

Status of Broads Condition and Use
Report by Director of Operations

Summary: This report updates the current position in relation to status of Broads water bodies as previously requested for members information.

Members' views are sought in respect of any further action to be taken.

1 Background

- 1.1 Further to previous discussion in respect of the rights of navigation in Broads waterways, it was agreed that a report be prepared for the Navigation Committee to provide background information. This information was reported to the Committee in Oct 2014, and further information was requested in terms of water quality, area of waterbody and previous investment.

2 Schedule of Broads

- 2.1 The Schedule of broads has therefore been updated to include the additional information, and is included at Appendix 1.
- 2.2 This schedule also highlights the use and presumed legal status of the waterbody for navigation by use of colour coding, those highlighted blue are within the navigation area and have public rights of navigation, those highlighted orange are presumed private but have navigation permitted. Those shown grey are unconnected to the navigation, and those in white are presumed private, closed Broads.
- 2.3 As previously advised generally speaking, there is a public right of navigation over all rivers which are tidal (i.e. subject to the ebb and flow of ordinary or mean tides and including those waters not only where there is a horizontal ebb and flow but also where there is a vertical rise and fall caused by the ordinary sea tide).
- 2.4 However, the public right of navigation does not extend automatically to waterways which are not tidal or (it seems) to artificially created inland waters such as the Broads, even though they may be tidal.
- 2.5 This distinction rests on ownership and in particular on the fact that the bed of the tidal rivers belongs, or used to belong, to the Crown. This is not the case with non-tidal rivers or artificially created water areas such as Broads, where a public right of navigation can be established only by a) long usage, b) Act of Parliament or c) express dedication by the owner of the soil of the waterway.

3 Strategic Review of Broads

- 3.1 Members' views were previously sought as to whether any further action should be taken. The Schedule demonstrates that there are nine private broad's identified where no navigation access is permitted, and the land ownership has been identified for information.
- (i) Nortons Broad – feasible for small craft only
 - (ii) Belaugh Broad – feasible for small craft only
 - (iii) Hoveton Great Broad – subject to HLF bid, due to be temporarily isolated, land based access
 - (iv) Salhouse Little (Lilly) Broad
 - (v) Decoy Broad
 - (vi) Ranworth Inner Broad – land based access/ access via trip boat
 - (vii) Martham North and South Broads – navigation channel open through centre, land based access
 - (viii) Wheatfen Broad – feasible for small craft only, land based access
- 3.2 It was previously suggested by the Committee that the Authority may wish to open discussions with landowners in the first instance, to determine whether any negotiated access may be discussed, and that priority sites could be identified once the additional information was supplied.

4 Next Steps

- 4.1 The Broads Authority has statutory purposes for conserving and enhancing the natural environment, promoting the understanding and enjoyment of the special qualities of the area as well as protecting the interests of navigation. The original reason for Broads Authority investment in the private and unconnected sites was clearly a wetland biodiversity driver, rather than for recreation or access, although the principle of integrated management is very much promoted.
- 4.2 Multiple interests already exist at a number of these sites including land based access provision and conservation designations. In light of the responses identified in the stakeholder surveys calling for more/better access opportunities, it is suggested that a comprehensive audit/review should be carried out of where all access including land based, privately managed etc. currently exists. Such a review could also identify where negotiated permissive canoe or small boat access would be possible and this would be a good piece of work to do. The only other identified access proposal relating to the Broads currently is for a permissive path in the area of Swim Coots at Hickling which is identified in the Integrated Access Strategy (IAS) Action Plan. The action plan is due for review this year and it is also felt that the subject of access to the Broads should be something that is included in the forthcoming review of the Broads Plan. This could include the remit for discussing the potential for public access to private sites and indeed what 'opening up' means (virtual, views, guided etc.) and what the benefits and risks of this might be particularly over the long term.

4.3 Members' views are sought.

Background papers:	Nil
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Broads Plan Objectives:	TR1.5/ TR1.6
Appendices:	APPENDIX 1 – Schedule of Broads

