

Navigation Committee

Minutes of the meeting held on 11 January 2024

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Present

Alan Goodchild – in the Chair, Stephen Bolt, Mark Collins, Peter Dixon, Greg Munford, Bob Neate, Remus Sawyerr, Michael Scott, Paul Thomas, Daniel Thwaites.

In attendance

Lucy Burchnall - Head of Ranger Services (item 11), Nigel Catherall – Planning Officer (item 16), Jane Fox – Planning Officer (item 17), Dan Hoare – Head of Construction, Maintenance & Ecology, Linda Ibbitson-Elks – Head of Safety (items 12 and 13), Emma Krelle – Director of Finance, John Packman - Chief Executive, Rob Rogers - Director of Operations, Lorraine Taylor – Governance Officer, Jo Thompson - Waterways and Recreation Officer (item 15), Sara Utting – Senior Governance Officer.

Others in attendance

Bill Dickson - Chair of the Broads Authority.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Harry Blathwayt, Leslie Mogford, and Simon Sparrow.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the formal record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

The Chair informed the meeting that a member of the public was recording the meeting.

Declarations of interest

Members expressed their declarations of interest as set out in Appendix 1 of these minutes. Having declared a Disclosable Pecuniary Interest in item 11, Alan Goodchild advised that he had been granted a dispensation by the Monitoring Officer to participate/speak and vote on that item.

3. Matters of urgent business

No items were proposed as a matter of urgent business.

4. Public question time

An email had been received from Mr Jamie Campbell with three questions. The Chair read out Mr Campbell's email and provided the Authority's response as set out in Appendix 2 to these Minutes.

5. Minutes of last meeting

The minutes of the meeting held on 2 November 2023 were signed by the Chair as a correct record of the meeting.

6. Summary of actions and outstanding issues following discussions at previous meetings

Members received the report summarising the progress of issues that had recently been presented to the Committee. The Chief Executive confirmed that there was no further update to any of the items on the report.

There were no questions, and the report was noted.

7. Chief Executive's report and current issues

The Chief Executive (CE) introduced the report and said that the main item was the paper on Funding the Waterways of the Broads National Park, for which he provided an overview.

On 6 December 2023, the CE agreed with representatives of British Marine and the Broads Hire Boat Federation that they should work together to make the case for central Government funding that supported the maintenance of the Broads waterways.

Since commercial navigation ceased around 1990, the use of the waterways had been entirely for recreational purposes, which was consistent with the Authority's second National Park purpose of 'promoting enjoyment and understanding of the special qualities of the Broads'.

The paper received by Members proposed that the Government make a substantial contribution towards the maintenance of the waterways as well as the Authority's National Park duties, to avoid tolls exceeding a level that tolls payers were able and willing to meet.

In addition, the Authority had responded to an invitation from Defra to submit a one-off capital bid for National Park monies to buy equipment to maintain the waterways.

The CE added that he wanted to thank Bill Dickson, Mark Collins, Brian Clarke of British Marine, and Rob Leigh for their help to draft the paper and hoped that the Committee would support it.

A Member asked whether the CE would explain how the capital bid was linked to the request for central funding as they seemed to be two separate issues. The CE replied that they were two separate but related issues. The CE referred the Member to the start of the report which highlighted the issue raised when the Broads Authority took the Private Bill through Parliament. The Minister's position was that the maintenance and use of the waterways was a

private benefit, and therefore it was not appropriate for Government to support the maintenance of the waterways and should be funded entirely from tolls. This, however, was not the point of view that the Broads Authority agreed at the time, and it did not now. The maintenance of the waterways was in the public interest and for a public benefit. National Parks such as the Peak District or the Lake District, where rights of way and the principal way that people enjoyed those National Parks, and those rights of way were maintained in the public interest. The equivalent for the Broads were the waterways and a way in which many people enjoyed the wonders of the Broads. The argument was that the maintenance of the waterways was consistent with the second National Park duty – that of promoting the enjoyment and understanding. The money that the Authority had been asked to bid for was £5m which was only available to protected areas, which consisted of 10 National Parks and 34 Areas of Outstanding Natural Beauty (AONBs) and was directed to 'water management'. The money was not available to other Navigation Authorities and was not available to the Broads Authority as a Navigation Authority and was only available to the Authority as a National Park. The argument that the Authority had put forward was that the use of the waterways was a second National Park duty and that had been largely accepted by Defra. Therefore, it was reasonable for Defra to provide capital funding for the equipment that was used to not only maintain navigation but used to maintain waterways for National Park purposes.

