Investigate venue options for face to face meetings in September	10/06/2021	BA officers
Investigate consistency of 'no swimming' signage in the Broads	10/06/2021	Dan Hoare
Contact NCC and SCC to identify 'Lost Paths'	10/06/2021	BLAF Chair
Contact the Environment Agency asking their opinion as a follow-up from the publication of the staithe report.	04/12/2019	BLAF Chair

