

Navigation Committee

Minutes of the meeting held on 5 June 2014

Present:

Mr D A Broad (Chairman)

Mr K Allen
Mr L Betts
Miss S Blane

Sir Peter Dixon
Mr P Durrant
Mr P Greasley

Mr J Knight
Mr P Ollier

In Attendance:

Mrs S A Beckett - Administrative Officer (Governance)
Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways and Recreation Officer
Ms E Guds – Administrative Officer (Governance)
Dr D Hoare – Environment and Design Supervisor
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction, Maintenance and Environment
Mr A Vernon – Head of Ranger Services
Ms T Wakelin – Director of Operations

Also in attendance:

Prof J Burgess – Vice-Chairman of the Authority

7/1 To receive apologies for absence and welcome

Apologies for absence were received from Mr A Goodchild, Mrs L Hemsall, Mr M Heron and Mr M Whitaker.

The Chairman welcomed Esmeralda (Essie) Guds who had replaced Lorna Marsh as the Administrative Officer (Governance) and Personal Assistant to the Chief Executive and Chairman.

The Chairman also welcomed Mark King as the Waterways and Recreation Officer who had replaced Russell Wilson.

7/2 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda

The Chairman proposed to invite the Asset Officer to provide members with an update relating to Waste Disposal under Agenda Item 7/6 in light of a

recent decision taken by Great Yarmouth Borough Council, the details of which were due to come into effect on 16 June 2014 and about which there was extreme concern in relation to the Broads.

He proposed to take Agenda item 11 The Construction and Maintenance Programme following Agenda Item No 7 on the outcome of PRISMA.

7/3 To receive Declarations of Interest

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

7/4 Public Question Time

No public questions had been received.

7/5 To Receive and Confirm the Minutes of the Meetings Held on 24 April 2014

The minutes of the meeting held on 24 April 2014 were confirmed as correct record and signed by the Chairman.

7/6 Summary of Actions and Outstanding Issues Following Discussions at Previous Meetings

Members received a report summarising the progress of issues that had recently been presented to the committee. Further information was provided on the following:

(1) Waste Disposal

The Asset Officer reported that following a meeting at Broadland District Council Offices on 19 May to discuss waste issues, the Norfolk Local Authorities Operational Liaison Team had agreed and were in the process of preparing a draft paper to submit to the next Norfolk Waste Partnership meeting on 22 July with proposals regarding future waste. Officers had agreed in principle to only remove those waste facilities that were owned by the Authority. However, on Friday 30 May, a letter was received from Great Yarmouth Borough Council dated 28 May 2014, informing the Authority that it would be withdrawing the collection and disposal service from ten refuse site compounds within the Great Yarmouth area on sites near to moorings as from 16 June 2014. These sites were not on land or moorings owned by the Authority but on sites that provided facilities for those using the rivers and broads as well as landowners and residents, (namely at St Olaves, Burgh Castle, two at Repps, the east and west banks of Thurne Staithe, Bridge Stores at Acle, Stokesby and the East and West Bank of Somerton Staithe).

The reason cited was the reclassification of hire boat refuse from private to commercial waste by Norfolk County Council as the disposal authority under the new regulations of the 2012 Waste Disposal Act. The Chairman of the Norfolk and Suffolk Boating Association, Richard Card, had written a letter to the Borough Council requesting that the decision be rescinded and setting out its strong objections on the grounds of lack of evidence that the majority of the waste in the compounds came from hire craft, the detrimental environmental impact due to the resultant increase in fly tipping and consequent impact on the attractiveness of the Broads and visitor numbers and consequent negative impact on the local community, as well as the lack of consultation prior to the decision and unreasonable short notice period provided.

The Asset officer confirmed that none of the other National Park Authorities were involved in the collection of waste as this was the responsibility of the local authorities and the matter had been raised with Defra. (A draft letter expressing similar objections had been prepared.)

The Chairman reported that Mr Heron had also expressed considerable concerns and was of the view that the Authority should stand firm.

Members expressed extreme disappointment in the decision taken by Great Yarmouth Borough Council and in particular at the lack of consultation and notice period, which they considered to be irresponsible. They considered that the matter should be resolved through the Norfolk Waste Partnership as originally agreed. The decision did not take account of the proportion of waste from private cruisers and yachts compared with hire cruisers and yachts. In addition they were concerned that the withdrawal of the facility would lead to fly-tipping, blemishing key areas which would have a significant detrimental effect on The Broads environment, the economy and tourism. They considered that the problems caused by the definition/designation of commercial waste within the new regulations should be highlighted to the Defra Minister.

