

AGENDA

15 May 2015

10.00am

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1.	To receive apologies for absence and welcome	
2.	Chairman's Announcements	
3.	Appointment of Two Co-opted Members to the Broads Authority Report by Solicitor and Monitoring Officer (herewith)	4
4.	Introduction of Members and Declarations of Interest	
5.	To note whether any items have been proposed as matters of urgent business	
6.	Public Question Time To note whether any questions have been raised by members of the public	
7.	To receive and confirm the minutes of the Broads Authority meeting held on 20 March 2015 (herewith)	5 – 27
8.	Summary of Progress/Actions Taken following Decisions of Previous Meetings To note schedule (herewith)	28 – 33

STRATEGY AND POLICY

9.	Strategic Direction Report by Chief Executive (herewith) <i>To include:</i> (1) <i>Progress on Strategic Priorities 2015/16</i> (2) <i>Landscape Partnership Bid</i> (3) <i>Lake Review Research</i>	34 – 42
10.	Financial Performance and Direction Report by Head of Finance (herewith) <i>To include:</i> (1) <i>Consolidated Income and Expenditure from 1 April – 28 February 2015</i> (2) <i>Standing Orders relating to Contracts</i>	43 – 71

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11. Breydon Water: Water Skiing and Wakeboarding Trial Findings Report by Head of Safety Management (herewith)	72 – 110
12. Health and Safety Report by Head of Safety Management (herewith) <i>To include:</i> <i>(1) Development of the Integrated Safety Management System</i> <i>(2) Annual Health and Safety Report 2014</i> <i>(3) Marine Annual Incident Statistics</i>	111 – 125

GOVERNANCE

13. Supporting and Developing the Role of Members Report by Chief Executive (herewith)	126 – 130
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REPORTS FOR INFORMATION

14. Annual Report on Requests to Waive Standing Orders relating to Contracts Report by Head of Finance (herewith)	131 – 133
15. Summary of Formal Complaints 2014/15 Report by Solicitor and Monitoring Officer (herewith)	134 – 139
16. Construction & Maintenance Output 2014/15 and Work Plan for 2015/16 Report by Head of Construction, Maintenance and Environment and Director of Operations (herewith)	140 – 148
17. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code	
18. Feedback from Lead Members and those appointed to represent the Authority	

MINUTES TO BE RECEIVED

19. To receive minutes of the following meetings: Planning Committee – 6 March 2015 (herewith) Planning Committee – 2 April 2015 (herewith) Broads Local Access Forum – 4 March 2015 (herewith) Navigation Committee – 23 April 2015 (herewith)	149 – 187
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20. **To consider any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4)(b) of the Local Government Act 1972**
21. **To answer any formal questions of which due notice has been given**
22. **To note the date of the next meeting – Friday 10 July 2015 at 10.00 am at Yare House, 62-64 Thorpe Road, Norwich**
23. **Exclusion of the Public**
The Authority is asked to consider exclusion of the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1, 3 and 5 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.
24. **To receive the exempt minute of the Broads Authority meeting held on 20 March 2015**
25. **To receive the exempt minutes of the Navigation Committee meeting held on 23 April 2015 (herewith)**
26. **Ludham Field Base**
Report by Asset Officer (herewith)
27. **Purchase of Land for Safety Mooring and Dredging Disposal**
Report by Asset Officer (herewith)
28. **Legal Update**
Presentation by Solicitor and Monitoring Officer (verbal update)

Appointment of Two Co-opted Members to the Broads Authority

Report by Solicitor and Monitoring Officer

Summary:	This report sets out the recommendations from the Navigation Committee on 23 April 2015 relating to the appointment of two co-opted members to the Authority.
Recommendation:	that Mr Michael Whitaker and Mr James Knight be appointed to the Authority for one year.

1 Introduction

- 1.1 Members will recall that at the last Broads Authority meeting on 20 March 2015 (Minute 5/3(d)), the Authority agreed to appoint Mr Michael Whitaker and Mr Alan Goodchild as the co-opted members from the Navigation Committee to the Authority for an interim period until the Broads Authority meeting on 15 May 2015. This was to facilitate continued membership of the Authority whilst enabling good governance in allowing the newly constituted Navigation Committee to make its recommendations on the appointments.
- 1.2 At its meeting on 23 April 2015, the Navigation Committee Mr Michael Whitaker was appointed as Chairman of the Navigation Committee and Mr James Knight as Vice-Chairman. In light of Mr Alan Goodchild stepping down as a co-opted appointee to the Authority, the Navigation Committee also recommended that in addition to Michael Whitaker, Mr James Knight be appointed as the other co-opted member of the Committee on the Authority.
- 1.3 At the Authority meeting on 20 March 2015, the Authority agreed that the term of appointment of the co-opted members of the Navigation Committee should be on an annual basis.

2 Recommended Appointments

- 2.1 It is therefore recommended that Mr Michael Whitaker and Mr James Knight be appointed to the Authority for one year until the 13 May 2016.

Background papers: Nil

Author: Sandra Beckett
 Date of report: 30 April 2015

Broads Plan Objectives: None
 Appendices: None

Broads Authority

Minutes of the meeting held on 20 March 2015

Present:

Dr J S Johnson - in the Chair

Mr K Allen	Mr N Dixon	Dr J M Gray
Mr M Barnard	Sir Peter Dixon	Mr G W Jermany
Mr L Baugh	Mr P Durrant	Mr P Ollier (Up to 5/4)
Miss S Blane	Mr C Gould	Mr J Sharpe
Mr D A Broad (up to 5/4)	Mr G McGregor	Mr P Warner
Prof J A Burgess		

Also Present: Mr M Whitaker – Vice Chair Navigation Committee
Mr A Goodchild – Member of Navigation Committee

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways and Recreation Officer
Mr S Hooton – Head of Strategy and Projects
Mr P Ionta – Solicitor and Monitoring Officer
Ms E Krelle – Head of Finance
Ms A Leeper – Asset Officer
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr J Organ – Head of Governance and Executive Assistant
Ms T Wakelin – Director of Operations

Also in attendance

Dr K Bacon	Chairman, Broads Forum and Chairman of Broads Local Access Forum
Mr R Starling	Broads Forum and Reed and Sedge Cutters Association

Prospective members of the Navigation Committee and the newly appointed Secretary of State members.

Public in attendance who spoke:

Mrs Geli Harris – Catfield Hall
Mr N South – Thorpe Island
Mr Peter Riches
Ms Alison Norman – Chairman Geldeston Parish Council

5/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting including members of the public, prospective members of the Navigation Committee and those appointed by the Secretary of State as from 1 April 2015, Matt Bradbury and John Ash. He also welcomed Keith Bacon, Chairman of Broads Forum, Richard Starling from the Reed and Sedge Growers' Association and member of the Broads Forum and those who wished to provide Questions.

Apologies were received from: Mrs J Brockiek-Coulton, Mrs L Hempsall, Mr R Stevens and Mr J Timewell. Mr N Dixon would be arriving later.

5/2 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

Following a request from the Chairman, no members of the public indicated that they would be recording or filming the proceedings.

(2) Various Events and Future Dates to Note

The Chairman confirmed the following dates:

Lake Review Workshop for Members – 17 April 2015

A Member Workshop on the Lake Review was now confirmed for Friday 17 April 2015 to be held at Dragonfly House, 2 Gilders Way, Norwich. The morning would be specifically designed for members while the afternoon would be aimed at lake managers and academics. Timings and an agenda would be confirmed.

Annual Open Day – 27 June 2015

The Annual Open Day to the public will be held on Saturday 27 June at the Dockyard in Thorpe, from 10.00am with a presentation at 11.00 am. Staff and members are to be on hand to answer questions about the work of the Authority.

(3) Staff leaving the Authority

The Chairman announced that four members of staff would be leaving at the end of March – Hilary Franzen Press Officer after 15 years, , Lynda Smith Planning Support Officer after 18 years, Jane Bryant from HR after 20 years all whom had provided immensely good service; and John Organ, Executive Assistant and Head of Governance, after 7 years. He thanked John for his clear sighted rigorous attention to detail and proper handling of business being tough and uncompromising at times which as Head of Governance was required and much appreciated. He will be much missed.

Members joined the Chairman in saying a fond goodbye to all four members of staff and thanked them for their service to the Authority.

(4) Membership

The Chairman stated that this would be the last meeting for four members other than himself - Julie Brociek-Coulton who would not be standing again for Norwich City Council, John Sharpe as a Secretary of State appointee, David Broad and Phil Ollier as co-opted members of the Navigation Committee. He explained that all had served on the Authority for a number of years with four having served for 7-8 years.

The Chairman provided a review of the last few years and the achievements of the Authority which included highlights such as taking over from May Gurney the operation of the Dockyard site and redeveloping it, squarely meeting the challenges from the coalition government following the spending reviews resulting in two reorganisations as well as moving offices, implementing the Broads Authority Act 2009 and taking over the responsibility for Breydon Water, finding European money for tourism and sediment management, developing a Lake Review Strategy, Biodiversity Strategy and introducing the Fen Raft Spider, preparing a Catchment Plan and continuing with the successful Sustainable Development Fund for longer than most other Parks.

He paid tribute to all four of those who would be leaving and for being key in their areas of expertise of Broads navigation, planning, safety, conservation and climate change, tourism and Whitlingham and thanked them for being involved in so much that has been good. Now was the time to pass the responsibility on to others and to a new generation of members.

David Broad provided a few words of thanks to the Chairman and members particularly of the Navigation Committee and staff for their support. He expressed the hope that the new members would help to provide the continuity and confirm the process of increasing understanding between navigation and conservation. He thanked members and wished the Authority Good Luck for the future. John Sharpe echoed these sentiments and also thanked members and staff over the sometimes challenging, fascinating and unmissable 8 years.

(5) Variation in the Order of the Agenda

The Chairman proposed to vary the order of the agenda to consider Item 17 concerning Member Appointments following item 4. Members agreed.

5/3 Appointments

(a) Appointment of Interim Chairman

The Chairman stated that as this would be his last meeting since his term of office would be ending on 31 March 2015, it was opportune and necessary for him to step down and for the Authority to appoint an Interim Chairman of the Authority until the annual meeting in July 2015. He therefore invited nominations.

Guy McGregor proposed the nomination of Professor Jacquie Burgess and this was seconded by Murray Gray.

There being no further nominations

RESOLVED

that Professor Jacquie Burgess be appointed as interim Chairman until the Annual meeting of the Authority in July 2015.

Jacquie Burgess in the Chair

The new Chairman thanked Members for their support. She explained that one of her first and pleasant duties was to pay tribute to Stephen for his amazing contribution to the Authority over the last 6^{1/2} years. On behalf of Members she presented him with an original Robert Gillmor picture of shelducks together with a signed copy of the artist's latest book.

Stephen thanked everyone for their confidence in him and support. He commented that he had been humbled and honoured to have been elected as the Authority's Chairman, It had been a big responsibility to serve all members as well as to the landscape, wildlife, residents and visitors and all those who enjoyed the area whether afloat or ashore. He wished the Authority well for the future.

(b) Appointment of Vice-Chair

In view of the Vice-Chair having been appointed as interim Chair, the Chair invited nominations for an interim Vice-Chairman.

Phil Durrant nominated Sir Peter Dixon, seconded by Sholeh Blane. There being no further nominations,

RESOLVED

that Sir Peter Dixon be appointed as interim Vice-Chairman until the Annual meeting of the Authority in July 2015.

(c) **Change of Solicitor and Monitoring Officer**

The Authority received a report on the role, functions and requirements of the Solicitor and Monitoring Officer and the need to make a formal appointment. Following consideration of the latest Government Spending Review and subsequent reorganization, the Authority had agreed to take part of the legal service to the Authority in house and create the post of Solicitor and Monitoring Officer. Mr Piero Ionta was appointed and began in post as of 2 February 2015.

RESOLVED

that the appointment of Piero Ionta as the Monitoring Officer for the Broads Authority, with effect from 20 March 2015 be approved.

(d) **Appointment of the Navigation Committee and Appointment of Two Interim Co-opted Members of the Broads Authority**

The Authority received a report which outlined the process which had been used in making the appointments to the Navigation Committee in accordance with Section 9 of the Norfolk and Suffolk Broads Act 1988, and the need to appoint two co-opted Members from the Navigation Committee to the Authority. The consultee groups, and the Navigation Committee had subsequently been consulted on the recommendations of the selection panel. Having considered the concerns relating to Category D appointments and receiving clarification from the Solicitor that all toll payers came under Category D status and therefore the process was considered to be legally sound, the Navigation Committee had recommended that the recommendations of the Selection Panel appointments be accepted.

Members concurred with the views of the Navigation Committee that improvements could be made to the selection process and that it would be helpful to have a common understanding of how the categories were interpreted. They therefore agreed that this area be reviewed but that this would need to be within the confines of the Act and the Government's guidance.

Members also supported the recommendations from the Navigation Committee relating to co-opted members.

RESOLVED

- (i) that the recommendations of the Selection Panel be accepted and the following be appointed as Co-opted members to the Navigation Committee until the Authority's Meeting in March 2019:
- *Category A:* James Knight (nominated by the BHBF and BMF)
Michael Whitaker (nominated by the BHBF and BMF)
 - *Category B:* Nicky Talbot (nominated by the NSBA and RYA)
 - *Category C:* Brian Wilkins (nominated by the NSBA and RYA)
 - *Category D:* Linda Aspland and William Dickson

- *Category E*: Max Heron (nominated by British Rowing and the Eastern Region Rowing Council)
 - *Group F*: Alan Goodchild
- (ii) that Mr Alan Goodchild and Mr Michael Whitaker be appointed to the Authority until 15 May 2015; and
- (iii) to support the suggestion that the appointment process be reviewed on the lines outlined within the report and that in due course a further report on the matter be prepared; and
- (iv) that the future appointment of the two co-opted members should be for a period of one year.

Mr Broad and Mr Ollier duly stepped down as Members of the Authority. Their places were taken by Mr Whitaker and Mr Goodchild as the newly co-opted Members.

5/4 Introduction of Members and Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes.

Item 5/17 on the Appointment of Committees was taken at this point in the meeting.

5/5 Items of Urgent Business

No items of urgent business had been received.

5/6 Public Question Time

Four sets of questions were provided for the Authority. One question was from Mr Nick South concerning the eligibility of members of constituent Local Authorities to be appointed by the Secretary of State and two other sets of questions came from Mrs Geli Harris and Mr Peter Riches relating to the branding of the area as a National Park following the assessment of applications for water abstraction licenses and the monitoring and protection of wetlands in particular. Mr South, Mrs Harris and Mr Riches read out their questions. The Chairman thanked them and provided the Authority's responses (As attached at Appendix 2 to these minutes.)

Mrs Harris and Mr Riches asked supplementary questions to seek clarification on the answers provided as follows:

- Why can the Authority's decision to rebrand the area be considered as being any different to that of the supermarkets' selling horsemeat in beef burgers, for which they were prosecuted, having given away conservation concessions to appease the boating community?

- Does the answer to Mr Riches question 1 mean that the consultees were not specifically told that the BA would drop the desire to become a National Park in law and that it would drop the Sandford principle?
- Although accepting that the Broads Authority does good work, in relation to the 75% of the area not covered by the Habitats Directive, if there is a conflict between conservation and navigation, who wins – how is the issue resolved?

The Chairman undertook for the Authority to provide written responses to the supplementary questions within 20 working days.

The Authority also received a statement and questions from Geldeston Parish Council relating to Geldeston Woodland which was read out by the parish council Chairman Alison Norman. The Chairman thanked Alison Norman for her statement and explained that the questions would be referred to when the Authority came to consider Agenda Item 14 on the Disposal of Geldeston Woodland and a written response provided within 20 working days. The Chairman agreed to take Alison Norman's supplementary question following the Authority's decision on the matter.

5/7 Minutes of Broads Authority Meeting held on 23 January 2015

The minutes of the meeting held on 23 January 2015 were approved as a correct record for signing by the Chairman.

5/8 Summary of Progress/Actions Taken Following Decisions of Previous Meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings.

Members noted that some of these also linked in with the Strategic Priorities report at Minute 5/11. In particular, members noted the updates concerning:

National Parks UK Commercial Sponsorship Project

The Financial Scrutiny and Audit Committee had agreed and supported the establishment of "National Park Partnerships Limited" and arrangements for its establishment were progressing. Invitations were extended to all the National Parks to put forward potential candidates to represent the parks initiative. Sir Peter Dixon undertook to consider applying as a representative on the Company.

5/9 Broads Reed and Sedge Cutting Association BRSCA

The Authority received a presentation from Mr Richard Starling based on a report which had been considered by the Broads Forum at its meeting in July 2014 which outlined the main issues and problems facing reed and sedge cutting in the Broads. In particular he emphasized the problems of saline intrusion and the need for excellent water quality as well as the need to

secure the future of the industry by engaging with and encouraging younger people to be part of it.

Members thanked Mr Starling for his interesting and informative presentation which demonstrated that the Broads was a managed landscape of complex sensitivity and the need for the Authority to take its responsibilities sensibly and in a balanced way.

RESOLVED

That the report be noted.

5/10 Stakeholder Surveys Analysis

Further to Minute 4/8 the Authority received a report from the Director of Planning and Resources outlining a draft Action Plan for 2015-16 as a response to the key findings of the recent suite of stakeholder surveys undertaken on behalf of the Broads Authority by Insight Track.