A Member commented that he accepted the CE's response but commented that the capital funding was a one-off and future capital funding was not guaranteed going forward. He asked whether there was a benefit in putting that one-off application into the paper. The CE replied that the one-off application post-dated the origins of the paper. On 6 December, the Authority had the meeting with British Marine and the British Hire Boat Federation where it was agreed that the paper would be written. The paper was circulated on 15 December, and it was not until 18 December when the Authority was invited to make a bid for capital funding. Therefore the work that was completed prior to that date informed the bid. The CE added that one-off capital funding seemed to be the way that Government funding was increasingly going. The underlying ambition in the paper was to secure revenue funding.

A Member commented that the Glover review clearly pointed out that National Parks and protected landscapes required additional funding and that was something the Authority should bear in mind. He added that the hand-to-mouth way of dealing with Britain's most important wetland meant that a more significant long-term solution was required and asked whether the paper would lead to a wider discussion regarding the core grant, and what the next step would be. The CE replied that following on from the Landscape Review and the recent announcement that the Government had made that they would review the funding model for protected areas which was both a threat and an opportunity for the Broads Authority. The reason that it was a threat was because there was a significant difference in funding provided for National Parks and that provided for AONBs. AONBs had argued strongly for many years that they were significantly underfunded, therefore, unless the total pot available was increased, the funding would have had to come from somewhere else. In addition, the Broads were one of the smaller National Parks, however, it was clear that looking after the Broads was more costly than looking after uplands. Therefore the Broads

Authority needed to make the best case for funding and would need to be significant enough to recognise the cost of managing Britain's most important wetland and maintain the waterways.

A Member asked about replacement vehicles and whether these would be electric. The Director of Operations (DO) replied that the intention was to replace the Authority's fleet with electric vehicles, however, the replacement of the four-wheel drive vehicles with electric models would be prohibitive due to the cost.

A Member asked whether this paper was about merging the funding streams. The CE replied that it was not.

The CE invited the Committee to endorse the paper. He added that the report to the Broads Authority would include the comments from this Committee.

The Chair asked for a show of hands. There was unanimous support to endorse the paper for adoption by the Broads Authority on 26 January 2024.

8. Proposed budget 2024/2025 and financial strategy to 2027/2028

The Members received the report from the Director of Finance (DF). The DF provided an update on the latest figures and said that the December figures were currently being produced and these showed that toll income had improved slightly since November by £2,972. She added, however, that costs were continuing to increase, in particular legal fees. This was due to the increased legal challenges, lease renewals and the involvement of the Monitoring Officer.

The DF referred Members to section 6.3 of the report on page 46 of the papers and the factors taken into consideration during the preparation of the budget. Following the pay increase, salaries represented 72% of the Navigation budget and 77% of the consolidated budget. The budget was prepared on the assumption that the Authority would move to a smaller occupation of Yare House from 1 April 2024, however, lease negotiations had stalled over Christmas, and this meant that there was a potential two-week delay.

The DF referred Members to table 6 of the report and noted that there had been a slight increase in central costs for 2023/24 due to the way that the capital grant received last year was treated. She added that £150,000 was set aside from the capital grant for the purchase of Hulver Ground which was not completed by the year end. Therefore the grant money was deferred to the balance sheet and then brought back into the income and expenditure for 2023/24 when the purchase was completed in December 2023.

The DF explained the key assumptions, as set out on page 50 of the report. It assumed that all staff posts would be filled but vacancies could lead to forecast adjustments, i.e. where a person had left the Authority and the gap where a new person would start. She added that all staff posts required Management Team justification before they could be recruited.

The earmarked reserves were set out on page 51 of the report. The DF reported that some of the items that had been listed were included as part of the Defra bid, which meant that this might be re-prioritised once the Authority had the result of the application.

A Member commented one of the pieces that they would normally expect to see was a summary of head count by key departments year on year. The DF replied that the figure would fluctuate during the year due to seasonal staff. On average the staff level was around 140 FTE, however, there was no plan within the budget to expand staffing levels.

A Member said that he noted that some of the projected income was predicated on the number of boats remaining the same and asked why that decision was made. The DF replied that the figures had been based on information collected. The Chief Executive (CE) said that there were two different fleets: the hire boat fleet and private craft. In terms of the hire boat fleet, the Hire Boat Federation predicted no change in numbers. In terms of private craft, this had been harder to predict, but the Authority was not anticipating any significant change in numbers.