In conclusion, members supported the concerns expressed by Officers and the NSBA and agreed:

- (I) that the Chief Executive inform Great Yarmouth Borough Council of the Navigation Committee on behalf of the Authority's serious concerns about its decision as expressed above;
- (II) that the Authority issue a press release detailing the Authority's concerns; and

- (III) that the Chief Executive write to Defra expressing the Authority's concerns, highlighting the problems the definitions within the regulations have caused.

(2) Navigation Committee Engagement

A further meeting to review progress on this had been arranged with the Chief Executive, Chairman and Vice-Chairman of the Authority, Chairman and Vice-Chairman of the Navigation Committee and James Knight for Tuesday 24 June 2014.

(3) Moorings Strategy

The date for the stakeholder workshop to determine key issues for consideration was provisionally arranged for 22 July 2014 at 10.00am.

(4) Planning Application for Whitlingham Ferry

Following the granting of planning permission on 25 April 2014, Mr Max Heron had reported that the Rowing club had not had any contact from the applicant, despite the request to undertake better dialogue with other user groups. The Senior Waterways and Recreation Officer undertook to raise the matter with the Chairman of the River Wensum Partnership group and invite the applicant to the next meeting.

7/7 Summary of PRISMA

The Committee received a report together with a presentation from the Director of Operations and Head of Construction and Maintenance providing an overview of the achievements of the project Promoting Integrated Sediment Management PRISMA that had run from June 2011 to 30 June 2014, with the final conference organised for 18 June 2014.

Members were informed that the Authority had received funding of €876,360 (over £700,000) from the European Regional Development Fund to carry out the projects to support the delivery of the Authority's Strategic objectives highlighted in the Broads Plan 2011 which included the delivery of its Sediment Management Strategy. The total spend on the project was £1.6m and the total volume of sediment removed over the three years was approximately 68,000m³ which was in excess of set targets.

Members noted and expressed appreciation for the considerable outputs and achievements of the project and in particular the invaluable knowledge gained through the trials and the cross-border cooperation as well as from administration and financial aspects involved. Members also noted the investment from the part funding and the publicity and acclaims received from the work including the nomination of the "Working with Nature Award" at the

World Congress of PIANC in San Francisco, USA, which the Project Manager, Will Coulet was currently attending.

It was noted that there would be a projected surplus in the PRISMA reserve account of approximately £100,000 on the project's completion which would be a one-off amount for 2014/15. Members therefore gave consideration to the three main options identified in Section 7 of the report relating to the use and apportionment of the residual budget within the reserve account in order to detail future plans. These included using the surplus as part match funding for another Interreg project especially given the experience gained, further dredging or to help in delivering the Authority's Asset Management Plan. A member suggested that on the basis of the work undertaken with the help of the PRISMA project, match funding be found to continue the research and examination of prymnesium.

The Committee welcomed the findings of the project and the experience gained which they considered to be exceedingly worthwhile. They paid tribute to the Authority's staff for delivering the project and obtaining the additional funding for work which the Authority was required to do, although recognising that the project provided flexibility and enabled differing techniques to be trialled which otherwise would not have been possible. Details of the successes and failures would be included in the report for the full Authority and a leaflet would be produced for the final conference.

Following discussion, members agreed to recommend to the Authority that the surplus funds from the PRISMA project be used to deliver the Authority's Asset Management Plan although recognising that this would not remove the need to make ongoing revenue provision for the maintenance and replacement of equipment and assets in the future.

7/8 Private Boat Owners Survey 2014

Members received a report from the Senior Waterways and Recreation Officer providing an update on the work being carried out on the proposed survey of private boat owners. As one of the strategic priorities for 2014/15 to provide a reliable evidence base for future policy making, members were invited to consider the scope and costs of the proposed survey, taking into account the recommendations from the Private Boat Owners Survey Steering Group and an overview of the Insight Presentation. The intention was that there would be a second phase of the project involving local residents and visitors.

Members noted that the Steering Group had considered that Insight Track, a Norwich based company had provided the most cost effective and best value submission to undertake the survey and provide a robust evidence base out of the four companies who had responded to the research brief. The Steering Group had also recognised that it would not be possible to obtain the proposed survey for the £10,000 already budgeted and the cost of obtaining a statistically representative survey of private boat owners was more likely to be

between £17,000 and £25,000. It was noted that prior to carrying out the survey there would be a data mining exercise of the Authority's tolls data base in order to provide representative samples of different subsets of owners for the survey. A maximum sample of 600 was considered to be the optimum. Given the support of the Steering Group officers recommended that the Insight Track proposal would be able to provide the Authority with the necessary robust evidence on which to base future policies and should be accepted.