Members noted the main themes from the findings and that the action plan appeared to address the main concerns summarized by Insight Track and as raised by the Hire Boat Operators, the attempts to increase and improve understanding of the uncertainties relating to tolls and also improve communication with residents and parish councils. Members supported the aim of engaging and communicating to a greater degree with local communities and in particular having a series of workshops with stakeholders, which in many cases would be part of the review of the Broads Plan and cover the wide range of complex issues associated with the purposes and functions of the Authority. It was noted that the first of these workshops would be with the Hire Boat Industry, potentially in June 2015. The proposals to use social media and engage more with younger people was also supported. Although it was considered right to promote sustainable tourism and encourage land based activities, it was important not to neglect the actual landownership of the Broads area.

Members were mindful that there was considerable detail in the data obtained from the Stakeholder Surveys and noted that the Senior Waterways and Recreation Officer would be meeting with Insight Track in the week beginning 23 March 2015 to follow up on certain details.

Members noted that the main challenges would be in responding to the outcomes in the context of the Authority's ability and capacity to deliver those areas which had been identified. Members were very supportive of the Action Plan and viewed this as a foundation for taking matters forward in a positive manner as part of the strategic approach. They recognised the time and work involved from both members and officers to have reached this stage and paid tribute to their efforts.

RESOLVED

that the Proposed Action Plan in response to the survey results be endorsed and adopted.

5/11 Strategic Direction: Strategic Priorities 2014/15

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority had been identified as the lead partner, following the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011. Members noted the progress made towards the objectives, and the projects and key outcomes to meet the Strategic Priorities for 2014/15 which had been agreed at the meeting on 21 March 2014.

Members noted that of the objectives eight had reached completion and the remaining projects were on track apart from five, but that these were progressing as indicated in some of the reports to this meeting. The completion of these Strategic Priority Objectives would be carried forward to the Strategic Priorities for 2015/16 including the Climate Change Adaptation Plan and would be pursued with any key matters being reported to the Broads Authority.

RESOLVED

that the performance of the different projects to meet the Strategic Priorities for 2014/15 in the accompanying schedule Appendix 1 to the report be noted.

5/12 Strategic Priorities 2015/16

The Authority received a report setting out the Broads Authority's proposed activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority had been identified as the lead partner for the year 2015/16. These were finalised for members' consideration following consultations with the Navigation Committee, Broads Forum and Parish Councils. The priorities included The Broads Plan Review, Broads Landscape Partnership Project, Hickling Broad Lake Restoration Project, Promoting the Broads and the Stakeholder Action Plan. Although the topics appeared to be few in number, Members recognised that it was an ambitious programme with major pieces of work demanding resources and, particularly in terms of Hickling, complex solutions and involved projects which would not be deliverable in a single year and therefore extend beyond 2015/16.

Members acknowledged that the Authority had seen a total reduction in National Park Grant of 20% since 2010/11 and that further cuts in 2015/16 were possible and therefore it would continue to face difficult choices with limited resources. The priorities listed did not include other objectives which the Authority would continue to carry out and work with local partners and

local communities to deliver, as well as routine operational works as resources allowed. They noted that the Broads Plan Review would have forward policies for the management of the Navigation Area and the Climate Change Adaptation Plan embedded within it. As stated at Minute 5/11, the strategic priorities from 2014/15 not yet completed would be taken into account.

It was suggested that the Broads Plan be called the Broads Management Plan which would then be consistent with the other National Park Authorities. It was noted that budgetary considerations would automatically be included within the development of the various strategic priorities. The Duty to Cooperate would be contributory to the overall engagement with elected and statutory bodies.

A member commented that the Landscape Partnership Project was dependent on another decision making body and it would be important to consider alternatives in order to capitalise on and take forward the enthusiasm created should the bid be unsuccessful.

RESOLVED

that the Strategic Priorities for 2015/16 as detailed in Appendix 1 to the report be adopted.

5/13 Financial Performance and Direction

The Authority received a report providing a strategic overview of current financial issues.

Section 2: Consolidated Income and Expenditure from 1 April – 31 January 2015

The Authority received the details of the consolidated actual income and expenditure for the ten month period to 31 January 2015 together with a forecast of the projected expenditure at the end of the financial year 31 March 2015 for the whole Authority. It was noted that core income was slightly above the profiled budget at the end of the 10 month period and the variances within Private Tolls and Hire Tolls continued to offset one another. It was currently anticipated that Navigation Income would be broadly in line with the total budget. It was noted that there was still an underspend against profile within the Planning and Resources directorate budgets for reasons previously stated. The overall position as at 31 January 2015 showed a favourable variance of £287,850 against the profiled latest available budget, an increase compared to the October position.

Members noted that the forecast outturn indicated income was expected to be broadly in line with budget with total forecast income of £6,230,354. Total expenditure forecast was £6,309,199 resulting in a forecast deficit for the year to be £78,844 (£70,479 national park and £8,366 navigation) in the consolidated budget.

It was noted that as from the 1 April 205 the intention was to improve the clarity of the figures by using black text and showing favourable and adverse variances, which was considered would be helpful.

RESOLVED

- (i) that the consolidated income and expenditure figures from 1 April 2014 to 31 January 2015 be noted.

Section 3 Annual Investment Strategy

Members received a report on the Annual Investment Strategy as required by the Prudential Code for capital finance in local authorities including the Broads Authority.

RESOLVED

- (ii) that the Annual Investment Strategy for 2015/16 be adopted.

5/14 Disposal of Geldeston Woodland

The Authority received a report from the Asset Officer summarizing the proposals submitted in the informal bid process following the agreed disposal of Geldeston Woodland at the 21 November 2014 meeting Minute 3/14. The Authority had agreed to proceed with the sale of the woodland with a restriction which would allow for the continuation of public access and its maintenance. Members noted the four bids which had been received and the recommendation from the Navigation Committee following consideration at its meeting on 26 February 2015. This was for the Authority to accept the bid by the owner of the Locks Inn public house as it appeared to encompass all the aspects which had been identified as important for the future of the site such as continuation of public access and the proposal of entering into a written five year management agreement with the River Waveney Trust and having public liability insurance already in place. Members also took into account the questions posed by Geldeston Parish Council.

The Director of Operations reminded members of the review of the Authority's Asset Management Strategy adopted in July 2012 in which the woodland area at Geldeston Locks Inn had been identified as no longer being required for any specific purpose, in that it no longer supported the delivery of objectives as set out in the Broads Plan and the Authority's Business plan 2011-2015. In light of the reduction in the Authority's central government funding, the offer received from the Locks Inn was in line with the NPS valuation of the site and an opportunity to divert resources to other sites to deliver the Authority's statutory duties.

Members were reminded of their need to be mindful of the Authority's obligation to ensure that the best consideration for the land was achieved.

Members noted that the 24 hour moorings would remain in the ownership of the Authority and the Rangers would continue to monitor these and would be aware of any activities in the area. It was clarified that the boundary dispute with the Locks Inn had now been resolved.

Some Members expressed concerns that transferring ownership to a commercial owner would have considerable risks associated with it and there would not be a guarantee that the Locks Inn would necessarily achieve the collaborative arrangements with local volunteers through the River Waveney Trust as desired. In agreement with this and given that the amount of funds involved were relatively small but the risks involved considerable, some members considered it would be more appropriate in gaining community benefits and in the spirit of openness to accept the bid from the River Waveney Trust. These Members were of the view that the Authority would be obtaining best value by allowing the River Waveney Trust to purchase the Site rather than rely upon the Locks Inn making good on its proposals, including completing a five year management plan with the Trust.

Another member took the opposite view commenting that the viability of the Geldeston Locks Inn was helped by the woodland area being accessible to those who visited the Inn. It was in the best interests of the Locks Inn to maintain the woodland in a reasonable state.

In discussing whether a motion be proposed that the Authority amend the Officer's recommendation to accept the Locks Inn bid, Members considered if any terms over and beyond those proposed by the River Waveney Trust ought to be sought in order to achieve best value for the Authority. Members expressed the view that in order to protect the site for public access and maintain the area as wet woodland, there should be a clause whereby if the Authority sold to the River Waveney Trust, should the River Waveney Trust no longer wish to continue as landowner, the Authority be able to buy back the land for the same price as it is proposing to buy it from the Authority as well as express permission for users of the Public Inn to access the site.

Guy McGregor proposed, seconded by Peter Dixon and it was

RESOLVED by 10 votes in favour, 2 against and 5 abstentions

that the Chief Executive be authorized to accept on behalf of the Authority, the bid made by The River Waveney Trust of £1 on the basis that the copse would remain as a public amenity and that the Authority have first option on sale for the same price, if the River Waveney Trust did not wish to continue as landowners.

Alison Norman on behalf of Geldeston Parish Council and the residents of Geldeston thanked the Authority for the decision. As a supplementary question she asked if the Authority was considering decisions on other pieces of land in its ownership within the area would the Authority engage with the Parish Council at the beginning of the process?

The Chair gave assurances that the Authority would consult at the earliest opportunity, should any significant matters arise.

5/15 External Funding Opportunities

The Authority received a report providing members with information on the considerations for external funding opportunities following a meeting on 6 February. Two Members and two officers had considered that the Broads Plan Review and the National Park Branding presented the potential hooks for seeking external funds and presented opportunities to engage with local businesses, the Broads Charitable Trust and the University of East Anglia(UEA) to explore areas of common interest in doing so.

The Group had identified the following four potential pathways:

- *Making more of corporate support;*
- *Building closer links with Love the Broads/Broads Charitable Trust.*
- *Building closer links with the UEA over research funding.*
- *Developing a clear message on 'priority effort' to maximise external support.*

It was recognised that the Authority's resources were limited, and therefore these areas should be pursued in terms of the Authority's strategic objectives, corporate priorities and current staffing resources and the Authority needed to be mindful of its statutory duties and sensitivities involved as a publicly funded body.

Members noted that the Authority was already involved in pursuing opportunities for potential external funding for the Landscape Partnership Project through the Heritage Lottery Fund and European Interreg support for activities at Hickling where such opportunities involved match funding. Members considered that working with the National Parks in relation to corporate sponsorship was beneficial as well as important and in order to make more of corporate support the proposal to develop a prospectus for engagement with local businesses was welcomed. It was also suggested that developing further the links with UEA should not be to the exclusion of other universities, particularly those with which the Authority already had links and/or where there was interest in the Broads area.

Members welcomed the progress and supported the proposals for pursuing external funding opportunities.

RESOLVED

that the following actions be undertaken:

- (i) A prospectus for engagement with local businesses is prepared in tandem with the Broads Plan Review setting out opportunities for local companies to engage with the Authority on a range of areas including volunteering, training for staff, secondments and sponsorship.

- (ii) Discussions are held with the Broads Charitable Trust to review the progress it is making and the scope for closer collaboration.
- (iii) The scope for a deeper relationship with the University of East Anglia be explored but not to the exclusion of other Universities.
- (iv) Consider the potential of 'crowdfunding' for specific Broads Authority projects.

5/16 PMSC Safety Management System External Audit

The Authority received a report setting out the findings from the recent Port and Marine Safety Code's Safety Management System External Audit as set out in Appendix one of the report and the Draft Audit Action Plan as set out in Appendix 2 of the report. The Navigation Committee had welcomed and commended the report.

Members noted that the Authority was considered to comply with the PMSC and had adequate systems in place to manage safety and it continued to discharge its statutory functions effectively and efficiently and to high standards. Areas for further development included competency standards, training records and incident data analysis to measuring performance.

RESOLVED

- (i) that the Audit Report as set out in Appendix 1 of the report be noted.
- (ii) that the Draft Audit Action Plan as set out at Appendix 2 of the report be adopted..

5/17 Committee Membership and Member Appointments to Outside Bodies

The Authority received a report concerning the appointment of members to the Planning Committee and potential appointment of Members to outside bodies as well as take on Lead Member roles in light of the departure of Stephen Johnson and Phil Ollier as well as David Broad, John Sharpe and Julie Brociek-Coulton. It was noted that the Lead member for Safety Management also chaired the Boat Safety Management Group.

The Chairman of the Planning Committee considered that it would be possible to conduct the business of the planning committee adequately with 11 members in the interim, but that it would be necessary to ensure that as many members as possible attended the meetings.

RESOLVED:

- (i) that replacement appointments and review of the Planning Committee membership be deferred until the Annual Meeting of the Authority in July.

- (ii) that Mr Michael Whitaker be appointed as Lead Member for Safety Management until the Annual Meeting in July 2015 when all the Lead member roles would be reviewed.
- (iii) that Louis Baugh be appointed as a Director of the Whitlingham Charitable Trust.

5/18 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Head of Safety Management reported that there were no items which needed to be raised under this item.

5/19 Consultation on the River Basin Management Plan

The Authority received a report on the suggested response to the consultation questions on the Proposed Cycle 2 update to the River Basin Management Plan. Members noted that the main message was the importance of the Catchment Partnership Approach in determining the detailed needs and solutions to meet Water Framework Directive requirements in the area and which the Broads Authority had helped to establish.

It was noted that the paper included specific mention of proposed changes to the usage definitions for Heavily Modified Water Bodies that had raised concerns at the Navigation Committee. The Authority's response suggested maintaining a consistent approach across the whole system by using the 'navigation' usage definition for this to avoid possible conflicts with the definitions within the Marine Management Organisation.

It was considered that salt water incursion as a result of flooding was inadequately addressed in the consultation document and this should be highlighted within the response.

Members considered that as the plan covered the whole region there would be some places which would require more attention than others and therefore the priority ecosystem value areas should be strengthened. Given the government investment in ESAs, their value in ecological and landscape terms, particularly in the Broads, should not be lost.

Members congratulated the Head of Strategy and Projects on the excellent response provided on the complex issues involved. They advocated a watching brief be maintained in light of the detailed data and information provided.

RESOLVED

that the consultation invitation be welcomed and noted and the proposed response to the main questions asked be endorsed.

5/20 Feedback from Lead Members and Those Appointed to Represent the Authority

Peter Warner reported that he had attended a council meeting of the Campaign for National Parks, a note of which he had provided and would be circulated. He explained that the meeting had offered opportunities to debate the issues around farming in the uplands and to influence the CNPs emerging Strategic Plan.

5/21 Minutes Received

(1) Planning Committee: 9 January 2015 and 6 February 2015

RESOLVED

that the minutes of the Planning Committee meetings held on 9 January and 6 February 2015 be received. This included the adoption of the Halvergate Conservation Area Re-Appraisal.

(2) Broad Forum: 5 February 2015

RESOLVED

that the minutes of the Broads Forum meeting held on 5 February 2015 be received.

(3) Financial Scrutiny and Audit Committee: 10 February 2015

RESOLVED

that the minutes of the meeting of the Financial Scrutiny and Audit Committee meeting held on 10 February be received.

(4) Navigation Committee: 26 February 2015

Members noted that the Navigation Committee's discussions particularly relating to the items on the agenda had been fed into the discussions at this meeting and would be fed into reports for future meetings.

RESOLVED

that the minutes of the Navigation Committee meeting held on 26 February 2015 be received.

(5) Broads Local Access Forum

The Chairman of the Broads Local Access Forum commented that the minutes from the 4 March 2015 meeting would be available for the next

Authority meeting. He reported that the Access Forum had received a presentation from Trevor Davis, from UEA on the pre-application proposals for the Utilities Regeneration Site. He wished to take the opportunity to thank David Broad for his contribution to the Local Access Forum.

He stated that the Forum had considerable areas of concern relating to public footpaths the bulk of which were the responsibility of Norfolk County Council.

5/22 Date of Next Meeting

The next meeting of the Authority would be held on Friday 15 May 2015 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

5/23 Items of Urgent Business

There were no items of urgent business.

5/24 Formal Questions

There were no formal questions of which due notice had been given.

5/25 Exclusion of Public

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local following item on the agenda for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

5/26 Exempt Minutes – Navigation Committee 26 February 2015

RESOLVED

That the exempt minute of the Navigation committee meeting held on 26 February 2015 be received.

5/27 Lease of Moorings

The Authority received a report on the negotiations relating to the future of moorings on the River Thurne and the principles of a proposed lease to retain them for public short term moorings given that they were regarded as priority.

RESOLVED

- (i) that the principles for the lease of the moorings at Boundary Farm, Oby as set out in the report be supported and
- (ii) that the Chief Executive be delegated to finalise the details and signing of the lease.

The meeting concluded at 14.55pm

CHAIRMAN

APPENDIX 1**Code of Conduct for Members****Declaration of Interests****Committee:** Broads Authority 20 March 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
David Broad	1 – 4	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Kelvin Allen	14	Member of Broads Angling Strategy Group Member of River Waveney Trust
Louis Baugh	15 19	Trustee of Broads Trust, Broads IDB Member and Landowner
Murray Gray	14	Member of River Waveney Trust
Stephen Johnson	15	Member of Broads Trust
Alan Goodchild		Director of Goodchild Marine, Great Yarmouth Waste Tollpayer, Member of Navigation Committee
Michael Whitaker	8 - 27	Toll payer, Hire Boat Operator and Chair of the BHBF and a general interest in Agenda Items 8-27.

APPENDIX 2**Public Question Time****Question submitted by Nick South**

The Department of Environment National Parks Circular (12/96) extant back in 2008 while covering the National Parks did not extend to the Broads Authority.

The Department has since redressed the situation by replacing Department of Environment Circular 12/96 with English National Parks and the Broads UK Government Vision Circular 2010. The result is that since March 2010 any application for a Secretary of State member vacancy from a serving councillor of a local authority appointing members to the Broads Authority is ineligible.

A letter distributed by Natural England for applicants reads, "National Park Authorities Secretary of State Members are initially appointed for a 4-year term...and are eligible for re-appointment. However reappointment is not automatic."

The rules for eligibility of BA members are therefore clear and, since 2010, are identical to those that apply to national park members. Will the Authority explain how an ineligible individual whose appointment breaches the same rules would be allowed to remain a member?

Broads Authority's Response

Firstly, it should be noted that it is the Secretary of State who determines Secretary of State appointments to the Broads Authority and not the Broads Authority.