There was some discussion on shortfall in predicted toll income and actual, and whether the Authority had anticipated a reduction in private tolls and a drop in the number of large boats on the water. The DF confirmed that the forecast income was based on actual income from the current year. The CE responded said that it was difficult to predict, however, tolls accounted for approximately 9% of the cost of owning a private boat. He said that the Authority was cautious on the figures, and there was a 10% cushion that was built into the figures for the budget.

A Member referred to the table on page 49 of the report and asked why the percentage shift of the central and shared costs increased from 42% to 49%. The DF replied that it was because during 2023/24, the Authority had an extra £150,000 in expenditure which was the capital grant and had therefore inflated the expenditure.

9. Port Marine Safety Code audit findings and recommendations

Members received the report which provided an update on the outcome of the 2023 audit findings and recommendations to the Port Marine Safety Code (PMSC). The Director of Operations (DO) reported that following an extensive audit, the auditors had issued five audit recommendations, four of which had already been actioned, and the fifth – the Marine Safety Plan – had a recommended deadline for delivery of October 2024 and the Head of Safety Management was currently working on that.

There were no questions, and the report was noted.

10. Report on survey by Rangers

Members received the report from the Director of Operations (DO). The DO provided an overview of the findings and commented that the survey had highlighted that there was work to be done in relation to paddle craft.

A Member asked whether the Rangers surveyed only people who hired paddle boards or people who were out on paddle boards that they owned and added that he thought that many paddle boarders were not aware of the relevant regulations and requirements to use a paddle board in the Broads area. The DO replied that the survey included anyone who was using paddle boards and during the survey it was determined whether that person was a hirer or owner. He said that paddle boarding was a growing area, and that the Authority would adjust safety and monitoring in the coming season. Rangers, as a matter of course, spoke to paddle boarders on a regular basis regarding safety and education, and as part of that education there was a raft of information on the Broads Authority website about paddle boards and how to use them. It was an area that the Broads Authority needed to develop and keep a watching brief.

A Member asked whether there was a map available that showed areas on the Broads where it was suitable for paddle boarding. The DO confirmed that there were maps that pointed people to places to paddle and added that the Broads was an area for everybody to use.

A Member said that continuous improvement was important from a health and safety perspective, and asked how this was formally recorded so that improvement could be demonstrated. The DO replied that health and safety metrics were difficult, however, the Authority maintain incident logs. Although not all accidents were reported, those that were reported were looked at in detail and if trends were flagged, procedures would be put in place. The Boat Safety Management Group also looked at trends, identify where problem areas were and then put measures in place to correct them.

11. Pilotage review

The Head of Ranger Services (HRS) summarised the report on the Pilotage Review and highlighted that there were fewer large commercial vessels that came into the Broads area requiring a pilot. Without this commercial traffic, there was no need for a pilot and, therefore, the Authority could not justify the cost to maintain a pilot. It was intended to look at vessels on an individual basis using risk assessments.

The Chair said that he welcomed the report but commented that vessels over 20 metres was restrictive and that the Authority should be looking at 24 metres which was in line with the MGN280 recognition for a large commercial vessel, and anything below 24 metres was classed as a small commercial vessel. He commented that he believed that under pilotage directions there was the scope to pitch that level to 24 metres. The HRS replied that the reason for documenting 20 metres was that the Pilotage Act did not apply to anything under 20 metres, and that the intention was not to restrict boats up to 24 metres but to look at each vessel on a case-by-case basis. After discussions with the Chief Executive (CE) and the Director of

Operations (DO), the Authority could carry out a risk assessment to look at the size of vessel that could safely be on the Broads up to 24 metres. The HRS said that the advantage of keeping the Competent Harbour Authority status would be that if someone wanted to use the Broads commercially using large boats in the future, the Authority would be able to put that provision back in place. The HRS added that an extra option could be added to the report to include 24 metres as a requirement.

A Member asked whether pilotage could be outsourced to a competent third party when needed. The HRS replied that, as there were no vessels that needed pilotage coming into the Broads, any competent person would still be required to do several training days and the cost would outweigh the benefit. The DO added that any pilot needed in-depth knowledge of the Broads waterways, i.e. knowing where the shallows and any hazards were, and that the Authority had struggled to find a commercially qualified pilot with that knowledge.

It was agreed that the HRS would amend the report to include the 24-metre requirement.