The Chairman provided comments from those members who were unable to attend the meeting, all of whom had expressed concerns about the cost of the proposed survey exceeding the originally budgeted £10,000 with one citing the provision of moorings being a very high priority for both private boaters and visitors.

Those members who had been appointed to the Steering Group argued that the Authority needed a reliable and sound evidence base to provide an impartial process, help to avoid the repetitive loops in decision making of the past and provide a sound reliable basis for solving long term problems. The survey was seen to be a strategic and corporate priority and having given detailed consideration to the proposals including the presentation from Insight Track they were convinced that funds would be well spent. They were of the view that to only spend £10,000 and use a smaller sample would be a waste of resources. It was clarified that the funds would involve analysis and collation of the evidence by reputable professionals and from the professional advice received, £10,000 would not be enough to provide the robust based evidence required.

Members were informed that the NSBA had discussed the proposal at its meeting on 2 June 2014 and had agreed to support the proposal from Insight Track provided the range of questioning focussed on those issues set out in paragraph 2.4 of the report.

Members gave careful consideration to the proposals. Some members expressed concerns that the answers to many of the questions were already known from previous surveys and the project would result in greater costs in the future and only be a third of the total cost. Others expressed doubt as to the ability to achieve the desired take-up sample size. Concerns were also expressed that the goal posts had changed. Other members commented that the Committee had empowered a Steering Group to look into the matter and therefore their views should carry significant weight. In addition, it was considered that the additional cost should be seen as an investment for longer term policy making which was the duty of the Authority. All members were concerned that the Authority should achieve value for money, that evidence was robust and that it needed to be very careful that the correct decision was being made.

A member suggested delaying the survey for six months and requesting a sum of £1 - £2 from tollpayers to contribute to the survey, but this was not taken up.

In conclusion the Committee recommended by 5 votes to 2 against and 2 abstentions, that the Authority proceed with the project and accept the Insight Track proposal for the survey of private boat owners at a cost of £23,000.

Agenda Item 7/11 was dealt with at this point in the meeting

7/9 Update on Broads Authority Act 2009 Provision Removal of Wrecks

The Committee received a report from the Head of Safety Management setting out a proposal for the definition of *unserviceable* relating to the Removal of wrecks provision as amended by the Broads Act 2009.

Members were informed that the term unserviceable craft was not defined in the Act but it was specifically included to encompass situations where vessels might not be classified as “unsafe vessels”. The Boat Safety Management Committee had considered developing a robust definition relating to those vessels deemed to be unserviceable together with examples of when the definition would apply so that the procedure could be progressed under the appropriate section of the Act “Removal of Wrecks.”

Members recommended to approve the proposed definition of unserviceable and noted the circumstances when it would apply and the procedures under the Removal of Wrecks.

7/10 Marine Management Organisation and Works Licensing in the Broads

Members received a presentation and report from the Environment and Design Supervisor on the current position with regards to Marine Management Organisation (MMO) licensing in association with the Broads Authority's Works Licensing Scheme. Members noted that the requirement for an Authority Works Licence was set out in the Broads Act (1988) but with the relatively new requirement for a Marine Licence for certain works within the Broads area clear guidance was required for applicants as to techniques and impacts as both licences were required. This largely related to the issue of direct mudpumping of sediment from marinas or boatyards into the main navigation which needed to be assessed in terms of navigation and environmental impacts particularly given the need to be sensitive to the Broads special characteristics.

The MMO, set up under the Marine and Coastal Access Act 2009 was keen to work with the Authority and a meeting had been arranged in early Summer together with Natural England (responsible for the Conservation of Habitats and Species Regulations (Habitat Regulations)) to discuss regulatory overlap and appropriate decision making as well as provide consistent advice and

guidance to applicants. It was noted that the relevant statutory organisations were required to consult each other before granting licences but at present there was the risk of applications being approved in a piecemeal way. It was therefore important to provide consistency and scope based on sound evidence. Although an individual application for pumping into the main river in a geographically favourable area might be acceptable, there could be cumulative effects of such licenses across the Broads which could be counter to the Authority's objectives within the Sediment Management Strategy.

Members were in agreement with the conclusions within the report and endorsed the action being taken. Given the wording within Section 11 of the 1988 Act, members agreed that whilst occasional applications in geographically favourable areas might be acceptable, applications for dredging works where material was deposited in the navigation area that was likely to interfere with navigation should not normally be granted.