The English National Parks and the Broads UK Government Vision and Circular 2010, a statement of Government policy, was issued in March 2010 and provided updated policy guidance on the English National Parks and the Broads. Section 6.4 (paragraph 174) of the circular states that: "the Secretary of State does not propose to appoint as a Secretary of State member anyone who is a serving councillor of a local authority appointing members to the Authority." The Circular is a statement of Government policy and is not law which binds the Secretary of State's discretion.

The Broads Authority supports the Secretary of State's reappointment and retention of the member on the basis that his well proven skill set is still required by the Broads Authority.

Question submitted by Mrs Angelika (Geli) Harris

As you will be aware my husband and I have been for some time asking questions at the Broads Authority meetings to highlight the concerns that we have formed from our experience at Catfield about the deficiencies of the statutory bodies in fulfilling

their legal obligation to safeguard our finest wetland sites which, like Catfield, are subject to the highest level of environmental legal protection. At the last meeting the Chairman “emphasised that the Authority recognised the deficiencies.” Since then there have been two developments on the Catfield case-Natural England has made their final submission to the Environment Agency on the scientific evidence which now fully echoes the scientific analysis that our independent experts have been making for a long time and secondly the Environment Agency has once again deferred its final decision despite a process which has now lasted almost seven years.

This experience and these deficiencies are relevant to the question I would ask today as they relate to how far the Authority itself is in practise either committed to or effective in managing its own conservation objectives. Frankly my husband and I were shocked by both the tone and content of what we heard here two months ago in your rebranding discussion. In essence the Executive, in order to get its touristic objective of rebranding passed and to resolve what was described but not minuted as a “credibility issue” made concessions on conservation to the vociferous boating lobby in particular to drop its planned ambition of ever becoming a legal national park and also to refute as far as the Broads were concerned the Sandford principle which is the distinguishing feature of a real national park as the National Parks’ website makes quite clear and I quote “When the aims and purpose conflict with each other, then the Sandford principle should be used to give more weight to conservation of the environment.”

My question is simple – How can it be either morally or legally either proper or correct for the Broads Authority to represent itself as a national park when it has just dropped the ambition of ever becoming one legally and specifically denied the primacy of conservation which is the key feature of a real national park? Is it not a “falsehood” as one of your members accurately described it to pretend otherwise and a “falsehood” to which all members risk being party?

Broads Authority’s Response

The decision by the Broads Authority on 23 January 2015 to adopt the term Broads National Park in its marketing and branding of the area was made after careful consideration of the legal advice and all the responses to the consultation document. This reflects the fact that the Broads was given an equivalent status to that of a National Park in 1989.

Question submitted by Mr Peter Riches

At the last Broads Authority meeting it was agreed that, to improve the marketing potential for tourism, the Broads Authority Executive Area should be rebranded as a national park and that to achieve this rebranding, concessions should be made on conservation.

In particular the planned ambition to become a full legal national park was dropped and it was agreed that the Sandford principle, which gives priority to conservation, would not be used. This principle was said to be unnecessary because the Habitats

Directive provides sufficient protection for the Broads Authority to meet its conservation objective.

I have three related questions:

1. In your consultation on the rebranding did you make it clear to consultees that you proposed to make these two concessions on conservation in order to obtain the agreement of the boating lobby?
2. Only the 25% of the Authority's area which is made up of SSSI's and SAC's is protected under the Habitats Directive while the remaining 75% has no statutory or non-statutory protection for wildlife. How can the Habitats Directive be a protection for this land which includes many outstanding natural features? Did you consult with Natural England to obtain their views?
3. What is the Authority doing to ensure that the statutory bodies are fulfilling their existing obligations under the Habitats Directive regarding the supposedly protected 25% given the deficiencies recognised by the Authority as a result of the Catfield case?

Broads Authority's Response

1. No specific reference was made to the Broads Plan in the Consultation document. The decisions taken by the Broads Authority on 23 January 2015 were the product of the consultation process where the Authority conscientiously took into account the representations received prior to finalising its proposals as adopted by the Authority in the January meeting.
2. The Consultation Document states that "European Habitats and Water Framework directives, provide very strong protection against damaging activities to the most important nature conservation sites in the Broads." Natural England has the role in designating additional sites, and the Broads Authority would support wider designation of sites as appropriate, particularly where there is threat and features are under represented by the existing network, such as Bittern at Buttle Marsh. The report to the Broads Authority in January made clear that neither the Environment Agency or Natural England were consulted on the branding proposal as they are sponsored by Defra and the Authority engaged directly with the Department on the matter.
3. The Broads Authority does not have a duty in ensuring that other statutory bodies fulfil their responsibilities under the Habitats Directive.

Statement and Questions from Geldeston Parish Council on the Proposed Sale of the Locks Copse, Geldeston

Geldeston Parish Council and local people have taken a strong interest in plans by the Authority to sell land it owns in Geldeston, as shown by previous correspondence and record of meetings.

The Parish Council welcomes publication of the report showing all the bids.

Previously, the Parish Council strongly regretted the Authority's decision to sell the copse potentially losing it from public ownership. It has repeatedly emphasised the need to maintain public access and keep this area as a natural, wet woodland which is enjoyed by people and wildlife alike. For this reason, the Parish Council welcomed the involvement of the River Waveney Trust and its bid to purchase the wood.

Although we supported the decision to include the right to public access in the details of sale, the Parish Council still has serious concerns, if it passes into private ownership, that this area will not be maintained in its natural state as a public amenity which the public are not only able to access but would wish to do so.

Any activities that take place in the wood as a result of change of ownership must be compatible with public enjoyment of a natural environment. It is often the case that well intentioned statements of intent become eroded over time with changes of personnel and ownership, increasing commercial pressures and changes in planning policy.

QUESTIONS

We therefore ask will the Authority commit unambiguously to safeguard the copse as a public amenity in perpetuity as a natural wet woodland and to ensure this is legally binding?

Further, will the Authority publicly undertake to monitor the area on a regular basis?

Broads Authority Response

Thank you for your statement and questions. This matter is due to be discussed on the agenda today. The Authority will refer to these two questions to provide answers during that agenda item

Summary of Progress/Actions Taken following Decisions of Previous Meetings

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
18 January 2013 Minute 4/8(4) (Broads Local Access Forum Minute 1/9) Ludham Bridge Footpath link to St Benets	<ul style="list-style-type: none"> Formal agreement with landowner to be signed. 	Senior Waterways and Recreation Officer	<p>Agreements currently with landowners for formal approval</p> <p>Programme of works is being discussed with Operations Directorate.</p>
20 March 2015 Minute 5/15 External Funding Opportunities and Income Generation Members received a report on the proposals for external funding opportunities and identification of four potential pathways.	<p>The following actions to be undertaken:</p> <ul style="list-style-type: none"> A prospectus for engagement with local businesses is prepared in tandem with the Broads Plan Review setting out opportunities for local companies to engage with the Authority on a range of areas including volunteering, training for staff, secondments and sponsorship. Discussions to be held with the Broads Charitable Trust to review the progress it is making and the scope for closer collaboration. The scope for deeper 	Head of Strategy and Projects	<p>Initial conversations held about programming in work on the prospectus for the late summer</p> <p>Report on bid to HLF Landscape Partnership Programme in Strategic Direction Report at Agenda Item No 9</p> <p>Details of the Water, Mills and Marshes: The Broads Landscape Partnership Project and latest newsletter is available by following this link</p> <p>http://www.broads-authority.gov.uk/looking-after/projects/water,-mills-and-marshes</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>relationship with UEA be explored but not to the exclusion of other Universities</p> <ul style="list-style-type: none"> Consider the potential of crowdfunding for specific Broads Authority projects. 		
<p>16 May 2014 Minute 6/11 Catfield Water Abstraction</p>	<p>That the convening of a research seminar in the autumn in order to facilitate greater understanding on fen hydrology and ecology and advise on the timing of the next Fen survey, be supported.</p>	<p>Senior Ecologist</p>	<p>An announcement by the Environment Agency on two abstraction licence applications at Catfield was due by 31 March 2015, but has been postponed until mid-May. Officers will be convening a meeting with the relevant key partners to discuss survey and research priorities for fens and a way forward for communicating new information.</p>
<p>20 March 2015 Minute 5/14 Geldeston Woodland</p>	<ul style="list-style-type: none"> That the Chief Executive be authorized to accept on behalf of the Authority, the bid made by the River Waveney Trust on the basis that the copse would remain as a public amenity and that the Authority have first option on the sale for the same price, if the River Waveney Trust did not wish to continue as landowners. 	<p>Asset Officer</p>	<p>The transfer of ownership of papers have been drafted and are now with the River Waveney Trust for review.</p>
<p>23 January 2015 Minute 4/8 20 March 2015 Minute 5/10</p>	<ul style="list-style-type: none"> Report and findings noted and welcomed. Proposed Action Plan in response to survey results 	<p>Director of Planning and Resources</p>	<p>Date set for meeting with Hire Boat Operators – 25 June 2015.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
Stakeholder Surveys Analysis	<p>endorsed</p> <ul style="list-style-type: none"> Support for exercise to be repeated in five years' time as part of strategic approach in formulating its Broads Plan and its priorities, provided finances allow. 		
<p>23 January 2015 Minute 4/9 Branding the Broads</p>	<p>Part 1</p> <ul style="list-style-type: none"> The brand "Broads National Park" adopted for marketing related purposes with immediate effect using the powers in Section 111 of the Local Government Act 1972. Branding Guidelines to be produced for staff and other organisations use – additional £5,000 allocated to Communications Budget for 2015/16 for implementation of appropriate signage in collaboration with other organisations. <p>Part 2</p> <ul style="list-style-type: none"> In line with suggestions from BHBF and NSBA agreed not to pursue ambition on Broads Plan 2011 for the Broads to become a national park in law. For avoidance of doubt, the 	Chief Executive/Head of Communications	<ul style="list-style-type: none"> Following Broads Authority approval, internal and external sets of branding guidelines are being developed and appropriate signage locations under investigation

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>Authority indicates it has no intention of seeking the application of the Sanford Principle to the BA's functions because it is of the view that the Habitat Regulations provide sufficient protection for the very special qualities of the area.</p> <ul style="list-style-type: none"> Delegated to Chief Executive, in consultation with the Chairman as appropriate, the power to take such steps and obtain any advice required to protect the Authority's position and to implement the project in accordance with the resolution and legal advice. 		
<p>23 January 2015 Minute 4/13 National Parks UK Commercial Sponsorship Project</p>	<p>Subject to scrutiny by FSAC</p> <ul style="list-style-type: none"> Agreed in principle to establishment of new Company CLG "National Park Partnerships Limited" to oversee development of commercial sponsorship on behalf of National Park Authorities and BA in the UK. BA to become a signatory to the Members' Agreement which binds all 14 of UK National Park Authorities and the BA in respect of new CLG. 	<p>Chief Executive/Chairman</p>	<p>Financial Scrutiny and Audit Committee considered the matter at its meeting on 10 February 2015 and agreed to support the establishment of "National Park Partnerships Limited".</p> <p>The New Company is being established by National Parks UK.</p> <p>Initial contribution of £10,000 paid.</p> <p>Directors for the new Company are being recruited.</p>

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<ul style="list-style-type: none"> BA approves signing of agreement with Dartmoor National Park Authority in respect of equal distribution of licence fees from use of the Britain's Breathing Spaces brand; and approves Initial investment of £10,000 in development of commercial sponsorship company on behalf of 15 UK National Park Authorities for which provision already made in 2014/15 budget and provision in 2015/16 for potential need for a second payment of £10,000. 		
23 January 2015 Minute 4/15 Draft Climate Adaptation Plan	<ul style="list-style-type: none"> Draft Plan Noted and Summary approved for consultation. Responses to be used to refine Draft Plan and Final version created for consideration later in year Responses to be used to refine more technical version of Plan prior to submission to Defra in Spring 2015.	Head of Strategy and Projects	Draft summary due to go out for public consultation in May with response used to refine the summary and technical report for Defra.
23 January 2015 Minute 4/18 Chief Executive Report	Proposed Response to Network Rail to be circulated to members for comment prior to being submitted	Director of Operations	Director meeting is arranged for 6 May 2015, includes consultation update on the agenda.

Date of Meeting and Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
(1) Network Rail: Consultation document: Anglia Route Study, Long Term Planning Process	to Network Rail by deadline of 3 February 2015.		
20 March 2015 Minute 5/19 Consultation on River Basin Management Plan Proposed Cycle 2 Update	<ul style="list-style-type: none"> The consultation invitation welcomed and noted and the proposed response to the main questions asked endorsed. 	Head of Strategy and Projects	Response submitted by the end of March 2015.
20 March 2015 Minute 5/27 Lease of Moorings on River Thurne	<ul style="list-style-type: none"> That the principles for the lease of moorings at Oby on the River Thurne be supported and The Chief Executive delegated to finalise the details and signing of the lease. 	Head of Planning/Asset officer	The completed lease papers are with the landowner for agreement and signature.

Strategic Direction
Report by Chief Executive

Summary: This report sets out the progress made in delivering the Authority's Strategic Priorities for 2015/16 with particular reference this time to the HLF Landscape Partnership Bid and the Broads Lake Review.

Recommendations:

- (i) To note the performance on the delivery of the Strategic Priorities for 2015/16 in the table at Appendix 1.
- (ii) To endorse the submission of the Landscape Partnership bid to the Heritage Lottery Fund with the associated commitment of £50,000 per annum for three years if the initial application is successful.
- (iii) To endorse the timetable for the Communication and Action Plan for the Lake Review research set out in Table 1.

1 Progress on Strategic Priorities for 2015/16

- 1.1 The Authority uses a small set of annual Strategic Priorities with accompanying projects to monitor the delivery of the Broads Plan. At the last meeting the Authority adopted five priorities for the coming year, and progress against these is contained in Appendix 1. There are some specific issues on the HLF Landscape Partnership bid and the Lake Review research for Members' consideration.

2 Landscape Partnership Bid

- 2.1 With the HLF deadline looming, officers are putting the finishing touches to our Landscape Partnership Scheme application. The headline figures are:
- 38 projects
 - 55 partner organisations delivering activities
 - 18 months for the development phase (January 2016 to June 2017)
 - 5 years to implement (2018 to 2022)
 - £2.6 million grant request from the Heritage Lottery Fund
 - £1.7 million additional cash, in-kind and volunteer contributions offered
 - Total Landscape Partnership Scheme value £4.3 million
- 2.2 The bid is centred on restoring the emotional and physical connection with the grazing marsh landscape, engaging with the many people and communities

who live within and around the river valleys to become actively involved in its conservation, its appreciation and its future management. At this stage it is made up of 6 programmes:

Programme 1: Landscape Interpretation

Increasing information and interpretive material about the area's history and special qualities including oral history, archiving historic material and using art and drama to reach people.

Programme 2: Landscape Exploration

Encouraging people out into the landscape; improving physical access to, and within the area including our Gateway sites on urban edges and the chance to 'go the extra mile' to see special places in the marshes.

Programme 3: Learning and future skills

Engaging with all ages, enabling heritage and cultural skills training. Reaching out to people from 8 years old to adult; individuals and families; covering topics from leisure interests to technical construction skills.

Programme 4: The Historic Landscape

Protecting and enhancing assets at risk; discovering, recording and protecting waterlogged archaeological assets. Covering the conservation and restoration of mills, community led archaeology and the hidden assets in the marshes through to specifics such as at Burgh Castle and replicating the Chet medieval boat.

Programme 5: Natural Landscapes

Creating and connecting habitat corridors to strengthen ecological networks; improving land and water management regimes to adapt to climate change and development pressures over thousands of hectares and kilometres of dykes in the marshes.

Programme 6: Community Grant Fund

Enabling a wide range of community inspired projects to progress.

- 2.3 Submission will be shortly before the deadline of 1 June with an anticipated decision by HLF in October 2015. If successful this will allow us to enter the development phase by the end of the year and a stage 2 submission about 18 months later.

2.4 **Risk Analysis including Financial Implications**

The bid assumes that the Broads Authority will be contributing £50,000 per year for the next three years to support this bid. The current financial package is designed so as not to require any further cash input from the Authority although officer time and other in kind elements (such as desk space etc.) will be needed through the development and implementation period. The budget includes contributions offered by partner organisations which will be supported by letters of intent with the initial application. When the stage 2 application is made there will be formal agreements with partners over their contributions

alongside the commitment from the Authority of officer time and in kind support.

3 Lake Review Research

- 3.1 A successful member and partner workshop on the Broads Lake Review was chaired by Jacquie Burgess on 17 April. Presentations from Nigel Willby (Stirling University), Andrea Kelly (BA) and Geoff Phillips (Honorary Stirling University) were well received and a panel discussion and question and answer sessions explored the report findings. A full workshop report is in preparation.
- 3.2 The strategic context for the lake review, set out in the Broads Plan and the Broads Biodiversity and Water Strategy, aims to use scientific data to 'improve our knowledge to enable a stronger evidence-based approach to habitats and species management'. The strategy contains an action to review lake restoration practices and their performance, providing an assessment of much of the monitoring data and scientific evidence of lake ecology in the Broads to date.
- 3.3 The full range of lake management and restoration measures in the Broads was last evaluated in the mid-1990s. The 2015 review evaluates the research, monitoring and management since then, to understand management success over a longer time scale, take account of more recent management measures and, for the first time, consider the impacts of climate change.
- 3.4 The review builds on interim results from the 1990s and recent reviews on the effectiveness of restoration approaches applied to shallow lakes in the Netherlands and Denmark, to offer new insights into shallow lake restoration. The review was undertaken by leading freshwater scientists from the Centre of Hydrology and Ecology, ECON Ecological Consultancy, Stirling University and University College London.
- 3.5 The report considers management actions targeted at lake restoration, supported by an analysis of climatic changes. It then analyses water chemistry and plant data across the Broads network before grouping the broads into isolated, riverine and near brackish. It then identifies key thresholds, such as phosphorus, that restoration should aim to achieve in order to promote recovery. The report then explores the effects of the three major restoration methods: External load reduction, sediment removal and biomanipulation. The final section of the report sets out current achievements and challenges and some questions for future research and monitoring. Dossiers on individual broads, covering the larger or more significant water bodies, are annexed.
- 3.6 The summary and reports for the Broads Lake Review are available on the Broads Authority website, under 'Lake Restoration' <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/conservation-publications-and-reports/water-conservation-reports>.

