

## **Navigation Committee**

Minutes of the meeting held on 18 April 2013

### **Present:**

Mr D A Broad (Chairman) / Mr P E Ollier

Mr L Betts  
Sir Peter Dixon  
Mr P Durrant

Mr A Goodchild  
Mr P Greasley  
Mr M Heron

Mr J Knight  
Mr M Whitaker

**Also present:** Prof J A Burgess  
Mr K Allen

### **In Attendance:**

Mr T Adam – Head of Finance  
Ms H Ayers – Administrative Officer  
Ms N Beal – Planning Policy Officer  
Mrs S A Beckett – Administrative Officer  
Mr S Birtles – Head of Safety Management  
Mr A Clarke – Senior Waterways and Recreation Officer  
Mr T Hunter – Rivers Engineer  
Ms E Krelle – Financial Accountant  
Ms A Long – Director of Planning and Resources  
Dr J Packman – Chief Executive  
Mr R Rogers – Head of Construction and Maintenance  
Ms C Smith – Head of Development Management  
Mr A Vernon – Head of Ranger Services  
Ms T Wakelin – Director of Operations

### **5/1 To receive apologies for absence**

Apologies for absence were received from Miss S Blane and Mr A S Mallett.

The Chairman welcomed everyone to the meeting including Mr Kelvin Allen who had recently been appointed to the Authority by the Secretary of State, and Professor Jackie Burgess both of whom were attending as observers. He also welcomed Helen Ayers, the new Administrative Officer (Governance) replacing Rachael Evitt, Natalie Beal the new Planning Policy Officer and Emma Krelle, Financial Accountant.

### **5/2 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

**5/3 To receive Declarations of Interest**

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

**5/4 Public Question Time**

No public questions had been received.

**5/5 To receive and confirm the minutes of the meeting held on 28 February 2013**

The minutes of the meeting held on 28 February 2013 were approved as a correct record and signed by the Chairman subject to the inclusion of Adrian Vernon, Head of Ranger Services as being in attendance.

Mr Phil Ollier, the Vice-Chairman took over as Chairman for the meeting as Mr Broad was losing his voice./ feeling unwell.

Mr Ollier in the Chair

**5/5i) Points of Information arising from the Minutes**

The Vice-Chairman explained that no summary of Progress had been provided for this meeting as most of the items raised would be covered within the items on the agenda. The planning applications with navigation implications referred to at the last meeting under Minutes 4/7 and 4/8, would be considered at the Planning Committee meeting 26 April 2013.

**5/6 Update on Swing Bridges**

The Committee received a report which detailed the current position concerning the Network Rail bridges following the agreed Undertaking signed on 23 March 2010 as a result of the Authority's decision, having taken legal advice to work positively with Network Rail. The undertaking clarified the requirements of Network Rail to use its best endeavours to ensure that the four rail bridges within the Broads were operational for opening and closing on demand except when trains were moving or during planned maintenance work. Members noted and welcomed the fact that communications with and arrangements by Network Rail had considerably improved and they had spent considerable sums on the operation and management of the existing bridges to mitigate the problems.

As reported at the previous meeting (Minute 4/6), in recognising the inadequacies of the bridges especially for their long term future Network Rail had commissioned consultants to carry out a Whole Life Management Strategy, and they had met with Authority officers at an early stage while drafting the options and establishing criteria. Members noted the findings so far from the Whole Life Management Strategy Study and the three main

scheme options with sub-headings being investigated for the Reedham and Somerleyton Bridges:

- Renewal with new movable bridge/or renewal with fixed flyover
- Refurbishment in situ or Refurbishment off-line using temporary fixed bridge
- Undertake minimum piecemeal maintenance.

Members gave consideration to the outline options as set out in Table 1 at Section 2 of the report with particular reference to the proposed design dimensions to provide further advice to Network Rail during the options development.

Members were very clear that a fixed bridge at Reedham was an unacceptable option and should be ruled out as the air draft was not considered sufficient. With regard to the Somerleyton Bridge, members indicated their willingness to consider a fixed bridge as an acceptable option provided it had the same air draft as the Haddiscoe flyover (7.3m) and subject to appropriate consultation with boat users. It was recognised that this was from a navigation perspective only as the Authority would need to have regard to the possible landscape impact of any new structure. A member expressed considerable concern about the option of offline refurbishments and the risk involved of accepting a replacement temporary fixed bridge.