Schedule of Broads

APPENDIX 1

River	Broad	Status	Ownership	BA investment mud pumping/ fish removal etc. NPG, or Navigation	Water quality (WFD status, EA website)	Staithe Register 1986	Area (ha)
Bure	Nortons	Private, agreement for limited number guided canoe trails	Trafford Estate	Mud pumping £11,000 NPG 2008	-	No	0.7
	Belaugh	as above	Trafford Estate	Mud pumping 1990's NPG	-	No	1.9
	Bridge	Private, Leased by BA to allow access	Trafford Estate	Yes – NPG floating island	-	No	1.8
	Daisy	Private, access to private properties	Unregistered	No	-	No	-
	Wroxham	Private, access permitted 364 days	Trafford Estate	No	Moderate	No	34.3
	Hoveton Great/ Hudsons Bay	Private	Blofeld Estate	NE funded bio manipulation/ scrub removal	Moderate Moderate	No	36.6
	Salhouse Little (Lily)	Private	H.Cator	No	-	No	2.3
	Salhouse	Public	H.Cator	Yes –Navigation	-	Yes	8.5
	Decoy	Private	A. Cator	No	Poor	No	9.0
	Hoveton Little (Blackhorse) Pound End	Private, access permitted summer only Private	Blofeld Estate	Mud pumping 1989 NPG mud pumping/ bio manipulation	-	No	15.2
	Burnt fen	Unconnected	Private. Mr J. Nickerson, Neatishead	£34,500 NPG Mud pumped 2009	-	No	4.6
	Cockshoot	Unconnected, Dammed off in 1982	Norfolk Wildlife Trust	Yes – NPG mud pumping and bio manipulation	Moderate	No	5.4
	Ranworth Inner	Private	Norfolk Wildlife Trust	£10,000 NPG on bio manipulation in 2011	Poor	No	29.2
	Malthouse	Public	C. Cator	Yes - Navigation	-	Yes	10.1
	Sotshole	Unconnected	Private, Mr D. Pooley, South Walsham	No	-	No	0.8

	South Walsham Inner	Private, access permitted but no mooring/mud weighting	Fairhaven Trust	No	-	No	11.8
Bure	South Walsham Outer	Public	Unregistered	Yes - Navigation	-	Yes	9.4
	Upton Great	Unconnected	Norfolk Wildlife Trust	No	Poor	No	5.3
	Upton Little	Unconnected	Norfolk Wildlife Trust	£29,000 NPG/ PRISMA mud pumping 2011	Poor	No	1.4
	Mautby Decoy	Unconnected	Private. Mr G. Gay, Mautby	£16,000 NPG Mud pumped 2008	-	No	2.5
Ant	Sutton	Public, channel only	RSPB	Yes - Navigation	-	Yes	
	Barton	Public	Norfolk Wildlife Trust	Yes – NPG/Nav/HLF mud pumping and bio manipulation	Poor	Yes	74.3
	Catfield	Unconnected	Mr T. Harris	No	-	No	1.3
	Cromes	Unconnected	Broads Authority	Yes – NPG sediment removal, sediment capping	-	No	4.2
	Alderfen	Unconnected	Norfolk Wildlife Trust	Yes – NPG bio manipulation	-	No	5.2
Thurne	Calthorpe	Unconnected	Natural England	£10,500 NPG Mud pumped 2009	-	No	1.1
	Horsey Mere	Public	National Trust	Yes - Navigation	Moderate	Yes	33.2
	Blackfleet	Unconnected	Mr R. Buxton	No	-	No	1.6
	Hickling/ Heigham Sound	Public	Norfolk Wildlife Trust/ Mills Estate	Yes – Navigation/PRISMA, goose protection NE	Poor	Yes	164
	Martham North and South	Private, navigation channel between Broads	Norfolk Wildlife Trust	Yes - reed islands NPG, goose protection	Moderate	No	17.3
	Womack Water	Public	Crown Estate	Yes erosion protection NPG	-	Yes	4.2
Trinities	Ormesby/ Rollesby/ Ormesby Little /Filby /Little	Unconnected	Essex and Suffolk Water	Yes – mud pumping/ bio manipulation etc.	Poor Moderate Poor Poor -	Yes	172

Yare	Surlingham	Public, small craft only	RSPB – leased to Norfolk Wildlife Trust	No	-	Yes	5.2
	Brundall Inner/ Outer	Unconnected/ private	Private	Sediment removal 1975	-	No	2.2
	Bargate	Public	RSPB – leased to Norfolk Wildlife Trust	No	-	No	7.8
	Strumpshaw	Unconnected, dammed off in 1978	RSPB	Sediment removal 1983	-	No	3.7
	Wheatfen	Private	Ted Ellis Trust	Mud pumping 1995 2002 NPG	-	No	4.2
	Rockland	Public	Rockland Parish Council	Yes – Nav & NPG island protection	Moderate	Yes	21.7
	Buckenham and Hassingham	Unconnected	Mr M. Savoury	Sediment removal 1980 and Mud pumping NPG £5,000 2008	-	Yes	3.4
Chet	Hardley Flood	Unconnected	Mr Tabor	No	Bad	No	26.7
Waveney	Barnby	Unconnected	Mr M. George	£10,000 Mud pumping 2007	-	No	2.5
	Oulton	Public	Waveney District Council	Yes - Navigation	-	Yes	34.7
	Flixton Decoy	Unconnected	Private, Mr K. Skeelee	No	Poor	No	6.9
	Fritton Decoy	Unconnected	Lord Somerleyton	No	Bad	No	
Total Broads area							788.69ha
Total public navigation area							373.3ha, 47%
Negotiated/ permitted access							63.1 ha
Total area accessible to navigation							436.4ha, 55%
Key:		Public navigation		Navigation Access allowed		Unconnected waterbodies	Private waters