- 3.7 The key rules for lake restoration, highlighted by the review, will be used to assign to each broad restoration methods to restore water quality and biodiversity value (such as external load reduction, sediment removal, biomanipulation, reedswamp restoration and other techniques such as sediment capping).
- 3.8 Key actions for individual broads will then be incorporated into conservation partners' own plans, such as Natural England's remedies database, land owner site management plans and business investment plans. Actions will need to be appropriate for the other uses of the sites. The outcomes of the Lake Review will be incorporated into the next Broads Plan, to be published in 2017. Table 1 summarises the mechanisms and timescales for disseminating the findings of the research and Figure 1 are initial thoughts on matching broads with actions.

Table 1. Communication and Action Plan

Work area	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Press release												
Presentation - Aquatic Plant International Conference Edinburgh												
Presentation - Wetland Futures National Conference												
Link to UK & Ireland Lakes Network website (and 2016 conference?)												
Inform and link to Aquatic Restoration Partnership website												
Presentations to partners, officers and members												
Workshop with Norfolk Wildlife Trust												
Presentation to Upper Thurne Working Group												
Presentation to Broads Angling Strategy Group												
Work with partners to assign restoration actions to each broad												
Incorporate restoration actions into conservation partners plans												
Complete site dossiers and make available to site managers/owners												
Develop Hickling enhancement												
Develop actions into Broads Plan review process												

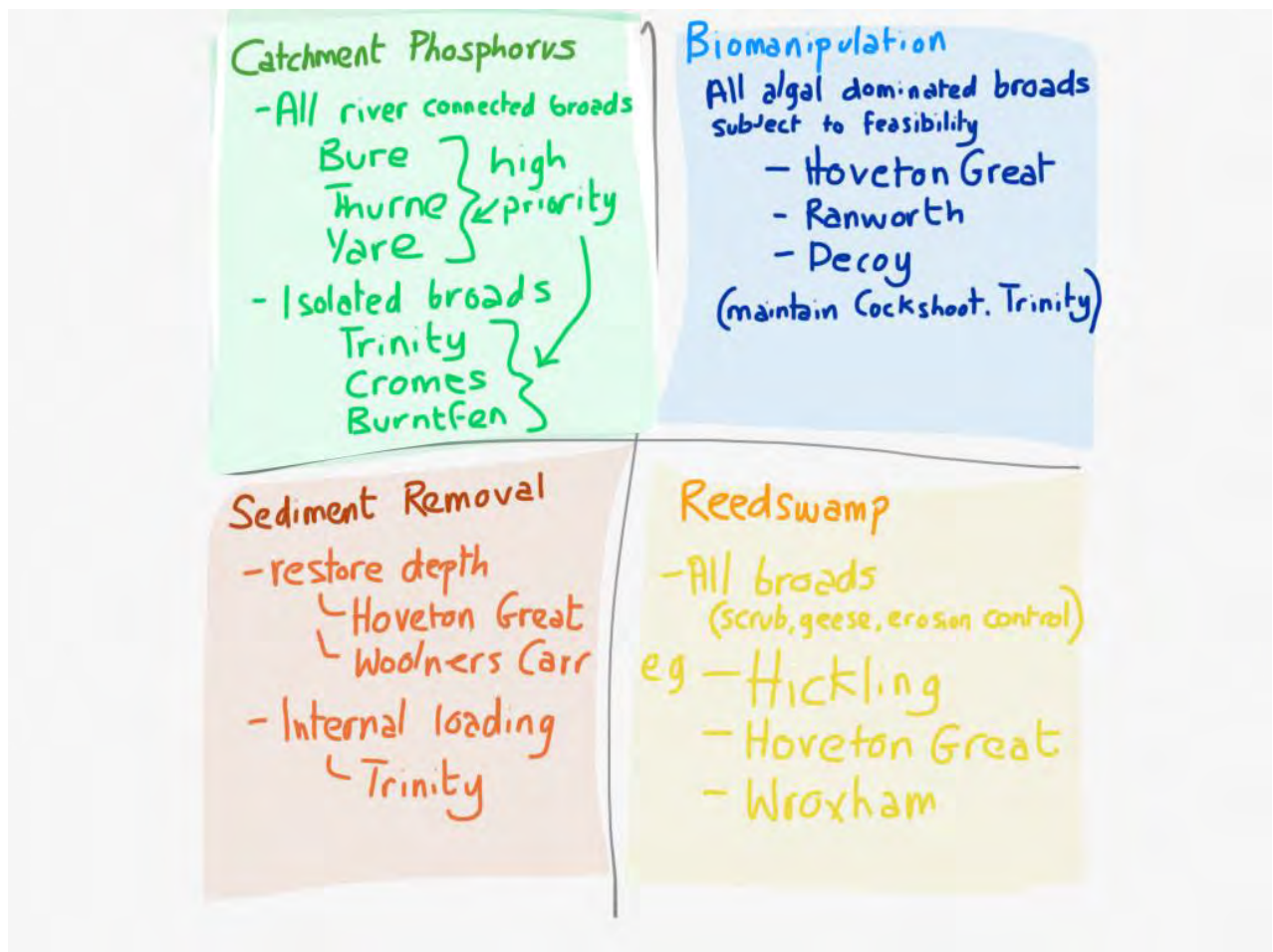


Figure 1 Initial Thoughts on assigning the main actions to broads

Background papers:	Nil
Author:	John Packman, Andrea Kelly, Simon Hooton, Will Burchnell, Maria Conti
Date of report:	27 April 2015
Broads Plan Objectives:	CC2, BD1, BD3, BD5, PE1, PE2 and TR2
Appendices:	APPENDIX 1 – Strategic Priorities for 2015/16

Strategic Priority Objectives, Projects and Key Milestones for 2015/16**1. Broads Plan Review**

Review and update the Broads Plan, the strategic management plan for the Broads. Work with partners, local communities and other stakeholders to review achievements (Broads Plan 2011) and set future aspirational strategy for 2017-22. The draft priority to develop a long-term navigation strategy will now be assessed as part of the Broads Plan review.

2. Broads Landscape Partnership Bid

Submit an application to the Heritage Lottery Fund for £3m for a Landscape Partnership Scheme. If the application receives a successful HLF decision, subsequent development phase objectives will be developed. The proposed multiple projects within the bid would contribute significantly to the delivery of the Broads Plan.

3. Hickling Broad Lake Enhancement Project

Develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. In the short term, progress development of a number of smaller projects to meet immediate concerns.

4. Promoting the Broads




Produce Broads National Park branding guidelines



Review and update the Strategic Plan and Action Plan for Sustainable Tourism in the Broads in partnership with local businesses.

5. Stakeholder Action Plan








Deliver multiple actions in response to the issues identified in the stakeholder surveys carried out in Sept-Oct 2014 with hire boat operators, private boat owners, residents and visitors.

Progress Report

Priority	Lead Officer	Key Milestones	Progress to date	Status
1. Broads Plan Review	Maria Conti	Scoping Mar-Nov 2015 Consult on first draft plan by end Feb 2016 Consult on revised draft by end July 2016 Adopt plan March 2017 for implementation April 2017	Evaluation of the achievements of the current Plan underway	
2. Broads Landscape Partnership	Will Burchnall	Submit 1st application to HLF by 1 June 2015 HLF decision Oct 2015 (TBC: Further development phases Nov 2015 - May 2017, delivery May 2017- May 2022)	On target to submit bid by 1 st June. Authority endorsement sought at this meeting	
3. Hickling Broad Enhancement Project	Trudi Wakelin	Collate baseline data including Broads Lake Review outputs by April 2015 Lake review stakeholder workshop - April 2015 Develop partnership approach with stakeholders and agree refreshed vision for Hickling by Sept 2015 Seek planning permission and in principle agreement from regulators to deliver the vision Develop external funding options - Jan 2016 Undertake supporting research and pilots to inform feasibility by March 2016	Completed Completed Workshop planned with Upper Thurne Working Group, 9 th June 2015 Meeting with regulators scheduled for 20 th May 2015 Initial Interreg options being explored Additional baseline data being gathered inc cores	

4. Promoting the Broads	Lorna Marsh	Produce Broads National Park branding guidelines for tourism industry by Summer 2015 Sustainable Tourism Strategy and Action Plan Scoping Mar-Nov 2015 Consult on first draft plan by end Feb 2016 Consult on revised draft by end July 2016 Adopt plan March 2017 for implementation April 2017	Work in progress Evaluation of the current plan underway alongside scoping for new strategy	
5. Stakeholder Action Plan (extract for reporting)	Andrea Long	Hold workshop with hire boat operators to understand their concerns Explanation of tolls structure in Broadsheet Review website content for tolls information Circulate Bulletin to parish clerks Residents newsletter New Parish Forum format Promotion of Broads Experiences Greeters Initiative Promotion of Proximity Campaign	Date for meeting set for June Autumn Parish Forum programme being prepared	

Traffic Lights for Strategic Priorities

		Completed
	Green	Project on track and no causes for concern
	Yellow	Good progress being made but some challenges in delivery e.g. minor slippage or limitations of staff and financial resources
	Amber	Project timetable slipping, concerns about how it is developing and a plan in place to address them
	Red	Looks unlikely that the project will be delivered on time and significant worries about the way its is heading
	Black	Project won't be delivered on time and very major concerns about implications
		Direction of travel – comparison with last meeting

Financial Performance and Direction
Report by Head of Finance

Summary: This report provides a strategic overview of current key financial issues and providing for a simplification in the way that the Authority advertises tenders.

Recommendations:

Section 1

- (i) That the income and expenditure figures be noted.

Section 2

- (ii) That the amendment to the Standing Orders Relating to Contracts set out in section 2 (as shown at Appendix 3 to this Report) be approved.

1 Consolidated Income and Expenditure from 1 April 2014 to 28 February 2015

Overview

- 1.1 This financial monitoring report summarises details of the forecast outturn and actual expenditure for both National Park and Navigation. It is presented in a revised format in line with comments from Members. Feedback on the new form of presentation would be welcomed.

Table 1 – Actual Consolidated I&E by Directorate to 28 February 2015

	Profiled Latest Available Budget	Actual Income and Expenditure	Actual Variance
Income	(6,222,942)	(6,221,795)	-1,147
Operations	2,644,716	2,754,310	-109,594
Planning and Resources	2,652,261	2,414,630	+237,631
Chief Executive	371,536	363,489	+8,047
Projects, Corporate Items and Contributions from Earmarked Reserves	0	(166,523)	+166,523
Net (Surplus) / Deficit	(554,428)	(855,889)	+310,460

- 1.2 Core navigation income was within £1,200 of the profiled budget at the end of month eleven. The overall position as at 28 February 2015 is a favourable

variance of £310,460 or 54.37% difference from the profiled LAB. This represents an increase against the favourable variance of £287,850 reported for January. The February position is principally due to an overall adverse variance of £1,246 within toll income:

- Hire Craft Tolls £44,837 below the profiled budget
- Private Craft Tolls £41,072 above the profiled budget

At the end of the financial year it is currently anticipated that the net position on Tolls will be broadly in line with the total budget (with Private Tolls up and Hire Tolls down), and this position has been reflected in forecast outturn figures.

- 1.3 The Operations budget has moved to a slight overspend position of £6,009, once contributions from reserves (a total of £103,584 in relation to construction of a second wherry, the fen harvester, and income from the sale of the Thurne and Barton launch) have been taken into account. There is in particular now an overspend of approximately £30,924 in the Equipment, Vehicles and Vessels budget due mainly to timing differences in repairs and maintenance expenditure. The Ranger budget has also moved into an overspend of approximately £36,923 due to reorganisation costs. The Operation Premises budget is also overspent (£10,164) mostly due to the vacant property at Ludham. This is offset by underspends in the Construction and Maintenance Salary budget (£12,661), the Water Management budget (£29,580), the Land Management budget (£24,634), the Practical Maintenance budget (£12,135), and the Asset Management budget (£11,781). These underspends relate to a staff vacancy, increased land registration costs and timing differences.
- 1.4 There is an underspend within Planning and Resources budgets though this principally relates to timing issues:
 - Project expenditure behind profile (£70,209), including within the main project budget and also Biodiversity Strategy. Some of these will relate to timing differences;
 - The cancellation of the Whitlingham development project (£45,833);
 - Salary underspends (£11,251) in respect of vacancies earlier in the year (Waterways and Recreation Strategy);
 - An underspend within Finance budgets (£34,904) in respect of a staff vacancy and outstanding insurance and audit billing;
 - Capacity issues within ICT which has delayed expenditure (£41,496), this is likely to result in a carry-forward request for 215/16;
 - Delayed and lower than expected legal billing (£21,312);
 - Underspends in office expenditure budgets (£34,077) in respect of posting and photocopying; and
 - Significant success in securing additional income (£113,984) including planning fee income, strategy and projects grant and partnership income, and additional Visitor Centre / Yacht Station income.

- 1.5 Expenditure within the individual directorate lines is partly offset by contributions from reserves (within the *Projects, Corporate Items and Contributions from Earmarked Reserves* line in Table 1). The charts at Appendix 1 provide a visual overview of actual income and expenditure compared with both the original budget and the LAB. There have been no changes to the Latest Available Budget since the last report.

Overview of Forecast Outturn 2014/15

- 1.6 Budget holders have been asked to comment on the expected expenditure at the end of the financial year in respect of all budget lines for which they are responsible. As at the end of February 2015, the forecast outturn indicates:
- The total forecast income is £6,230,354, or £11,910 less than the LAB
 - Total expenditure is forecast to be £6,287,745
 - The resulting deficit for the year is forecast to be £57,391
- 1.7 The main reasons for the difference between the last forecast outturn reported and the LAB are reduced expenditure on postage (£10,000), savings on Head Office running costs (£5,500) and reduced claims for members allowances (£5,000).

Reserves

- 1.8 The balance of the consolidated earmarked reserves at the end of February 2015 is shown in Table 2 below.

Table 2 – Consolidated Earmarked Reserves

	Balance at 1 April 2014	In-year movements	Current reserve balance
	£	£	£
Property	568,100	13,517	581,617
Plant, Vessels and Equipment	217,282	15,270	232,552
Premises	138,723	22,500	161,223
Planning Delivery Grant	454,172	(100,366)	353,806
Sustainable Development Fund	65,664	(25,490)	40,174
Mobile Phone Upgrade	7,567	(3,332)	4,235
Upper Thurne Enhancement	81,768	(25,723)	56,045
Section 106	12,069	4,464	16,533
PRISMA	244,954	(167,147)	77,807
Total	1,790,299	(266,307)	1,523,992

- 1.9 £854,579 of the current reserve balance relates to navigation reserves.
- 1.10 The Authority makes contributions into earmarked reserves on a quarterly basis, with the final instalments for 2014/15 due in March. As a result the balance of earmarked reserves at year end is anticipated to be higher than the level currently reported for February.

Summary

- 1.11 Taking account of the significant changes to the forecast outturn above the current forecast outturn position for the year suggests a deficit of £73,557 for the National Park side and a surplus of £16,166 for Navigation resulting in an overall deficit of £57,391 within the consolidated budget, which would indicate a general fund reserve balance of approximately £731,000 and a navigation reserve balance of approximately £306,000 at the end of 2014/15. (before any year-end adjustments), which equates to 10.3% of net expenditure and is in line with the recommended level of 10%.