Members welcomed the fact that Network Rail had allocated a large budget and made considerable efforts to improve the operation of the bridges within the Broads Authority area and were encouraged by the potential significant funds it might be prepared to spend in the future. On this basis, members considered that Network Rail was using its best endeavours to improve operations in accordance with its statutory duty and the terms of the undertaking with the Authority and therefore it would not be appropriate currently to pursue legal action.

Members were satisfied with the proposals for the opening of the Trowse swing bridge manually at specified times through arrangements with Network Rail. Although not a perfect arrangement they recognised that it demonstrated the improved commitment and communications with the organisation. It was suggested that a trial be carried out in association with the Authority to check the procedure.

Members welcomed the proposal for Network Rail to provide a further report with presentation from the consultants during the Final Options report.

A member commented that the Broads Authority appeared to be the only statutory body with responsibility for holding Network Rail to account over its statutory duties in relation to navigation and that it might therefore be unwise to develop a relationship which appeared to be too close. In particular, the member questioned the wisdom of giving Network Rail PR opportunities via special editions of the Broadsheet, especially if there were no balancing views presented to explain the effects of bridge failure on the tourist economy, local

businesses and recreational boaters. However, Members also noted the contributions from Network Rail in respect of lay-by mooring pontoons and regarded these as part mitigation of the difficulties presented by bridge failures.

Members noted and welcomed the report and requested that their views be forwarded to Network Rail and its consultants.

## **5/7 A Future Strategy for Dredging**

The Committee received a report that considered a future strategy for dredging and the opportunities for a significant increase in output, noting that since the adoption of the Sediment Management Strategy 2006 and the Broads Plan 2009, the Authority was currently committed to the target of mud dredged from the navigation area to approximately 50,000 m<sup>3</sup> per annum (Broads Plan NA1.1). It was noted that dredging & disposal was the largest cost faced by the Authority in the maintenance of the navigation area, with an estimated backlog of 1.17 million m<sup>3</sup> of material. Members noted the current approach, funding arrangements and constraints including the timings when dredging could be carried out to minimise the impact on the tourist industry and special qualities of the Broads and particularly the limited availability of suitable sites for disposal of sediment.

Members gave consideration to the three options for the future:

- Option 1 – maintaining the status quo of 50,000m<sup>3</sup> but without PRISMA funding
- Option 2 – increasing the annual dredge volume to 60,000m<sup>3</sup>
- Option 3 – achieving a target of 100,000m<sup>3</sup> of sediment removal

All options took account of the staff needed, the operational plant and additional equipment and possible sites required as well as the feasibility of delivering these alongside other navigation management work, priorities and navigational responsibilities bearing in mind the time required, allocation of that time as well as budgetary allocations re: Navigation/National Park Grant.

It was noted that there was scope for shifting the balance to increase time spent on dredging but that this would impact on other activities such as the maintenance of moorings.

A member queried whether the operation was as efficient as it could be and resources were being maximised to their full potential given that the Authority's (own) team had undertaken 25% less dredging this year 2012/13 than last, 2010/11. It was clarified that this was because some staff resources had to be devoted to the expenditure of PRISMA where funds could not be used solely for dredging and had also been used, as required, to trial alternative techniques for sediment management, for example the Salhouse Spit and Duck Island. The advantages of the PRISMA funding in investigating alternative techniques for more efficient ways of dredging and sediment management were welcomed and recognised. It was providing opportunities

for longer term integrated management that could deliver conservation benefits as well as increases in water depth.

Officers contested that staff were flexible and the operation efficient as it had been possible to maintain the same level of dredging within the Authority's terms and conditions of employment as had been achieved previously under those of May Gurney. The Authority had met the ambitious target set and officers were confident that this could be maintained in the future.

As discussed (Minute 3/7 of 13 December 2012), it was recognised that even with the most up to date equipment and increased capacity, it was still necessary to have the most appropriate disposal sites and set back areas. In the past the Authority had not had to pay for the disposal of dredging; it was now required to conform to EU legislation with Habitats Regulations as well as Waste Management Regulations 1994. Members recognised that it was vital to find cooperative riparian landowners.