12. Boat Safety Scheme management group

Members received the report detailing the outcome of the Safety Management System Stakeholder Hazard Review. The Head of Safety Management (HSM) commented that the Authority was required to carry out a hazard review every three years and the previous review was in 2019. In October 2023, the Authority invited stakeholders of the Boat Safety Management Group (BSMG) to carry out the review with Officers from the Authority.

A Member asked how far the Authority's interest goes into Yarmouth harbour and where exactly was the line of the Executive Area. The Chief Executive replied that the Broads Authority boundary was just above Haven Bridge and confirmed that the Authority had no responsibilities or powers east of that point. The Member asked whether the Authority engaged further downstream. The Director of Operations confirmed that the Authority had regular meetings with Peel Ports, however, the safety at the port was their concern.

13. 2023/2024 Health & Safety review and internal audit recommendations following review

Members received the report setting out the Health & Safety review and internal recommendations. The Head of Safety Management (HSM) explained that there was an error in section 1.3 of the report. In the first bullet point there were three reported fatalities, however, two of those were not related to boating and one was due to a capsized vessel.

A Member asked whether this report was available to members at the last Broads Authority meeting when the level of tolls had been agreed, due to amount of detail and the reporting on fatalities, and wondered whether the decision to maintain the seasonal Rangers was influenced by these figures. The Director of Operations (DO) replied that the report is presented to the Navigation Committee first and then to the Broads Authority. The Chief Executive (CE) replied that the Broads were a relatively safe environment, but that the Members of the Broads Authority Board were the duty holders in terms of the Port Marine

Safety Code which meant that they were individually and collectively responsible for safety so that may have weighed on their minds when coming to a view about the retention of the additional Rangers which had been put in place after the fatality in Great Yarmouth. A Member asked how the incident at Great Yarmouth would been prevented or influenced by the presence of Rangers. The CE referred the Member back to the survey work that the Rangers had been doing and that there was a link with the handover procedures. He added that there was an argument that by retaining the level of seasonal Rangers, the additional survey work and the additional presence that they had on the system that the Authority was improving the safety of the Broads, and that was the factor that some of the Members felt was significant.

A Member commented that the education of first-time hirers was more significant in terms of getting the safety message across. The CE replied that one of the things that the survey work carried out by the Rangers demonstrated was that the work that both industry and the Broads Authority had done together had a measurable impact on safety.

A Member said that from a Member's perspective, if the report on Health and Safety had been available for the meetings where tolls were discussed, they would be more informed. He added that the minutes of the Navigation Committee should be published before the Broads Authority meeting was held so that the Board would be aware of the discussions and recommendations of the Navigation Committee. The Senior Governance Officer replied that officers made a concerted effort to draft the minutes within a short period of time but unfortunately there was a delay after they had been sent to Members for their comments; a Member raised several observations, and they took a while to resolve. She added that this was something that could be addressed and suggested that in future a summary of the discussions could be produced for inclusion in the report to the Broads Authority. The Chair added that he supported this suggestion because much of the discussion that was had at the Navigation Committee was focused on safety and did not believe that the safety element was relayed sufficiently to all Members.

14. Construction, Maintenance and Ecology work programme– progress update

The Head of Construction, Maintenance and Ecology (HCME) provided an update on activities undertaken. Following on from the report submitted for the November meeting, there had been eight weeks of practical work time with good progress in all areas.

The high-water levels across the Broads had impacted two key areas. The first was that surfacing of some of the moorings had become problematic and therefore surfacing of moorings would be reviewed during the coming year and they would look at opportunities to change material and look at how moorings were designed in future. The second was the repair of piling on the end of the mooring at Ranworth Staithe. All of that area was submerged, and access had been restricted due to the high water and would wait until the water receded before any work could begin. It was likely that area where the piling was to be replaced would be closed off until after Easter.

In terms of bankside management, the HCME confirmed that the team was working opposite the treatment works at Whitlingham and other areas of work were in train.

A Member asked about the proposal to the marked channel on Hickling Broad and whether there was any development. The HCME said that users of Hickling had requested the Broads Authority, along with Natural England and the Environment Agency, to look into widening the cutting area either side of the marked channel. The Ecologists needed to look at the permitting that was required and an approach would be made to Natural England in partnership with Norfolk Wildlife Trust, the landowner, for a decision to be made before June 2024.

A Member commented that Potter Heigham Bridge was unnavigable and asked whether the HCME had any comments. The HCME said that he did not have any further intelligence to give at this time.