2 Standing Orders Relating to Contracts

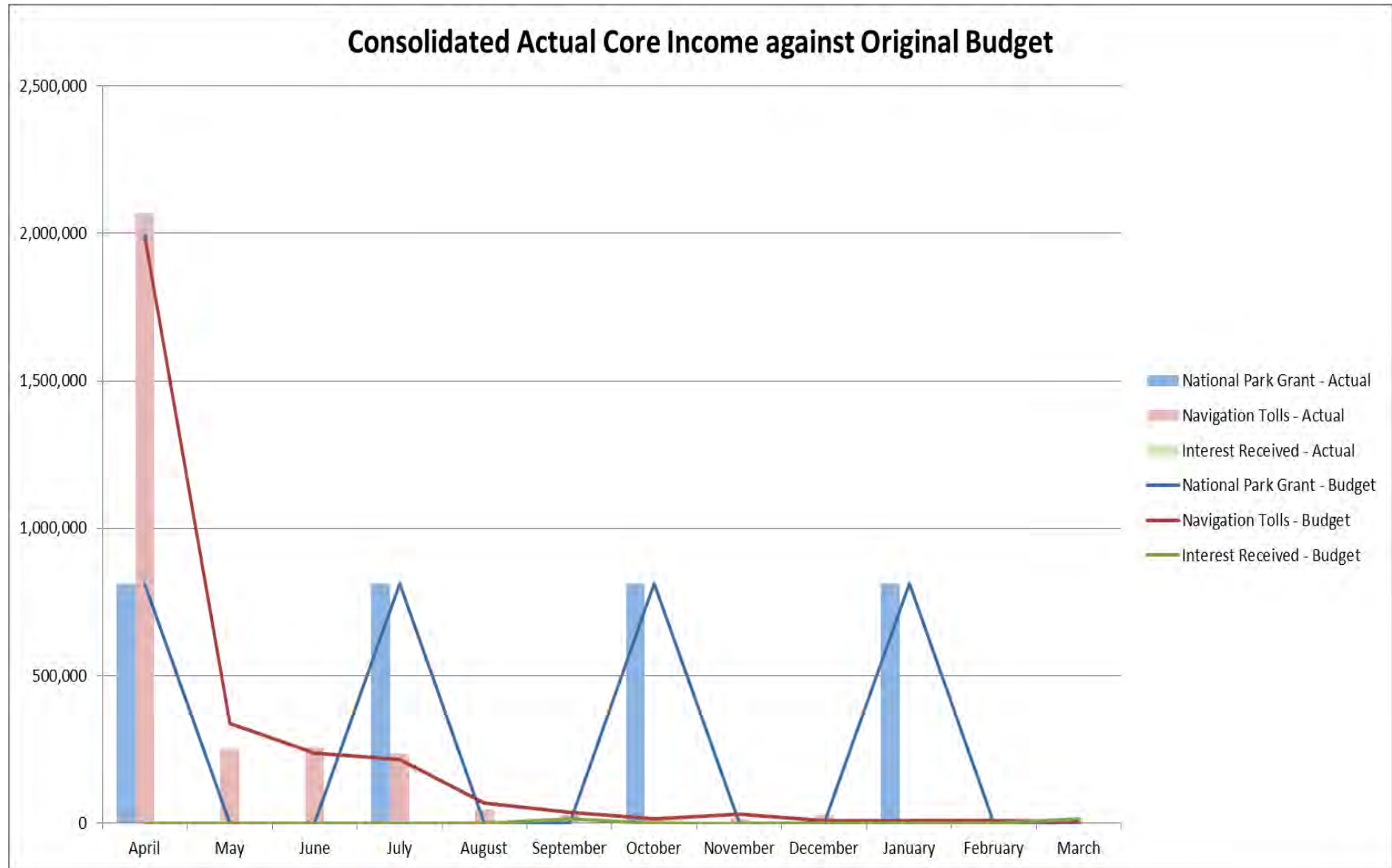
- 2.1 The Authority's Standing Orders relating to Contracts were last updated following approval at the Financial Scrutiny and Audit Committee in July 2013. It is a requirement that the Standing Orders relating to Contracts are due to be reviewed at periods of not exceeding every 3 years.
- 2.2 Recently, it has been identified that where it was once appropriate to advertise for tenders (contracts above £25,000) in the local press or appropriate journals (if above £100,000) it is believed that the Authority would attract an equivalent level of interest from suitable tenderers whilst obtaining best value by utilising more relevant and cheaper forms of advertisement.
- 2.3 Whilst the option to advertise in the local press should remain (if appropriate) it is proposed to amend this to include other relevant sources. These other relevant sources would include website advertising. By having an advert on a relevant/trade website, this would provide the initial details and a link to the Authority's website. This would then include further details and potentially the full tender document and the relevant officers contact details.
- 2.4 The Authority is required under the Local Government Transparency code 2014 to place details of tenders/contracts on its website and this would help fulfil this requirement.
- 2.5 The proposed amendments are highlighted within tracked changes in Appendix 3.

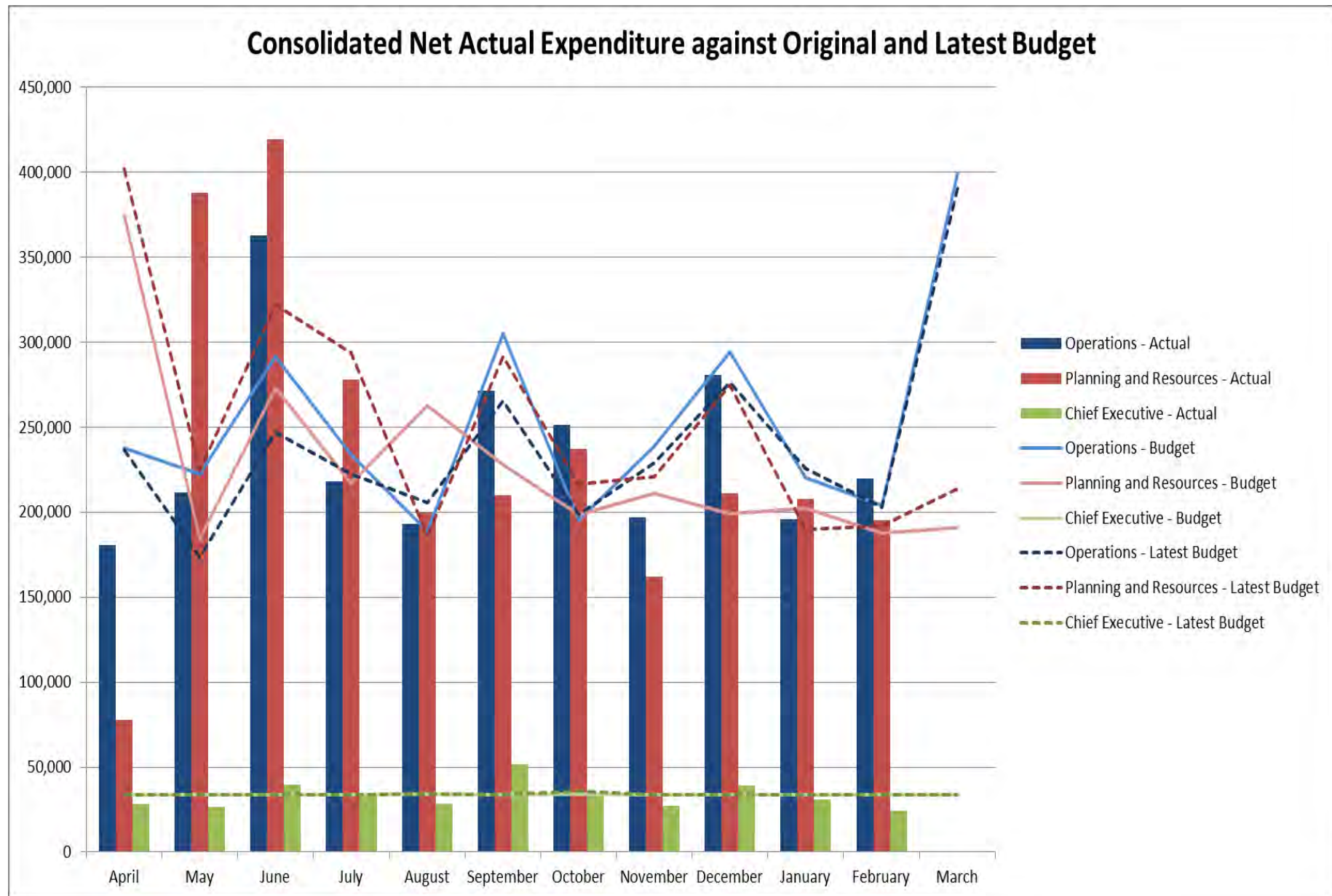
Background Papers: None

Author: Emma Krelle
Date of Report: 24 April 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1: Consolidated Actual Income and Expenditure
Charts to 28 February 2015
APPENDIX 2: Financial Monitor: Consolidated Income and
Expenditure 2014/15
APPENDIX 3: Standing Orders relating to Contracts (with
tracked changes identifying proposed amendments)





To 28 February 2015

Budget Holder

(All)

Row Labels	Values				
	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Income	(6,242,264)		(6,242,264)	(6,230,354)	(11,910)
National Park Grant	(3,245,393)		(3,245,393)	(3,245,393)	0
Income	(3,245,393)		(3,245,393)	(3,245,393)	0
Hire Craft Tolls	(1,118,300)		(1,118,300)	(1,073,105)	(45,195)
Income	(1,118,300)		(1,118,300)	(1,073,105)	(45,195)
Private Craft Tolls	(1,792,100)		(1,792,100)	(1,833,384)	41,284
Income	(1,792,100)		(1,792,100)	(1,833,384)	41,284
Short Visit Tolls	(37,721)		(37,721)	(37,721)	0
Income	(37,721)		(37,721)	(37,721)	0
Other Toll Income	(18,750)		(18,750)	(18,750)	0
Income	(18,750)		(18,750)	(18,750)	0
Interest	(30,000)		(30,000)	(22,000)	(8,000)
Income	(30,000)		(30,000)	(22,000)	(8,000)
Operations	3,030,715	30,113	3,060,828	3,116,126	(55,298)
Construction and Maintenance Salaries	1,074,770		1,074,770	1,065,359	9,411
Salaries	1,074,770		1,074,770	1,065,359	9,411
Expenditure			0		0
Equipment, Vehicles & Vessels	405,000	(17,450)	387,550	387,550	0
Income			0		0
Expenditure	405,000	(17,450)	387,550	387,550	0
Water Management	67,500	14,350	81,850	80,535	1,315
Income	0		0	(1,315)	1,315
Expenditure	67,500	14,350	81,850	81,850	0
Land Management	(41,000)	14,850	(26,150)	(28,275)	2,125
Income	(90,000)		(90,000)	(100,500)	10,500
Expenditure	49,000	14,850	63,850	72,225	(8,375)

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Practical Maintenance	339,035	7,170	346,205	346,527	(322)
Income	(7,000)		(7,000)	(8,700)	1,700
Expenditure	346,035	7,170	353,205	355,227	(2,022)
Ranger Services	663,010		663,010	696,340	(33,330)
Income	(35,000)		(35,000)	(35,000)	0
Salaries	580,010		580,010	613,340	(33,330)
Expenditure	118,000		118,000	118,000	0
Pension Payments			0		0
Safety	76,900		76,900	83,542	(6,642)
Income	(9,000)		(9,000)	(1,000)	(8,000)
Salaries	51,900		51,900	51,542	358
Expenditure	34,000		34,000	33,000	1,000
Asset Management	104,650		104,650	123,912	(19,262)
Income	(1,000)		(1,000)	(1,000)	0
Salaries	37,900		37,900	37,662	238
Expenditure	67,750		67,750	87,250	(19,500)
Volunteers	61,340		61,340	61,373	(33)
Income	(1,000)		(1,000)	(1,000)	0
Salaries	42,340		42,340	42,373	(33)
Expenditure	20,000		20,000	20,000	0
Premises	151,970	11,193	163,163	172,363	(9,200)
Income	(11,200)		(11,200)	(2,000)	(9,200)
Expenditure	163,170	11,193	174,363	174,363	0
Operations Management and Administration	127,540		127,540	126,900	640
Income			0		0
Salaries	115,040		115,040	114,400	640
Expenditure	12,500		12,500	12,500	0
Planning and Resources	2,729,004	111,479	2,840,484	2,657,409	183,075
Development Management	224,910		224,910	215,699	9,211
Income	(60,000)		(60,000)	(75,000)	15,000
Salaries	259,910		259,910	255,699	4,211

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Expenditure	25,000		25,000	35,000	(10,000)
Pension Payments			0		0
Strategy and Projects Salaries	231,575	8,546	240,121	209,837	30,284
Income	(27,500)		(27,500)	(39,000)	11,500
Salaries	249,075	8,546	257,621	238,837	18,784
Expenditure	10,000		10,000	10,000	0
Biodiversity Strategy	35,000	42,298	77,298	77,298	0
Income			0		0
Expenditure	35,000	42,298	77,298	77,298	0
Strategy and Projects	84,900	2,020	86,920	86,453	467
Income			0		0
Salaries	44,900		44,900	44,433	467
Expenditure	40,000	2,020	42,020	42,020	0
Waterways and Recreation Strategy	84,920		84,920	78,618	6,302
Salaries	69,920		69,920	63,618	6,302
Expenditure	15,000		15,000	15,000	0
Project Funding	101,780	46,615	148,395	148,023	372
Income	(19,000)		(19,000)	(19,000)	0
Salaries	41,780		41,780	41,408	372
Expenditure	79,000	46,615	125,615	125,615	0
Pension Payments			0		0
Partnerships / HLF	50,000		50,000	0	50,000
Expenditure	50,000		50,000	0	50,000
SDF	12,000		12,000	12,000	0
Expenditure	12,000		12,000	12,000	0
Finance and Insurance	336,569	10,000	346,569	327,632	18,937
Income			0		0
Salaries	133,970		133,970	130,033	3,937
Expenditure	202,599	10,000	212,599	197,599	15,000
Communications	316,260		316,260	318,598	(2,338)
Income			0		0

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Salaries	241,260		241,260	243,598	(2,338)
Expenditure	75,000		75,000	75,000	0
Visitor Centres and Yacht Stations	235,660	2,000	237,660	222,236	15,424
Income	(213,000)		(213,000)	(213,000)	0
Salaries	317,660		317,660	302,236	15,424
Expenditure	131,000	2,000	133,000	133,000	0
Collection of Tolls	113,660		113,660	113,192	468
Salaries	100,960		100,960	100,492	468
Expenditure	12,700		12,700	12,700	0
ICT	267,820		267,820	272,142	(4,322)
Income			0		0
Salaries	127,120		127,120	131,442	(4,322)
Expenditure	140,700		140,700	140,700	0
Legal	120,000		120,000	104,112	15,888
Income	0		0	(13,000)	13,000
Salaries	0		0	7,112	(7,112)
Expenditure	120,000		120,000	110,000	10,000
Premises - Head Office	240,000		240,000	224,547	15,453
Expenditure	240,000		240,000	224,547	15,453
Planning and Resources Management and Administration	273,950		273,950	247,021	26,929
Income	0		0	(11,000)	11,000
Salaries	146,750		146,750	148,821	(2,071)
Expenditure	127,200		127,200	109,200	18,000
Chief Executive	405,040		405,040	421,098	(16,058)
Human Resources	133,140		133,140	158,206	(25,066)
Salaries	73,140		73,140	98,206	(25,066)
Expenditure	60,000		60,000	60,000	0
Governance	170,410		170,410	160,659	9,751
Income			0		0
Salaries	109,210		109,210	104,459	4,751
Expenditure	61,200		61,200	56,200	5,000

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Chief Executive	101,490		101,490	102,233	(743)
Salaries	101,490		101,490	102,233	(743)
Expenditure			0		0
Projects and Corporate Items	93,000		93,000	93,113	(113)
PRISMA	0		0	113	(113)
Income			0		0
Salaries	10,410		10,410	10,523	(113)
Expenditure	(10,410)		(10,410)	(10,410)	0
STEP			0		0
Expenditure			0		0
Corporate Items	93,000		93,000	93,000	0
Pension Payments	93,000		93,000	93,000	0
Contributions from Earmarked Reserves			0		0
Earmarked Reserves			0		0
Expenditure			0		0
Grand Total	15,495	141,592	157,087	57,391	99,696



Broads Authority

Standing Orders Relating to Contracts

NOTE: These Standing Orders should be read in conjunction with the “Standard Terms for Contracts” which provide standard wording for use in tender documentation. All tenders should be reviewed by the Head of Finance, Financial Accountant or appropriate Director prior to being issued. For advice on the legal aspects of tenders, the Authority’s Solicitor should be consulted.

Application and Exceptions

1. Purpose of Standing Orders

The overall purpose of these Standing Orders is as follows:

- (a) to ensure transparency and fairness in the procurement of works, supplies and services;
- (b) to ensure that the Authority gets best value from its procurements; and
- (c) to protect those involved in the procurement process.

2. Duty to Achieve Best Value

Every contract or official order for works, supplies and services made by the Authority must be for the purchase of achieving the Authority’s statutory and approved objectives and must be in accordance with the Authority’s duty of Best Value, to secure continuous improvement in the exercise of all its functions, having regard to a combination of economy, efficiency and effectiveness.

3. Application

- (a) These Standing Orders apply to every contract made by or on behalf of the Authority except contracts for:
 - (i) the acquisition or disposal of any interest in land; or
 - (ii) insurance or the lending or borrowing of money; or
 - (iii) the employment of any employee.

- (b) The engagement of consultants and other professional advisers must be in accordance with these Standing Orders unless the Authority or appropriate committee, or the Chief Executive in consultation with the Chairman (or in the Chairman's absence Vice-Chairman) of the appropriate committee, directs otherwise.

4. Compliance with European Commission (EC) Directives

Every contract must comply with the EC Treaty and with any relevant directives of the EC for the time being in force in the United Kingdom. These Standing Orders have effect subject thereto.

5. General Exemptions

- (a) The Authority or the appropriate committee may authorise exemption from any of the following provisions of these Standing Orders where they are satisfied that the exemption is justified in special circumstances.
- (b) The Chief Executive may authorise exemption from any of the following Standing Orders by certifying that there is an extreme emergency.
- (c) Every exemption authorised under these Standing Orders must be reported to the Authority and the report must specify the emergency or other special reason justifying it.

6. Specific Exemptions

Quotations or tenders need not be invited in the case of a contract:

- (a) for the supply of goods or services where there is only one supplier and no acceptable alternative;
- (b) for goods or materials to be purchased at an auction, or through any consortium, association or similar body of which the Authority is a member, or under any framework arrangement negotiated for the benefit of public bodies;
- (c) for works of art, museum specimens or historical documents;
- (d) which constitutes an extension of an existing contract (such an extension to be approved by the Chief Executive in cases where the variation is up to 10 per cent of the original price; above that figure extensions can only be approved by the appropriate committee);
- (e) for the execution of work or for the supply of goods or materials certified by the Chief Executive as being required so urgently as to preclude the invitation of quotations or tenders;

- (f) (except where it is readily practicable to invite quotations or tenders) for repairs to, or the supply of, parts of existing proprietary or patented articles, including machinery or plant;
- (g) for which it is not considered reasonably practicable in the Authority's interest so to do, subject to a report to the Broads Authority or appropriate committee;
- (h) on behalf of another body for which the Authority is acting as agent, provided any rules or standing orders of that body are complied with; or
- (i) where the Authority is undertaking work in partnership with another public sector organisation, and the work is being funded either entirely or more than 50% by that organisation, the Authority need not necessarily seek competitive quotations or tenders if that other organisation or another public body has already undertaken such a process, subject to the Authority being satisfied that the process was fair and robust and that the expenditure represents good value in the use of public money.