Each site was unique and required specialist operations taking into account the ecology and landscape of the area as had been identified in the Sediment Management Strategy. No single piece of equipment could deal with all sites. The alternative methodology for assessing and reporting on compliance with the SMS Waterway specification agreed by the Authority (Minute 4/14 on 18 January 2013) would enable more efficient targeting of sites to be dredged in order to gain the greatest benefit, not just taking account of volume of sediment.

In conclusion, Members welcomed and noted the report and the opportunity to discuss the issues. Although still wishing to increase the target volume of cubic metres of sediment to be dredged, they recognised the implications and costs involved and there was no enthusiasm to increase tolls to achieve this. They did not wish to reduce investment in the provision of moorings, particularly given that this had been identified as a priority in recent surveys (See below Minute 5/8). It was considered that there was the need to maintain a balance with regard to the Authority's other navigational responsibilities. On balance, it was agreed therefore to support Option 1, maintain the 50,000m<sup>3</sup> but continue to seek further efficiencies in the way dredging is completed to aim for a greater output within current resources where possible. It was recognised that one of the key issues was the ability to find appropriate disposal sites and the attitude of riparian landowners. Therefore it was considered that the Authority should continue its efforts in acquiring sites and encouraging the cooperation of landowners.

## **5/8 Broads Hire Boat Federation Hirers Survey Questionnaire Results**

Members received a report summarising the results of a hirers survey undertaken in August 2012 by the Broads Authority in cooperation with the Broads Hire Boat Federation (BHBF). Questions related to mooring provision, Breydon Water, spending priorities and double alongside mooring.

Members were encouraged to note that the survey confirmed that hirers were not generally concerned about crossing Breydon Water, although the majority were only on a short visit of up to 8 days and timing was more of a significant factor that would prevent them from doing so to visit the Southern Broads. It was particularly pleasing to note that 93% of respondents planned to visit the Broads again. Members also noted that the provision of free 24 hour moorings was identified as the highest priority for future spending by respondents, with better facilities at moorings being the next highest priority.

Members were informed that there was a considerable variety of comments received, many of which concurred with other work being undertaken not just by the Authority but by other bodies, and particularly the responses received when developing the Integrated Access Strategy. It was also hoped to carry out a similar survey at a future date and review the phrasing of the questions within the questionnaire. Members considered that in order to capture a wider sample, it would be advantageous to carry out the survey at different times of the year and maybe over a longer period, possibly with the cooperation of a number of boatyards throughout the season as well as a variety of survey methods including those on line such as Survey Monkey.

Members welcomed and noted the report and the cooperation of the NSBA and BHBF which was much appreciated.

## **5/9 Broads Angling Strategy Consultation**

Members received a report with details of the consultation draft of the Broads Angling Strategy recently published by the Environment Agency and the Authority's adopted approach to angling. It was noted that the Strategy was effectively a revised and updated version of the original Broads Fisheries Action Plan 2003.

Members considered the draft strategy and contents of the report noting that it focused on three core themes under which the issues considered to be currently relevant by the Broads Angling Strategy Group were grouped: Access to Angling in the Broads; Communication and Education; and Environments for Fish with the emphasis on partnership working and the aim of improving and developing angling in the Broads.

Members recognised the importance of angling as a recreational activity in the Broads and its inclusion as part of the integrated access strategy and its action plan. Members noted the approach that the Authority was taking with the Environment Agency being the lead public body for angling and the Authority providing a supportive role and where possible including angling enhancements into other projects it was delivering in recognition of its recreational importance. This was in line with angling being only one recreational activity in the Broads and one of the purposes of the Authority was to promote opportunities for understanding and enjoyment of the special qualities of the Broads by the public.

Members discussed whether the Authority should seek to receive a contribution from the Environment Agency given that it received the income from the rod licenses, or obtain funds from anglers directly. It was recognised that the Broads area was unique in the country to anglers as they had a right to fish the tidal rivers and Broads and did not have to pay for that, apart from the rod licence, or belong to an angling club. Many would also pay a toll for a boat as well as contribute income to the Broads in other ways.