A Member commented that he would like to see a review of the commercial mooring on Breydon Water with a view to putting temporary moorings for remasting and demasting. The HCME replied that when the Authority had previously approached the Department of Transport the request for any development in, on, or around their structure was refused. The asset owner wished to keep it semi-functional in case of need and if the Authority were to install a small leisure jetty in front of it, it would be counter to their ambitions. The Member asked whether it would be worth approaching the Department of Transport again. The HCME confirmed that the Authority would. A Member commented that if the use of the commercial mooring was not an option, that the Authority should look at alternative remasting and demasting provisions on Breydon Water, such as a pontoon.

A Member asked whether the current high-water levels had delayed the winter works programme. The HCME replied that although some of the mooring work had suffered, the tree work was on track.

15. Integrated Access Strategy

Members received the report on the Stage 2 consultation of the review of the Integrated Access Strategy. The Waterways and Recreation Officer (WRO) said that the scope for this paper and strategy was not for specific projects but for a framework that projects would fit into and where money could potentially be spent. From April 2024, the guide would include mooring and demasting. The next step would be to rank objectives and aims as to how important they were.

There were no questions, and the report was noted.

Having declared a Disclosable Pecuniary Interest, Greg Munford left the meeting for items 16 and 17.

16. Planning application with implications for navigation BA/2023/0443/FUL, Richardsons, The Staithe, Stalham

Members received the report, and the Planning Officer (PO) provided a detailed presentation of the application that showed maps and aerial photographs of the area which was subject to the planning application, as well as plans and drawings of the proposed redevelopment of the site, and photographs along Stalham Dike.

A Member commented that he welcomed new visitor moorings and said that it would be helpful if the moorings would accommodate river cruisers and it be reflected into the design brief.

A Member asked whether there would be any issues with the removal of bankside trees to build the visitor moorings. The PO replied that some trees would need to be removed which were being considered by the Historic Environment Manager and Tree Officer following a site visit. He added that the ecologists would have to get involved due to the site being a good habitat.

A Member commented that the proposed pedestrian bridge would be restrictive for boats with masts as it was unlikely that they would be able to navigate under the bridge.

A Member commented that he was worried about river-width, particularly on the section where the new long-term private moorings were proposed. It was a narrow waterway already and that river dimensions should be looked at carefully to ensure that there was no loss of current river width.

A Member asked about the environmental impact of the application. The PO explained that a full ecological survey had been submitted with the application.

The Chair said that he welcomed development like this, and he was encouraged to see that companies were willing to invest in the Broads network, and that he welcomed more 24-hour moorings. He added that, for safety, floating pontoons should always be welcomed, especially with the variations in tides and water levels.

17. Planning application with implications for navigation BA/2023/0444/FUL, Horizon Craft, Acle Bridge

Members received the report, and the Planning Officer (PO) provided a detailed presentation of the application that showed maps and aerial photographs of the area which was subject to the planning application, as well as plans and drawings of the proposed redevelopment of the site.

A Member asked whether the moorings in the visitor mooring area within the marina were free 24-hour moorings. The PO said that at present they were still gathering information, so this was uncertain.

A Member commented that the proposed 24-hour moorings was only half of number of moorings that was available at present and asked whether those 24-hour moorings could be

extended further down towards Upton. A Member asked if the moorings were extended would there be access to the local facilities. The PO confirmed that there was a footpath that follows the western boundary.

A Member asked whether there was an assessment on the risk of flooding and was there any impact on the moorings on the northern side of the river. The PO replied that the application does not affect the moorings on the northern side. The PO confirmed that there had been an ecological survey which raised some queries, and the Authority was awaiting consultation responses. She added that there was lots of work to do before the application would go to the Planning Committee.

A Member commented that that it would be good to know what was planned in terms of improving the piling in that area as part of the application.

A Member commented that this application should be applauded as it would enhance the area and would look better than it did at present.

The Chair commented that floating pontoons should be considered on safety grounds. He added that the site was within walking distance of Acle with good access to local amenities and would be a potential employment opportunity for local people and that the application should be supported.

18. Date of next meeting

Chairman

The next meeting of the Navigation Committee would be held on Thursday 11 April 2024 at the King's Centre, 63-65 King Street, Norwich, NR1 1PH commencing at 10am.