Pre-Estimate

7. Before any procurement is begun the Chief Executive must estimate the value of the contract.

8. Hire of Goods or Services for an Indeterminate Period

(a) In the case of contracts for:

- (i) the hire of goods for an indeterminate period; or
- (ii) the provision of services for a period in excess of four years or for an indeterminate period;

the estimated value of the contract for these Standing Orders must be the estimated monthly costs multiplied by 48 or, where monthly costs are inapplicable, the estimated annual cost multiplied by four.

(b) In the case of contracts for the supply of goods (except for a hire in accordance with paragraph 8.(a)(i)) over a period of time where the Authority enters into a series of contracts or a renewable contract, the estimated value of the contract is either:

- (i) the aggregate value of similar contracts over the previous 12 months (adjusted for any known changes in demand);
- (ii) the estimated value of similar contracts over the next 12 months;
or

(iii) if the contract is for a definite term of more than 12 months, the estimated value for the period of the contract.

(c) For all supplies, services and works not covered by paragraphs 8.(a) or 8.(b), the estimated value for the purpose of these Standing Orders must be the total estimated value of the supplies, services or works to be supplied over the period covered by the contract.

(d) In the event that the contract estimate is incorrect and quotations are received which would have resulted in a different procurement process being applied, the procurement process should either be re-run following the appropriate process, or a Waiver of Standing Orders be completed, depending upon circumstances.

Contracts below £5,000

9. Where the estimated value of a contract is below £5,000, it is good practice but not mandatory to obtain more than one quotation.

Contracts of £5,000 and Above

10. Award and Evaluation Criterion

(a) Before any quotations or tenders are sought where the estimated value of the contract is £5,000 or above, the Chief Executive must decide and record the award criterion to be used when the quotations or tenders are received. This must be either:

- (i) the lowest price (where the Authority is to pay the supplier); or
- (ii) the highest price (where the supplier is to pay the Authority); or
- (iii) the most economically advantageous quotation or tender.

(b) If the chosen award criterion is the 'most economically advantageous,' the Chief Executive must then decide and record in a list the evaluation criteria (in descending order of significance) upon which the quotations or tenders will be so evaluated. At least 50% of the award criterion should be based on the price for the product or service. The award criteria should be weighted by percentage, and displayed in a grid, as set out in the following example.

Award Criteria	Weighting
Price	50%
Technical specification/expertise	20%
Trade references	10%
Timescale for completion of work	10%
Maintenance costs	10%
Total	100%

NOTE: The above is an example only. Tenders must be drawn up carefully having regard to the needs of the particular project. Where appropriate it is helpful to provide further guidance on how each of the award criteria will be evaluated, to minimise as far as possible the element of subjectivity in the process.

- (c) The Chief Executive must notify all those invited to submit quotations or tenders which award criterion is being used in the case of the contract in question and, where applicable, the evaluation criteria.
- (d) For contracts below £25,000 the quotation which best meets the award criterion must be accepted except where otherwise agreed in writing by the Chief Executive or a Director, stating why the quotation which best meets the award criterion has not been accepted.
- (e) In such cases this will be reported to the Broads Authority or appropriate committee as an exception to Standing Orders.

Contracts Between £5,000 and £25,000

11. Quotations

Where the estimated value of the contract is between £5,000 and £25,000 inclusive the Chief Executive must, unless impracticable, invite at least three written quotations.

Contracts Above £25,000

12. Tenders

- (a) Where the estimated value of a contract exceeds £25,000, and in any other cases where the Authority or the appropriate committee determines, tenders must be invited in accordance with either one of Standing Order 13, 14 or 15.
- (b) In cases where the Authority does not intend to comply with one of Standing Order 13, 14 or 15, prior approval must be sought from the Authority or appropriate committee, or the Chief Executive in conjunction with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee, setting out the reasons why it is not considered necessary or appropriate to comply with one of these Standing Orders on this occasion.

13. Open Tendering

- (a) This Standing Order applies where the tenders for a contract are to be obtained by open competition.
- (b) At least 14 days public notice must be given in:

- (i) one or more [relevant professional or trade list/source, where this is not available in the](#) local newspapers; and
 - (ii) wherever the estimated value of the contract exceeds £100,000, in one or more newspapers or journals circulating among persons or bodies who undertake such contracts.
- (c) The notice must state what the contract is for and where further details may be obtained, invite tenders for its execution and state the last date and time when tenders will be received.

14. Selective Tendering - Ad Hoc List

- (a) This Standing Order applies where the Authority or appropriate committee has decided that invitations to tender for a contract are to be made to some or all of those persons or bodies who have replied to a public notice.
- (b) Public notice must be given:
 - (i) in at least one [relevant professional or trade list/source, or, where this is not available, in the](#) local newspaper; and
 - (ii) where the estimated amount or value of the contract exceeds £100,000, in at least one newspaper or journal circulating among such persons or bodies who undertake such contracts; and
 - (iii) at the discretion of the Authority or appropriate committee to all or a selected number of persons or bodies named in the list maintained under Standing Order 15.
- (c) The public notice must:
 - (i) specify what the contract is for;
 - (ii) invite interested persons or bodies to apply for permission to tender; and
 - (iii) specify a time limit, of at least 14 days, within which such applications must be submitted to the Authority.
- (d) After the expiry of the period specified in the public notice invitations to tender for the contract must be sent to:
 - (i) at least three of the persons or bodies who applied for permission to tender, selected by the Chief Executive;

- (ii) where fewer than three persons or bodies have applied or are considered suitable, those persons or bodies which the Chief Executive considers suitable.

15. Selective Tendering - Standing List

- (a) This Standing Order applies where the Authority or appropriate committee has decided that invitations to tender for a contract are to be limited to those persons or bodies whose names are included in a list compiled and maintained for that purpose.
- (b) This list must:
 - (i) be compiled and maintained by the Chief Executive;
 - (ii) contain the names of all persons or bodies who wish to be included and who are approved by the Authority or appropriate committee; and
 - (iii) indicate in respect of a person or body whose name is so included, the categories of contract and the maximum values or amounts in respect of those categories for which approval has been given.
- (c) At least four weeks before a list is first compiled, notices inviting applications for inclusion in it must be published:
 - (i) in at least one relevant professional or trade list/source, or, where this is not available, in the relevant professional or trade list/source, where this is not available in the local newspaper; and
 - (ii) in at least one newspaper or journal circulating among persons or bodies who undertake such contracts;

and must state the purpose of the list.
- (d) The list must be amended as required from time to time and must be reviewed at intervals not exceeding three years. At least four weeks before each review, everyone on the list must be asked whether they wish to remain there and notices inviting new applications for inclusion in the list must be published in the manner provided by paragraph 15.(c) of this Standing Order.
- (e) At each review the list must be reported to the appropriate committee with particulars showing those invited to tender, those responding and those successful, since the last review.
- (f) Invitations to tender for a contract must be sent to:

- (i) at least three of those persons or bodies selected by the Chief Executive from among those approved for a contract of the relevant category and amount or value; or
- (ii) where fewer than three persons or bodies are approved for a contract of the relevant category and amount or value, all those persons or bodies.

16. Post-Tender Negotiations

- (a) The Chief Executive may (following the closing date for receipt of tenders but before acceptance of any tender) carry out post-tender negotiations to attempt to secure an improvement in the contract price or other conditions only in one or more of the following circumstances:
 - (i) where the lowest submitted tender or the most economically advantageous tender (where this is the award criterion) exceeds the estimated value of the contract;
 - (ii) where the Chief Executive considers that the price of the lowest tender submitted does not represent the best value for money that can reasonably be obtained;
 - (iii) where tenders have been invited only on the basis of unit prices or a schedule of rates and the lowest in aggregate is not the lowest on all items; or
 - (iv) where the lowest submitted tender or the most economically advantageous tender (where this is the award criterion) contains conditions, trading terms, specification, performance, guarantees, or service delivery less favourable than in other tenders, or than stipulated for, and this defect appears capable of being remedied by post-tender negotiations.
- (b) In carrying out Post Tender Negotiations, the Authority shall follow the procedures set out in the Appendix to these Standing Orders.

Tenders

17. Invitations to Tenders

- (a) Every invitation to tender must specify the latest day and hour and the place appointed by the Chief Executive for the receipt of tenders and must state the effect of Standing Order 18.
- (b) On receipt, envelopes containing tenders must be date and time stamped and kept by the Chief Executive until they are opened.
- (c) The invitation to tender should make clear that:

- (i) tenders may be submitted electronically, on a CD or other appropriate media posted to the Authority in the supplied tender envelopes; and
- (ii) tenders submitted by email are not encouraged and will be accepted only when sent exclusively to finance@broads-authority.gov.uk with the subject clearly indicating that they are for the attention of the Head of Finance, the name of the tender and the closing date and time. Any tenders not conforming to these requirements, or sent to an alternative email address, will be invalidated.

18. Invalid Tenders

- (a) An invalid tender must not be accepted, unless otherwise agreed by the Authority or appropriate committee, or by the Chief Executive in conjunction with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee.
- (b) A tender will only be valid if it has been delivered to the place appointed by the Chief Executive not later than the appointed day and hour sealed in the pre-printed envelope provided by the Authority for this purpose.
- (c) A tender will not be valid if the envelope bears any name or mark indicating the sender.

19. Opening of Tenders

- (a) Tenders received under one of Standing Order 13, 14 or 15 must be opened at the same time and only in the presence of at least two officers of the Authority designated for the purpose by the Chief Executive, one of whom must be the Director of Planning and Resources, Head of Finance or Financial Accountant. The officers present at the opening must sign and date a summary of tenders received.
- (b) Any tender received at the appointed place later than the day and hour specified under Standing Order 17 may be opened and recorded on the summary of tenders stating the circumstances. The tender must be rejected unless it is subsequently approved by the appropriate committee, or the Chief Executive in consultation with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee.
- (c) The Head of Finance must retain all tenders received, including any invalid tenders, and their envelopes for a period of two years from the return date. The accepted tender must be retained for six years after the final contract payment.

- (d) Any tender opened in error before the date and time set for opening tenders shall be immediately resealed and a record made of the event signed by the Director of Planning and Resources and Head of Finance in the Register of Tenders held by the Head of Finance.
- (e) If it is necessary to extend the date for receiving tenders, this shall be recorded by the Director of Planning and Resources and Head of Finance in the Register of Tenders, setting out the reason for extending the deadline.
- (f) Any tender documents which are received electronically shall be forwarded immediately to the Head of Finance, who will make arrangements for a copy of the tender to be printed by the officer designated to open the tender under Standing Order 19.(a) (either the Director of Planning and Resources, Head of Finance or Financial Accountant). Tenders received electronically will be printed at the same time as the opening of any tenders received in paper form, signed as received, and the signed copy kept with those received by post.

20. Acceptance of Tenders

- (a) The Chief Executive may only accept the tender which best meets the award criteria except where otherwise agreed by the Authority or appropriate committee, or the Chief Executive in consultation with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee.
- (b) Acceptance of tenders must be in writing and signed by the Chief Executive or an officer designated by the Chief Executive for that purpose.
- (c) The Chief Executive will on request inform the unsuccessful tenders of the name of the successful tenderer and (where practical) the amount of the tender accepted. Late tenderers will not be informed.

21. Errors or Discrepancies in Tenders

- (a) Where examination of tenders reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, the tenderer must be provided with written details of each error and discrepancy. The tenderer will be afforded the opportunity either:
 - to confirm in writing and accept the error if it is in the Authority's favour; or
 - to correct the error(s) and to revise the tender downwards. Any revisions must be confirmed in writing; or
 - to withdraw the tender. This must be confirmed in writing.

- (b) Tenders must not be revised upwards.
- (c) Errors and discrepancies in unsuccessful tenders must not be revised even if, after correction, they would make the tender successful.
- (d) If the tenderer withdraws, the next tender in competitive order is to be examined and then dealt with in the same way.
- (e) Any exception to this procedure may be authorised only by the Authority or appropriate committee, or the Chief Executive in consultation with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee.

Contracts Exceeding the EU Threshold

- 22. If the estimated value of any contract is likely to exceed the relevant EU limit, then legal advice must be sought regarding the procedures which need to be followed in the letting of the contract.
- 23. A mandatory standstill period of 10 days applies to some procurements which are above the threshold for advertisement in the Official Journal of the EU. This has been introduced to allow unsuccessful bidders the chance to obtain more information on the award of the contract and take appropriate action if they believe they have been prejudiced by a breach of the rules, by applying to the courts to either have the contract set aside, or to be awarded damages.

NOTE: Until December 2015 the relevant thresholds are as follows (net of VAT):

- £4,322,012 for works contracts; and
- £172,514 for services (estimated over 48 months) and supplies contracts.

Framework Arrangements

- 24. A Framework Arrangement is a formal tendered arrangement which sets out terms and conditions under which specific purchases can be made throughout the term of the agreement, and supplies, services or works are procured from the successful tenderer in unpredicted quantities at various times during the period that the agreement is in force.
- 25. If at any time the Authority proposes to enter into a Framework Arrangement for the provision of goods or services, then legal advice must be sought in respect of the procedures which need to be followed in the awarding and letting of the contract.

Miscellaneous Matters

- 26. A register of all contracts over £25,000 placed by the Authority must be kept and maintained by the Head of Finance. For each contract the register must specify the name of the contractor, the works to be executed or the goods to

be supplied and the contract value. It must be open to inspection by any member of the Authority.

27. Financial Interests of Officers

The Chief Executive must record in the Register of Officers' Interests details of any notice given to the Authority by an officer under Section 117 of the Local Government Act 1972 of a financial interest in a contract. The Register must be open during office hours for inspection by any member of the Authority.

28. Supervision of Contracts by Third Parties

- (a) It must be a condition of any contract between the Authority and any person (not being an officer of the Authority) who is required to supervise a contract on behalf of the Authority that in relation to that contract the requirements of these Standing Orders must be complied with as if that person were the Chief Executive.
- (b) Such person must:
 - (i) at any time during the carrying out of the contract produce to the Chief Executive on request all records maintained in relation to that contract;
 - (ii) on completion of the contract transmit all records to the Chief Executive.

29. Nominated Sub-Contractors and Suppliers

Where a sub-contractor or supplier is to be nominated to a main contractor, the following rules apply:

- (a) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier does not exceed £25,000, quotations must be invited for the nomination in accordance with Standing Order 9 or 11 unless the Chief Executive considers in respect of any particular nomination that it is not reasonably practical to obtain competitive quotations.
- (b) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier exceeds £25,000, tenders must be invited in accordance with one of Standing Order 13, 14 or 15 unless the Authority or appropriate committee decides in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders.
- (c) Standing Orders 17 to 21 apply to tenders received under this Standing Order.

- (d) Sub-contractors or suppliers must send with their tender an undertaking that if they are selected they will
 - (i) be willing to enter into a contract with the main contractor; and
 - (ii) indemnify the main contractor in respect of the sub-contracted works or materials.
- (e) The Chief Executive must nominate to the main contractor the person whose quotation or tender best meets the award criterion. Where it is proposed to award the quotation or tender to a person whose quotation or tender does not best meet the award criterion, the circumstances must:
 - (i) in the case of quotations under paragraph 29.(a) above, be reported to the Authority or appropriate committee; or
 - (ii) in the case of tenders under paragraph 29.(b) above, be agreed, before any nomination is made, by the Authority or appropriate committee or, in cases of emergency, by the Chief Executive in consultation with the Chairman (or in the Chairman's absence Vice-Chairman) of the Authority or appropriate committee.

30. Contract Conditions

- (a) Every contract which exceeds £5,000 in value or amount must:
 - (i) be in writing and signed by the Chief Executive or an officer designated by the Chief Executive for the purpose;
 - (ii) specify the goods, materials or services to be supplied and the work to be executed, the price to be paid together with a statement as to the amount of any discounts or other deductions, the periods within which the contract is to be performed and such other conditions and terms as may be agreed between the parties; and
 - (iii) in appropriate cases, where a contract exceeds £100,000 in amount or value, provide for the payment of liquidated damages by the contractor for failure to complete the contract within the time specified;
 - (iv) include a clause prohibiting the contractor from transferring or assigning or sub-letting to any person any portion of the contract without the written permission of the Authority signed by the Chief Executive;
 - (v) where applicable, require the contractor to indemnify the Authority against claims in respect of employers' liability and/or

public liability. The amount normally required for public liability insurance cover is £5,000,000;

(vi) where applicable, for example where professional advice is being given, require the contractor to indemnify the Authority against claims in respect of matters relating to the advice or service provided. The amount normally required for professional indemnity insurance is £5,000,000;

(vii) where appropriate include a clause giving tenderers the opportunity to state how much the required insurance would cost if they do not have it already in place. This must then be added to the cost of the tender;

(viii) state that all goods, materials and work must comply with any relevant British Standards Specification or Code of Practice in force at the date of the quotation or tender;

(ix) state that the Authority can cancel the contract and recover any resulting losses if the contractor or the contractor's employees or agents, with or without the contractor's knowledge:

- does any thing improper to influence the Authority to give the contractor the contract; or
- commits an offence under the Prevention of Corruptions Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972.

(b) Where it is considered that the total amounts of insurance, as set out in paragraphs 30.(v) and 30.(vi), are not considered to be appropriate or necessary, the Chief Executive may approve deviations to this figure.