The Chairman used his discretion and invited Kelvin Allen, who was the Regional Chairman for the Angling Trust as well as on the Broads Angling Strategy Group to contribute to the discussion. Given the cuts in funding both to the Authority and the Environment Agency and the current economic climate as well as the improvement in relations with the Angling Groups he advocated working in partnership. He clarified that the funds from rod licenses were ring fenced by the EA and these contributed to improvements for anglers including bank maintenance.

Following discussion, members were of the view that the Broads Angling Strategy was to be welcomed as it would help to maximise the partnership working opportunities. It was considered that the Authority's approach should be endorsed as this was in accordance with the integrated approach to access management adopted by the Authority at its meeting on 22 March 2013.

Members noted that the Authority's officers would be making comparisons with the ambitions within the Angling Strategy as well as the Authority's strategies to ensure that potential opportunities were not missed. They would also be providing detailed comments on the text and Members advocated that some of the wording should be clarified and adjusted to avoid misunderstanding. It was suggested that reference to "fishing litter" should also be included as well as the byelaws relating to the open and closed season.

Members were invited to provide officers with specific comments on an individual basis for inclusion with the Authority's response to the consultation.

#### **5/10 Planning application with Potential Navigation Implications: Planning Application at Deal Ground, Trowse for Mixed-Use Development**

Members received a report concerning an outline planning application for a major mixed use redevelopment of a 14 hectare brownfield site on the outskirts of Norwich known as the Deal Ground. This comprised approximately 680 residential units, 1,200m<sup>2</sup> commercial / retail floorspace and 1,210m<sup>2</sup> restaurant space. Given the changes to the original application submitted in 2010 to exclude moorings and a marina, the Authority was now no longer a determining authority and was therefore a consultee. Further to Minute 4/7(3), the comments from the Navigation Committee requiring further information on the separate application, submitted in 2012 for a pedestrian and cycle bridge relating to the site, had been forwarded to the applicant but no comments as yet had been received.

Although it might not appear to have a significant direct impact on the navigation of the Broads, Members recognised that the proposals and the location, immediately adjacent to the river would result in a significant change to the riverscape. Members expressed considerable concern about the disaggregation of the proposals in that the bridge had been separated from the application for major development. Although it was recognised that the application was still in outline, there was concern that once the principles and details relating to the major development were considered and accepted, this would jeopardise the options for the bridge and cause problems to navigation especially relating to the provisions for demasting.

The Committee's comments were noted and would be conveyed to the Planning Committee for its meeting on 26 April for inclusion in the Authority's comments to be forwarded to Norwich City Council as the determining planning authority.

#### **5/11 Construction and Maintenance Work Programme Progress Report**

Members received a report which set out the progress made on the delivery of the Construction and Maintenance Work Programme for 2012/13, including progress on the development of the Dockyard workshop and the Prisma projects including Salhouse Spit and Duck Broad. Members were provided with an updated on the volume of sediment removed from the rivers and broads up to the end of March 2013, this being 48,432m<sup>3</sup> which represented 97% of the programmed target of 50,000m<sup>3</sup>. The details of the quantities and costs for the figures up to the end of February were set out in Appendix 1 of the report.

The Committee noted the report and welcomed the progress being made.

#### **5/12 Boat Safety Management Group**

The Committee received the Notes from the meeting of the Boating Safety Management Group held on 19 March 2013.

With reference to the Vessel Dimensions Byelaws and particularly use of the River Ant by vessels with a wider beam than that allowed by the byelaws, it was noted that a sub group was being formed to examine the physical difficulties and possible solutions in that area and that a report would be brought to a future meeting of the BSMG. A member commented that the use of the area by vessels with a wider beam would impact on sailing boats. He advocated adhering to the Vessel Dimension byelaws.

The Committee noted the report.

#### **5/13 Annual Safety Audit**

The Committee received a report providing details of the incidents reported during 2012, including an analysis of deaths and personal injury since 1993.



Of the nine fatalities on the Broads, there were six related to boats although no one of these were related to boat use, and 15 people reported as requiring hospital treatment. Given the significant number of visitors and users of the Broads, many of which were novices, Members considered that statistically the Broads continued to be a safe environment for boating. Members commended the continued efforts being made by all parties in raising the awareness of safety issues involved in boating, particularly the use of life jackets as well as other factors.