The meeting ended at 12:15pm.	
Signed	

Appendix 1 – Declaration of interests: Navigation Committee, 11 January 2024

Member	Agenda/minute	Nature of interest		
Stephen Bolt	Agenda items 16 and 17	Member of the Planning Committee		
Mark Collins	Agenda item 7	Other Registerable Interest: Chairman and Trustee of the Broads Society. The Member Code of Conduct allowed for this Member to participate.		
Alan Goodchild	Agenda item 11	Commercial boat builders and refurbishers. Disclosable Pecuniary Interest. Granted a dispensation by MO to participate and vote.		
Greg Munford	Agenda items 16 and 17	Applicant on planning applications. Disclosable pecuniary interest (employment, office, trade, profession, or vocation carried out for profit or gain) and left the room for this item.		

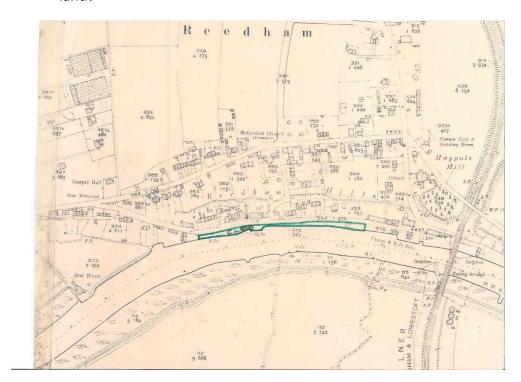
Appendix 2 – Public Question Time, Navigation Committee, 11 January 2024

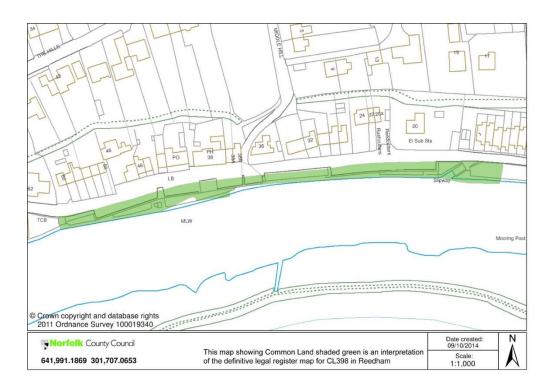
Question: Mooring charges at Reedham Quay

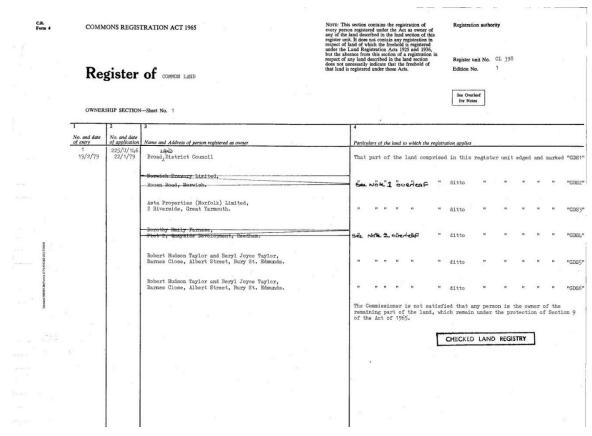
I note that the Navigation Committee has been asked to consider introducing mooring charges at Reedham Quay. This quay is registered with Norfolk County Council as common land ref. CL 398.

Below is the definitive map plus a Polygon diagram for ease of reference. Also below is ownership information provided by NCC for CL 398. My questions on this topic are:

- i. Would the Navigation Committee see any difficulty in imposing charges on common land?
- ii. Would the Navigation Committee foresee any difficulty in renewing lease arrangements on common land as a corporate body?
- iii. Would the Navigation Committee see any difficulty in erecting structures on common land?"







No. and date of note	Notes	No. and date of note	Notes			7
30.8.02	The Registration of Entry No. 1 overleaf has been amended under Section 12 of the Commons (Registration Act, 1965, the part of the land comprised in the neglister unit edged and marked 8052 houring been registered under the Land Registration Acts 1925 to 1997 under title number NR 120839			9	De De	_
2. 30·8·02	The Registration of Entry No 1 overleaf has been amended under Section 12 of the Commons Registration Act 1945, the Poart of the land comprised in the register unit edged and marked GDSH having been neglistered under the Land Registration Acts 1927 to 1997 under title number NK 277985					
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Response by the Chair on behalf of the Committee:

Thank you to Mr Campbell for his questions regarding Reedham Quay.

Broadland District Council is content for the Broads Authority to charge for mooring at Reedham Quay and the Authority's legal advice is that there does not appear to be any impediment to raising charges at the site.

Apart from the replacement of the existing Ranger hut the Authority has no plans to erect any further structures on the site.