(c) It is good practice to ask tenderers for a certified copy of the public liability and / or professional indemnity insurance, especially from new or unknown contractors.

(d) Every contract over £100,000 must be under seal.

(e) The Authority may also require a contractor to give sufficient security for completing the contract.

31. VAT

All the financial limits contained within these Standing Orders exclude VAT where it is payable.

32. Review

The Authority will review these Standing Orders at intervals not exceeding three years.

33. Interpretation

In these Standing Orders, unless the context otherwise requires:

- (a) “appropriate committee” means the committee or sub-committee to which the power to make the contract has been delegated;
- (b) “most economically advantageous” normally means the lowest if payment is to be made by the Authority and the highest if payment is to be made to the Authority, but should also take into account quality and other measures, which will be set out in the evaluation criteria and which should be specified in advance of the contract evaluation. In such cases the method of scoring such measures and the weighting of evaluation will be clearly set out in the contract specification.
- (c) “Person” includes a partnership, body corporate or unincorporated association.

NOTE: All references to the Chief Executive in this document apply to that person and his / her nominated representative, who are the Treasurer and Financial Adviser, Director of Planning and Resources and Head of Finance, and any other officers who are authorised to act in particular circumstances in accordance with the Powers Delegated to the Chief Executive – Arrangements for the Exercise of Powers by Other Officers.

July 2013 [\(as amended in May 2015\)](#)

APPENDIX

Post Tender Negotiations

Procedural Rules

1. In Post Tender Negotiations carried out under Standing Order 16:
 - (a) Where price is the award criterion the tenderers submitting the lowest tender and all those the value of which is within 5% of the lowest tender or, if there is no such tender, the tenderer submitting the second lowest, may be invited to participate in Post Tender Negotiations.
 - (b) Where the most economically advantageous tender is the award criterion the tenderers submitting the most economically advantageous tender and the second most economically advantageous tender may be invited to participate in Post Tender Negotiations.
2. Post Tender Negotiations may only be authorised by the Chief Executive. In the case of contracts with an estimated value exceeding £25,000 the Chief Executive must also consult the Solicitor who must thereafter be notified of the time and venue of all negotiations carried out and who will be entitled to be represented at any such negotiations.
3. In the case of all Post Tender Negotiations the senior officer carrying out the negotiations must record in writing the objective to be secured by such negotiations and forward a copy of this record to the Head of Finance and, for contracts with an estimated value exceeding £25,000, the Solicitor.
4. Unless other arrangements are specifically agreed by the Chief Executive, all negotiations must take place at the Authority's premises with both the tenderer and the relevant officers of the Authority present.
5. During negotiations with the tenderer there must always be present at least two officers of the Authority.
6. A note of the negotiations will be made by one of the officers present recording those present, the time and location of the negotiations, details of the discussion and any agreement reached. The note shall be signed by all officers present and will be kept on file with a copy sent to the Head of Finance and, for all contracts with an estimated value exceeding £25,000, the Solicitor.
7. At no time must a tenderer be informed of the detail of any other tender submitted or as to whether or not the tender submitted was the lowest or the most economically advantageous tender (where this is the award criterion).
8. Acceptance of tenders following Post Tender Negotiations must be in accordance with Standing Orders except that the Chief Executive must also

inform the Solicitor of the name of the successful tenderer and of the tender price regardless of the estimated value of the contract.

9. The Head of Finance will maintain a record of all post tender negotiations relating to contracts with an estimated value in excess of £25,000. This record must show the date of the tender, the date of any Post Tender Negotiations, the names of tenderers involved in negotiations, the original price, the revised price, the revised specification, the names of the officers involved and details of the contract awarded.
10. Legal advice should be sought where the officer dealing with this matter is under any uncertainty regarding the procedure to be followed.

Breydon Water: Water Skiing and Wakeboarding Trial Findings
Report by Head of Safety Management

Summary:	This report sets out the findings of the trial of recreational wakeboarding including 'getting air' on Breydon Water.
Recommendation	That the Authority review the options set out in 3.1 and resolve to enter into a public consultation on the preferred option.

1 Background

- 1.1 Water skiing has existed on the Broads for many years primarily based on Breydon Water and the wide rivers in the southern area of the Broads, on the rivers Yare and Waveney.
- 1.2 The Speed Limit Byelaws 1993 defined specific areas where water skiing could take place. These original ski zones consisted of five zones on the river Yare and five zones on the river Waveney. Breydon Water was not included in the designations as the area was outside of the Broads Authority remit as the area was under the jurisdiction of Great Yarmouth Port Authority at that time.
- 1.3 Since the Broads Act 2009 received Royal Assent in 2009 there have been many changes to the management of water skiing as there were specific provisions within the Act to allow the Authority to manage the activity. These changes have included the formal requirement for permits, changes to the original zones in geographic limits and timings, and the requirements for skiers and their boats. The original zones were repealed and re-designated under the Broads Authority Act 2009.
- 1.4 Whilst all of these changes were being implemented on the rivers within the Broads Authority jurisdiction, a limited amount of water skiing continued to exist on Breydon Water relatively unregulated as this area was still under the jurisdiction of Great Yarmouth Port Authority.
- 1.5 However within the 2009 Act a provision existed which allowed for the transfer of Breydon Water to the Broads Authority. Following negotiations with Great Yarmouth Port Authority the Broads Authority assumed responsibility for this area on 1st June 2012.
- 1.6 An unforeseen consequence of the transfer was the overnight banning of water skiing on Breydon Water as there had been no designation of a water ski zone as the Act made it an offence to water ski in an area which had not been previously designated for the purpose.

- 1.7 During the remaining period of 2012 the Authority worked with stakeholders to propose a zone where water skiing could take place on Breydon Water. As Breydon Water is an internationally important Special Protection Area (SPA), a Ramsar site and nationally important Site of Special Scientific Interest (SSSI) so any proposed designation relating to its use is required to be assessed in accordance with the Habitats Directive. Natural England was consulted on the proposed new zone following a Habitats Regulation Assessment (HRA) (see Appendix C), and after detailed communications mitigation measures were agreed with Natural England which would allow for the zone to be established (see Appendix D).
- 1.8 Following a public consultation the Authority at its meeting on 23rd March 2013 designated a water ski zone for the purposes of a trial for a period of at least a year with effect from the 1st April 2013. Permit conditions were developed, agreed mitigation measures were implemented, signs were erected, water ski permits amended to include Breydon Water as an available water space and communication channels were established to assist with the monitoring to reflect the mitigation measures and the newly designated zone was signed and ready for use on the 1 April 2013.
- 1.9 The zone is located in the straight stretch of the navigation channel for navigational safety reasons and is 1.4 nautical miles in length (see Appendix A).
- 1.10 Following an informal review at the end of 2013 which recorded no formal use of the water ski zone the Authority at its meeting in 21 March 2014 decided to extend the trail for a further year to allow for data to be gathered.
- 1.11 In a legal agreement between the Broads Authority and British Water Ski and Wakeboard it is agreed that any changes to water ski times, geographic limits and permit conditions will be reviewed by a stakeholder panel with an independent chairman. This Water Ski Review Panel was convened and has met on a number of occasions over the years to review proposed changes to the management of water skiing.
- 1.12 The Review Panel's membership includes a wide range of stakeholders including representatives from boating, angling, rowing, conservation organisations, the hire boat industry and water skiing. Their role is to consider all aspects of the activity, usage, safety, complaints and user and ranger feedback, any potential impact on conservation objectives and other users of the Broads and to make recommendations to the Authority based on evidence.
- 1.13 Following the continued trial the Water Ski Review Panel was asked to review the outcomes and prepare recommendations for the future management of water skiing on Breydon Water.

2 Breydon Water Ski Zone Review

- 2.1 At its meeting on the 2 October 2014 the Water Ski Review Panel considered the trial of water skiing on Breydon Water (see Appendix B).
- 2.2 There had been very little activity with only one formal use of water skiing being recorded over the last two seasons on Breydon Water. This level of activity was viewed as an indicator that the zone was not as appealing to water skiers as the other river zones and future usage was believed to continue at a similar very low level.
- 2.3 The Panel further considered the potential for disturbance by water skiing of the birds on Breydon Water which were in some areas increasing in numbers and concluded that the very low usage seen over the last few years if continued was unlikely to have a significant negative impact. However further options were considered including the relocation of the zone, which was rejected due to safety concerns, additional restrictions on total number of occasions when skiing could take place and a ban on skiing over the winter period when the site is heavily used by birds over wintering.
- 2.4 It was also recognised that the Authority had powers under the 2009 Act to regulate water skiing and if there were issues developing then the Authority had a legal framework to take any necessary action.
- 2.5 After much debate the Water Ski Review Panel concluded a recommendation for consideration by the Authority to formalise water skiing on Breydon Water within the existing designated zone. No additional management measures were proposed but to continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009. Water skiers on Breydon Water would still be required to log on through Broads Control to enable monitoring to be undertaken and recording of usage within permit conditions.
- 2.6 The Boat Safety Management Group considered the safety implications of the Panel's recommendation and is content for the recommendation to proceed.
- 2.7 Using the evidence based approach the Navigation Committee considered the options as presented. There was some support within the committee members for option d) due to the poor use of the zone, also support of option b) which allowed for additional controls and would demonstrate a precautionary approach, but following a vote the Committee finally supported option a) to fully implement the Review panel's recommendation, as this was felt to have been a robust and inclusive approach.

3 Options

- 3.1 The options below are presented to the Authority for consideration:

Option a) Accept the recommendation from the Water Ski Review Panel and formally designate the existing zone for water skiing and wakeboarding without any additional controls

Pro's	Stakeholder reviewed and agreed by Panel and Boat Safety Management Group Zone and monitoring already established, and safety assessed. Good visibility
Cons	Zone is exposed to weather conditions. Zone is close to area where birds roost in summer and winter presenting potential for disturbance
Risks	May be negatively viewed by conservation interests
Cost	No additional cost other than routine maintenance unless there were significant changes to the existing Habitats Regulations Assessment following a review process

Option b) Accept the recommendation from the Water Ski Review Panel and formally designate the zone for Water skiing and Wakeboarding but with additional controls:

- Not permit water skiing and wakeboarding during the winter (1 Nov – 1 March)
- Further reduce the total amount of skiing occasions in any one year from 78 currently agreed to account for the winter ban

Pro's	Zone already established, and safety assessed. Good visibility. Reduction in potential for disturbance to birds both in summer and winter
Cons	Zone is exposed to weather conditions. Zone is close to area where birds roost in summer and winter presenting potential for disturbance
Risks	May be less negatively viewed by conservation interests No demonstrated need for additional measures
Cost	No additional cost other than routine maintenance unless there were significant changes to the existing Habitats Regulations Assessment following a review process

Option c) Reject the recommendation and embark on an additional trial period to enable data to be gathered for future consideration by the Authority

Pro's	Zone already established, and safety assessed. Good visibility. Allows the Authority to state with confidence that there is no significant likely impact on the birds
Cons	Zone is exposed to weather conditions. Additional monitoring will be time consuming and may not give concrete results either way.
Risks	Results of monitoring may not be conclusive due to other disturbance drivers and lack of sufficient activity
Cost	Approximately £10,000 in staff cost

Option d) Reject the recommendation and revoke the designated water ski zone

Pro's	Likely to be welcomed by conservation interests. Reduction in maintenance costs.
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Cons	Removes access by users which is at odds with BA's principles but given the extremely low level of use has impact on very few individuals
Risks	Negatively viewed by water skiing interests and other users due to restriction of existing activity
Cost	Little cost in removing signs and updating documentation

4 Next Steps

- 4.1 The preferred option will be subject to a public consultation in accordance with the provisions within the Broads Authority Act 2009, which includes consulting the Broads Forum the results of the consultation will be presented to the Authority for consideration when reaching any final decision.
- 4.2 As part of this process the Habitats Regulations Assessment will also need to be reviewed, amended where necessary and further consultation will be entered into with Natural England.
- 4.3 As part of that consultation process the Navigation Committee will be formally consulted again on the Authority's agreed preferred option.

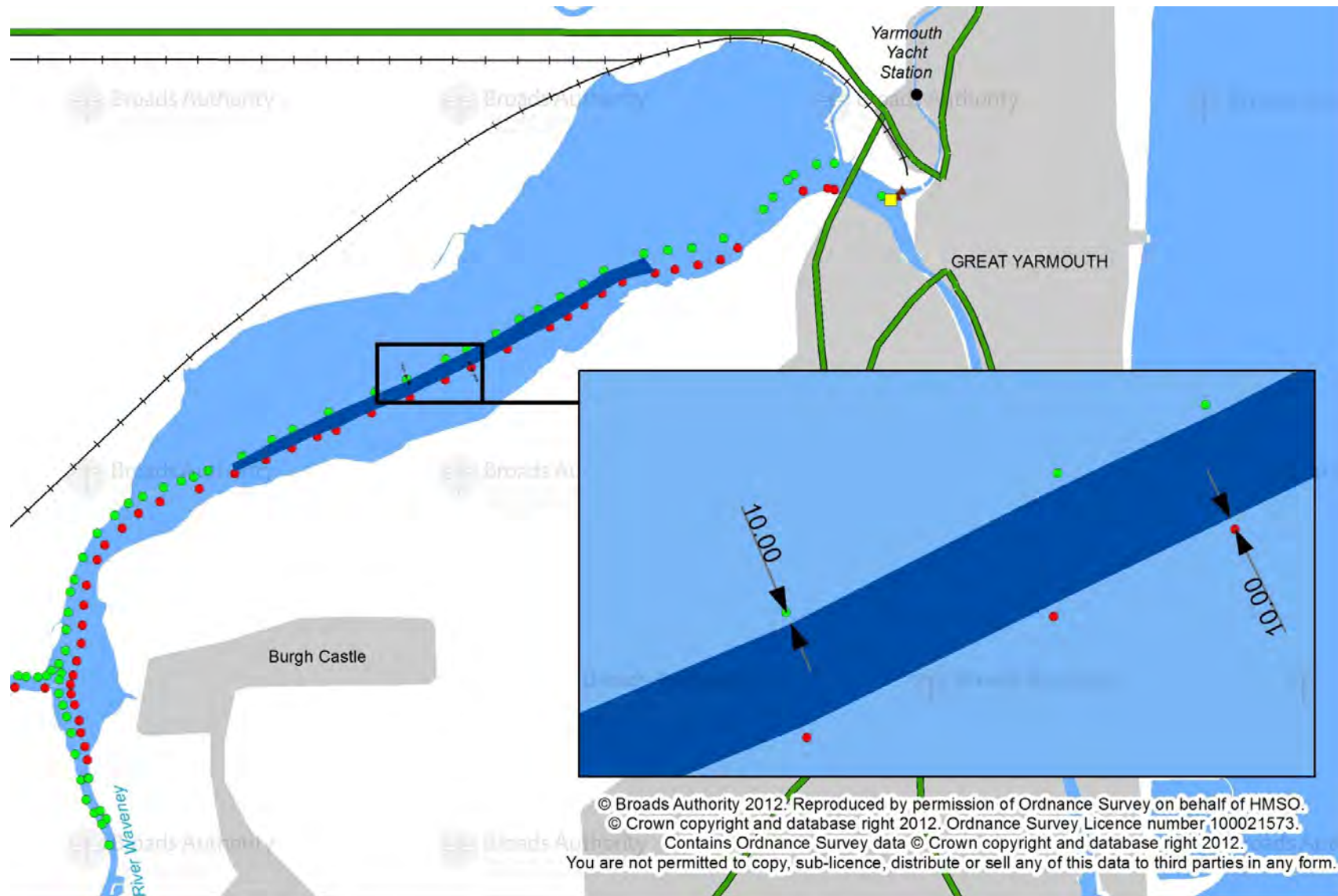
Background papers: None

Author: Steve Birtles
Date of report: 7 February 2014

Broads Plan Objectives: NA4

Appendices:
APPENDIX A – Map of Breydon Water waterski and wakeboard zone
APPENDIX B – Minutes of Water Ski Review meeting 2 October 2014
APPENDIX C - Habitats Regulation Assessment
APPENDIX D – Letter from Natural England

Appendix A



Appendix B

Broads Authority

Water Ski Review Meeting

Notes of the meeting held on 02 October 2014

Present

Ian White (in the Chair)	Independent Chair – Appointed by Broads Authority
David Broad	Broads Authority Member
Julian Barnwell	Eastern Rivers Ski Club (ERSC)
John Carr	Eastern Rivers Ski Club (ERSC)
Professor Richard Card	Norfolk & Suffolk Boating Association (NSBA)
Phillip Ollier	Royal Yachting Association (RYA)
Philip Pearson	Royal Society of the Protection of Birds (RSPB)

In attendance

Trudi Wakelin	Director of Operations, Broads Authority
Steve Birtles	Head of Safety Management, Broads Authority
Adrian Vernon	Head of Ranger Services, Broads Authority
John Ragan	Ranger Breydon Water, Broads Authority
Chris Bailey	Administrative Officer Operations, Broads Authority

1. Apologies and Welcome

Apologies were received from Tony Howes (Broads Hire Boat Federation), Laura Gillett (British Waterski and Wakeboard), Colwyn Thomas (Canoeing and Rowing), Colin Dye (Broads Society) and Diane Monsey (Natural England).

The Chairman welcomed everyone to the Water Ski Review meeting.

2. Minutes of the meeting held 15th October 2013

The minutes were approved as a correct record.

3. Matters Arising

AV reported that there had not been any complaints received during the season although there had been two minor incidents on the River Waveney. One had been when a ski boat was observed speeding towards the ski run and had been issued with a blue book warning and the second incident was where a ski boat may have turned outside the ski area and was currently being investigated. There had not been any issues on the River Yare or Breydon Water.