The Committee noted and welcomed the report recognising the need for continued vigilance.

#### **5/14 Navigation Income and Expenditure: 1 April 2012 to 28 February 2013**

Members received a report which summarised actual income and expenditure for the eleven month period to February 2013, and provided a forecast of the projected expenditure at the end of the financial year. In addition, the report provided details of and the reasons for the major variances expected at the end of the year.

The Forecast Outturn indicated that total income was expected to be slightly lower than the original budget with total forecast income of £2,838,750, mainly as a result of lower than forecast short visit tolls due to adverse weather conditions, and total expenditure was forecast to be £3,502,196, representing an increase of £452,060 (14.8%) on the original budget of £3,050,136. This would result in a total forecast deficit of £663,446 for 2012/13.

It was noted that the actual variance that had emerged in February was consistent with the approved changes to the 2012/13 budget to support significant additional capital expenditure during the year. It was noted that the forecast out-turn represented a planned drawing down of reserves to fund one-off, mainly capital expenditure in 2012/13 and continued to anticipate a significant deficit position by the end of the year, as agreed by the Authority. The impact of the deficit had been incorporated into the Authority's financial planning for 2013/14 and beyond.

The Committee noted the report.

#### **5/15 Chief Executive's Report**

Members received a report which summarised the current position in respect of a number of important projects and events, including decisions taken during the recent cycle of committee meetings.

With reference to Section 4 of the report relating to Breydon Water Ski Zone Designation, it was reported that from the advice given by Natural England since the previous Authority meeting in January, and further Habitats Risk Assessment being carried out, the Authority had concluded that there was unlikely to be any significant adverse effects on the interest features of the area and the trial designation for a Water Skin zone could proceed subject to

Natural England's final comments. Their response was due by the end of the week.

The Committee noted the report.

## **5/16 Current Issues**

### **Breydon Water**

In answer to a member's question concerning entries into log books for Speed trials, the Head of Safety Management confirmed that daily entries would suffice if testing for trial or demonstration of boats was being carried out throughout or during the day. The aim was to gather data on the use of Breydon Water and the use of water for high speed activities as part of the Authority's Safety Management of the Broads.

## **5/17 Items for Future Discussion**

No matters were raised under this item.

## **5/18 To note the date of the next meeting**

The Chairman asked for members' views on the timing of the meeting with the suggestion of commencement at 1.00pm possibly on a trial basis. Some members expressed a preference for having the meetings in the mornings rather than the afternoons. However, this was not wholly supported. By a majority, members agreed that the timing of the meetings should remain at 2.00pm.

The next meeting of the Committee would therefore be held on Thursday 6 June at Yare House, 62-64 Thorpe Road, Norwich commencing **at 2.00pm.**

The meeting concluded 3.40pm

Chairman

**APPENDIX 1****Code of Conduct for Members****Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 18 April 2013

<b>Name</b> <i>Please Print</i>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest</b> <b>(Please describe the nature of the interest)</b>
Mr P Greasley	5/6 – 5/15	Boat Operator, Toll Payer and BHSF Member
Mr M Whitaker	5/6 – 5/15	Hire Boat Operator, Member BHBF, Toll Payer
Mr L Betts		Toll Payer and Land Owner
Mr A S Mallett	4/5 4/7(i),(ii),(iii) 4/8(i) 4/5-4/17	Regurgitation of previous declarations Member of Planning Committee Toll Payer
Mr M Heron	5/6 – 5/15	Toll Payer, Land Owner, Member of British Rowing, NRC, NSBA, NBYC, RCC and Chair of Whitlingham Boathouses
Sir Peter Dixon	General	Toll Payer
Mr D A Broad	5/6- 5/15	Toll Payer and member of Great Yarmouth Port Consultative Committee
Mr J Knight	5/6 – 5/15	Toll Payer, Hire Boat Operator
Mr P E Ollier	General	Toll Payer, Broads Authority Planning Committee, NSBA Committee Member, RYA and various sailing clubs
Mr K Allen		Angling Trust, BASG Member