7/11 Construction and Maintenance Work Programme Progress Update

The Head of Construction, Maintenance and the Environment presented members with a report on the progress made in the delivery of the 2013/14 Construction/Maintenance and Environment Section work programme and the agreed 2014/15 dredging programme highlighting the key areas where PRISMA funds had helped to support the strategy, for example the work at Duck Island and Salhouse. Although the funding through PRISMA was now at an end, the Authority's targets would not be reduced. It was emphasised that PRISMA had enabled the Authority to provide options for dealing with the dredged material and in particular its disposal.

Members noted the report and the Chairman concluded by thanking the Head of Construction and Maintenance for his very detailed and helpful report, applauding the outcomes of the previous year and management of the PRISMA process.

7/12 Chief Executive's Report

The Committee 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.

In addition, members had received a note from the Chief Executive concerning the Queen's Speech on 4 June 2014 which had announced that *'Draft legislation will be published providing for direct elections to National Park authorities in England'* which was part of the Government's commitment to "review the governance arrangements of National Parks in order to increase local accountability" that had been underway since 2010. Given parliamentary procedures and the timing of the General Election the earliest the two proposed trial elections (namely in the New Forest and the Peak District) could take place would be no sooner than May 2017.

Members were informed that Mutford Lock was now completely operational and particular thanks were extended to Sentinel and Marine.

In response to a question raised on behalf of Lowestoft Rowing Club, members were informed that officers were aware of the sunken houseboat on Oulton Broad and work to remove this was the subject of ongoing negotiations with the owner.

In response to a member's question concerning the reduction in the deficit from the forecast out turn of £78,000 to the actual of £42,000 for navigation, it was clarified that this included adjustments made for the 18 month rent free period for Yare House as required by the Auditors to spread this over the year. The Head of Finance would be able to clarify matters further and a full Income and Expenditure report would be provided at the next Committee meeting.

The report was noted.

7/13 Current Issues

Tidal Guage Boards

Mr Goodchild had raised the issue of the condition and visibility of the tide gauge boards particularly at low water in the Breydon Water area. The Chief Executive explained that having been out with the Rangers he was aware of the problems and difficulties. Every effort was made to clean the boards and provide warnings for boat users. The tide tables provided necessary information and demarking dolphins were being installed with the intention of making the guage boards more visible. It was suggested that the matter be investigated as part of the Hazard Review including the possibility of information by bridges.

Text Service for Bridges

The trial text service was being undertaken in May and June and a report would be provided for the September meeting.

Broads Flood Alleviation Project

Mr Durrant, the Lead member for Flood Alleviation reported that the work on the Yare between Langley Dyke and Beauchamp Arms was now completed and Buckenham Sailing Club had been very appreciative of the much improved slipway which had been provided as part of those works. The works on the southern bank of the River Chet were on target and should be finished by the late Summer. Favourable discussions with landowners and the Environment Agency on the transfer of the responsibility of piling were being held following the successful agreement with a landowner near to Acle Stores on the River Bure.

Stracey Arms

The Senior Waterways and Recreation Officer informed the Committee that he had received a planning inquiry from a well known fast food company relating to the use of Stracey Arms. Should a purchase proceed this would include responsibility for the riverbank and piling and it would be made very clear that the site was a strategically important location within the Broads.

7/14 Items for future discussion

No items for future discussion were proposed.

7/15 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 4 September 2014 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

The meeting concluded at 16.05 pm

Chairman

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 5 June 2014

| Name Please Print | Agenda/ Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|------------------------------|-------------------------------------|----------------------------------------------------------------------------|
| Mr K Allen | 7/5 7/13 | Member of the Broads Angling Strategy Group |
| Mr L Betts | | TollPayer/Landowner/Riverside Piling |
| Miss S Blane | - | (No relevant interests) |
| Mr D A Broad | 7/6 – 7/12 | Toll Payer, Member of Great Yarmouth Port Consultative Committee |
| Sir P Dixon | 7/6 | PRISMA |
| Mr P Durrant | - | (No relevant interests) |
| Mr P Greasley | 7/5 – 7/13 | Toll Payer/Boat Operator/BHBF Chair |
| Mr J Knight | 7/5 – 7/13 | Toll Payer, Yacht Club Member, Hire Boat Operator |
| Mr P Ollier | 7/5 – 7/13 | Toll Payer, NSBA Committee member, RYA and various Broads sailing clubs |