RC confirmed that no complaints had been received from NSBA members, which was felt to be due to good management of ERSC and thanks were expressed to the club for doing a good job.

JB confirmed that he had not heard anything from the rowing clubs which he felt

was a good sign. Skiers were using the Cantley area more therefore reducing the usage of Yare 1 where the rowers were. AV had attended a meeting with the rowers the previous evening where CT had confirmed that there had not been any issues.

Members discussed levels of activity during the season and it was confirmed that this year's log books were yet to be analysed. However permit number had reduced to 31. JB confirmed that ERSC had 105 members and three new boats had gone through the training and testing regime and that membership was static.

The Chairman reported that, as there had been little activity on Breydon Water during the 2013 season, it had been decided that the next meeting of the panel would be delayed until this October to allow for data to be collected from 2014.

4. Review of the Breydon Water Trial

The Water Ski Review Panel had been established for several years in advance of the 2009 Act which set out the panel's membership and terms of reference. The transfer of jurisdiction for Breydon Water from the Port Authority to the Broads Authority had the unforeseen consequence of outlawing water skiing on this stretch of water although this activity had historically taken place.

Consultation had been undertaken regarding establishing a ski zone on Breydon Water. A Habitats Regulation Assessment (HRA) had been conducted due to the site having several conservation designations and it being a Site of Special Scientific Interest (SSSI). Natural England (NE) having reviewed the Authority's HRA, suggested additional mitigation measures which were established through permit conditions for water skiing on Breydon Water.

At the Broads Authority's meeting in March 2013 it had been agreed that a dedicated ski zone be established on Breydon Water for a minimum of one year for the purpose of a trial with a review being undertaken in Spring 2014. Monitoring of the activity would be undertaken through:-

- Usage – numbers and times of skiers through logging on through Broads Control
- Active observations
- Ad hoc video recording

As there had been little activity to monitor during the 2013 season it had been agreed to extend the trial for a further year.

AV reported that there had been only one vessel skiing on Breydon during the 2014 season and this activity had been observed and digitally recorded. A meeting had been held on the 18th July with members from the Authority, NE and the RSPB where the video had been watched. At that meeting the RSPB had suggested a possible alternative location within Breydon Water for the water skiing to be undertaken. A site visit was subsequently conducted on the 25th September with members from the RSPB and NE member of the Navigation Committee and officers of the Authority.

The existing ski zone was visited and possible reasons why the area was not being used were identified:-

- Flat water was seldom obtained
- Strong tides
- Skiing freedom reduced by the zone and times when water skiing could take place
- The area had never been a particularly popular area for skiing
- Some of the original skiers had sold their vessels as skiing had become more expensive
- Some existing skiers did not want to comply with two people on a vessel and other BA permit conditions.

The RSPB's proposed ski zone in the area near the Dickey Works at the western end of Breydon Water between marker posts 62 to 48 was then visited. The RSPB's original proposal had been discounted as it had been felt that skiers would not be interested as the zone was too short. The area had been proposed as its narrower banks were already used by pedestrians and was felt that a person towed by a ski boat was unlikely to cause any further disturbance and would be easier for the RSPB to assist in bankside monitoring rather than on the water. It was also suggested that this area was more likely to have flat water. The RSPB had confirmed that they would check that the Dickey Works area itself was not significant for roosting birds.

SB had undertaken a risk assessment of the proposed area and the following comments were noted:-

- The length of the proposed was 980 meters which would make it the shortest designated ski zone on the Broads
- The width of the zone narrows towards the eastern end
- The zone included a bend
- There were submerged stakes in the Dickey Works area and additional channel markers would need to be installed at a cost of between £4-5K
- The NRA jetty was within the navigable channel which was a hard engineered structure

Due to these issues the risk assessment for the area had scored 14.5 and it was confirmed that 15 was classed as an unsafe area. The existing zone scored 11.

PP presented survey data which identified the numbers of birds using Breydon had increased over the last 10 years and confirmed that the importance of the estuary was increasing as well. On examination of the survey data it was noted that there had been a decline in some breeds of birds for which there was no explanation offered by the RSPB. It was further noted that bird numbers were increasing during the period 2008 to 2009 when water skiing was unregulated and there were water ski clubs at both Great Yarmouth and Gorleston using the area relatively frequently with no restrictions. Breydon Water had also been used by a couple for skiing during the winter months.

A member questioned what had happened to the birds to substantiate why the water skiers were being asked to move to a different area. It was explained that the winter season was a difficult time for birds who were more stressed and sensitive during this period and also varied between different species. There was concern for the birds in the 400m band at low water as there was the perception that someone outside the boat (a skier on the end of a towline) had a different effect on the birds than vessel movement.

AV thought that it was difficult to link the activity of skiing to the data collected and confirmed that there appeared to be no effect on the birds whether people were in or out of the cabin on the Breydon launch whereas people and dogs on the bankside had been observed causing disturbance. JB reported that ERSC with British Waterski and Wakeboard had employed a graduate to undertake a survey on the effects to the wildlife at Strumpshaw Fen. Taped noise of boats had been played and waterski boats had been used in the area with no differing effect of the birds.

It was recognised that the lack of water skiing on Breydon had caused difficulties in monitoring and that there needed to be activity undertaken to monitor what impact this had on the birds. Members noted that there was no sign of any birds on the video clip which had been taken when the only skiing activity on Breydon had been filmed this season.

JB suggested that if the period October through to March was a key time to wintering birds there was the option of having a closed season for the activity during this period.

It was felt that there was a perceived risk of disruptions to the wintering birds which had not been substantiated and concern was expressed that the proposed ski zone was at the beginning of Breydon Water from the Southern rivers which was a busy area for boat movement. It was suggested that there was not enough evidence to support the moving of the existing zone but the proposal could be a reserve site to be considered if there were problems in the future.

5. Future Management Options

Members reviewed the options for consideration for recommendation to the Authority noting that any revocation and designations would need to be subject to full consultation as set out in the Broads Authority Act 2009:

- a) Formalise the existing water ski zone on Breydon Water and continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009 – It was recognised the importance of gathering good evidence on the possible impact of water skiing and noted the increase year on year of bird numbers.
- b) Revoke the designation of the water ski zone thus removing water skiing in its entirety from Breydon Water – This option was not supported by members and was confirmed that Special Directions could be issued by the Authority if there were any issues.

- c) Revoke the existing water ski zone and designate a new zone stating where and when water skiing could take place as proposed by the RSPB – Although the proposed ski zone between marker post 48 to 62 could and had been used historically it was recognised the zone was not as good as the existing zone.
- d) Vary the times when water skiing could take place in the existing zone to further mitigate any potential significant effect on the features of the site. – Ski times were already defined relating to high and low water but the option to have a closed season from October through to March could be considered for the future if required. PP suggested that there could be amendment to the permitted ski times ½ before and 2 hours after low water, but concern was expressed regarding the need for vessels to transit Breydon at low to slack water to allow transit under the bridges. There was no real appetite for recommending this option

The Chairman suggested members recommended to the Authority the formalisation of the existing ski zone on Breydon Water as there did not appear to have any significant effect on the habitat and there was the requirement for the Authority to continue to monitor the position. There would be the requirement on the Authority to revisit and examine the following options if over a period of time the trend changed:-

- Introduce a close season in the winter
- Relocate zone upstream
- Revising skiing times bearing in mind the need for people to transit under the bridges
- Special Directions could be issued
- The Water Ski Review Panel could be reconvened

Members were reminded that water skiing on Breydon Water was not a new activity and that the only difference now due to that transfer of Breydon Water to the Authority was that it was regulated. The Authority was exercising control over the activity and was monitoring the impact. The Authority in conjunction with the RSPB and NE should look at statistical information against usage. Reliable evidence on the impact of activities undertaken outside of boats should be examined in order to make an informed judgement in the future. PP confirmed that the RSPB would be willing to assist in survey work but that charitable contributions could not be used for statutory obligations.

Members agreed the suggestion for the recommendation to formalise the existing water ski zone on Breydon Water and continue to monitor usage and review as appropriate using powers in the Broads Authority Act 2009. Water skiers on Breydon Water would still be required to log on through Broads Control to enable monitoring to be undertaken and recording of usage within permit conditions.


TW requested that a copy of the RSPB's survey data could be given to the Authority which would then be included in the report to the Broads Authority's members.

6. Any Other Business

This would be the last meeting of the Water Ski Review panel as it had completed its obligations to review and advise the Broads Authority on an appropriate management framework for water skiing and wakeboarding. The Authority would continue monitoring activity within the ski zones which would be reviewed under the Port Marine Safety Code's Annual Hazard Review through the Boat Safety Management Group. Members were advised that they could raise any issues with the Authority and if necessary a further meeting of the panel would be arranged.

The Chairman expressed his thanks to members of the panel saying that at the start of the process members had not been in favour of promoting water skiing on the Broads. However working through the collected evidence and the excellent input from the skiing fraternity had resulted in a positive outcome. It was recognised that it could be an awkward situation for the RSPB but that a sensible approach had always been taken and had worked well with the ski club for a better understanding of the issues. The Broads Authority staff were thanked for all the work undertaken.

DB expressed his thanks to the Chairman confirming that, although at present there was no need for the panel to meet again, the activity would continue to be monitored and that any issues relating to Breydon would be raised at the Breydon Water User Group meeting.

Appropriate Assessment Habitats Regulations Assessment		
Broads Authority Assessment of Likely Significant Effect on a European Site The new application for designating a water ski zone on Breydon Water.		
PART A		
1.	Type of permission/activity:	Designating a water skiing zone for recreational water skiing on Breydon Water (SSSI, SPA, Ramsar). Designating body is the Broads Authority
2.	National Grid reference:	See Maps Appendix 1
3.	Site reference:	Breydon Water (SSSI, SPA, Ramsar).
4.	Brief description of proposal:	The proposal involves allowing water skiing within a 1.4 nautical mile stretch of the navigation channel of Breydon Water
5.	European site name(s) and status:	Breydon Water (SPA, also SSSI and Ramsar site)
6.	List of interest features:	See Table 1 for full list of features notified for the Internationally important SPA, Ramsar and nationally important SSSI in the attached Conservation Objectives and Favourable Condition. SPA peak bird numbers (Jan 2011) See Appendix 3 for full summary data 7150 Golden plover 29370 Wigeon 16955 Lapwing 5407 Dunlin
7.	Is the proposal directly connected with or necessary to the management of the site	No

8. **What potential hazards are likely to affect the interest features?** (Refer to relevant sensitivity matrix and only include those to which the interest features are sensitive). **Are the interest features potentially exposed to the hazard?**

Potential Hazards and Exposure:

There is considerable literature on bird disturbance. The references used in this HRA is set out below:

- BOU proceedings: <http://onlinelibrary.wiley.com/doi/10.1111/ibi.2007.149.issue-s1/issuetoc>
- Davidson N., Rothwell, P. 1993. Disturbance to waterfowl on estuaries. WSGB 68 Special Issue is available at <http://elibrary.unm.edu/sora/IWSGB/n068/>
- BTO report: <http://www.bto.org/sites/default/files/u196/downloads/rr388.pdf>
- Orwell estuary disturbance study 2004-05: [http://www.suffolkcoastandheaths.org/uploads/STOUR-ORWELL%20DISTURBANCE%20STUDY%202004-05%20REPORT%2025-9-05\(2\).pdf](http://www.suffolkcoastandheaths.org/uploads/STOUR-ORWELL%20DISTURBANCE%20STUDY%202004-05%20REPORT%2025-9-05(2).pdf)
http://www.uea.ac.uk/env/all/teaching/eiaams/pdf_dissertations/2011/Millican_Luke_2011.pdf
http://www.solentforum.org/resources/pdf/natconsv/solent_disturbance_phase1.pdf
- **Direct disturbance to significant populations of wintering birds** – NE report (2001) states that birds are highly vulnerable to disturbance from waterskiing and that further investigation is required to assess the impacts at Breydon. Wintering birds are disturbed by high speed craft on Breydon Water SPA (pers comm. RSPB). This disturbance is in response to high speed boat activity across Breydon Water. The RSPB have observed that often flocks of birds will not settle for periods up to one hour or on some occasions they will leave the estuary, on which they rely for feeding and resting. Birds are not significantly disturbed by boats travelling within the channel at lower speeds (EN 2001). This disturbance had not been reported to the Port Authority or to Natural England as it was only observed on a few times.
- **Direct disturbance to significant populations of summer birds** – Birds are already exposed to a high background of regular recreational vessels within the navigation channel, particularly during the summer (over 400 movements recorded at Great Yarmouth Yacht station in the 2010 three day summer boat census – see Appendix 2). Waterskiing is likely to form a small fraction of the overall summer boating activity. The majority of waterskiing will take place in the summer. It is proposed that waterskiing will be confined to the navigation channel and a further 10m inside the posts for safety reasons. There is no evidence that suggests that summer birds are significantly disturbed by current recreation activity. However, there is a single record of possible fatalities of shelduck (Peter Allard pers. comm.) as a result of water skiing. The proposed water ski zone seeks to formalise and regulate the previous and current activity that mainly occurs in the summer to monitor and understand any impacts through data collection and observation.
An assessment of the historic level of use as well as frequency and timing, area of use, and control measures has been compiled and is attached as Appendix 5
- **Wash** – It is envisaged that the wash from water skiing will not be a significant hazard as all water ski tow boats have a planning hull profile and once up to cruising speed deliver very little wash compared to displacement hull forms of other recreational boating that occurs on the site. All permitted ski vessels are tested to ensure they comply with wash standards set out in Water Ski and Wakeboard environmental standards
- **Pollution** – It is not envisaged that pollution from water ski boats will be a significant issue as all vessels within the Broads are required to comply with the national Boat Safety Scheme which sets standards to control the risk of fire, explosion and pollution.
- **Noise** – All permitted ski vessels are tested to ensure they comply with British Water Ski and Wakeboards environmental standard and the noise levels demonstrated are not largely different from noise from other recreational boats.
- **Unqualified skippers** – All permitted ski vessel drivers are required to successfully complete the British Water Ski and Wakeboard ski boat driver course. There is no mandatory requirement for qualifications of skippers of other recreational boats.

All mitigations listed below will be enforced through the waterskiing permit scheme, and monitored and enforced on site where possible by the Broads Authority rangers.

The full list of mitigations that are proposed to be put in place for the proposed Breydon water ski zone are:

- Broads Authority Act 2009 states it is an offence to water ski in any area that has not been designated and as such water skiing will only be able to take place the proposed zone area on Breydon which will be signed. This is a restriction of approximately 59% of the previous area historically used for the activity therefore limiting any potential disturbance to a smaller area.
- Water skiing will only be able to take place at the times prescribed by the Authority. For Breydon Water this means that skiing is prohibited between 0.5 hrs before and 2 hrs after predicted low water at Yarmouth Yacht Station.
- Patrolling of Breydon Water will be undertaken by the Broads Authority year round, to police the permit conditions and issue Special Directions to regulate activity if required.
- All skiers will be required to book on with Broads Control before commencing skiing to facilitate active monitoring.
- All water skiing activity will be permitted and key permit conditions are set out below:
 1. All drivers to hold the Ski Boat Driver Award;
 2. A minimum level of insurance (£2,000,000 third party liability) required;
 3. Boats to have passed a wash and noise test and a steering check;
 4. All permit holders are required to be members of Eastern rivers ski club and British Water Ski and Wakeboard;
 5. All permit holders are required to submit log books of their activity at the end of the licence period to the Authority. These are used to monitor usage and review the activity.
- Other conditions relating to navigational safety, which were previously set out in byelaws.
- A full set of the current conditions are set out in Appendix 4, also included is the current legal agreement between the BA and British Water Ski and Wakeboard and the Eastern Rivers Ski club.
- Monitoring of the zone usage will take place throughout the year, including proactive monitoring via the booking on system (Broads Control) and observations made by the local rangers, and reactive monitoring through analysis log books.
- A review by Broads Authority officers will be triggered if usage of the zone exceeds the soft usage cap as defined in Appendix 5
- A review will be undertaken by the independent Water ski Review Panel in October 2013 to agree the effectiveness of the measures, usage of the zone, and identify whether any additional constraints need to be applied.

8. **What potential hazards are likely to affect the interest features?** (Refer to relevant sensitivity matrix and only include those to which the interest features are sensitive). **Are the interest features potentially exposed to the hazard?**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard & mechanism of effect/impact if known:
Aggregations of non-breeding birds:		
Bewick's Swan *	None above normal activities in this area	No
Wigeon *+	None above normal activities in this area	Yes
Shelduck *+	None above normal activities in this area	Yes
Avocet *	None above normal activities in this area	Yes
Golden Plover *	None above normal activities in this area	Yes
Ruff *	None above normal activities in this area	Yes
Common Tern *	None above normal activities in this area	No
Lapwing +	None above normal activities in this area	Yes
Shoveler +	None above normal activities in this area	Yes
Gadwall +	None above normal activities in this area	Yes
European white-fronted Goose	None above normal activities in this area	No
Black-tailed Godwit	None above normal activities in this area	Yes
Zostera community: Intertidal mudflats and sand flats; eel grass beds	None above normal activities in this area	No
Plant assemblage of coastal embankments, sea-walls, open poached, dry or periodically inundated brackish or saline mud	Changes in extent would be considered unfavorable if attributable to activities which interrupt natural estuarine processes. There is no evidence that the existing levels of boat activity which includes high speed boats and any associated erosion and resuspension is resulting in any impact on the designated features.	No

* Annex 1 species + Migratory species

9. Is the potential scale or magnitude of any effect likely to be significant?

a) Alone? (explain conclusion, e.g. in relation to de minimus criteria)	Yes/No, as the use is restricted to below half of historic use there is therefore a reduction to the degree of disturbance that the birds are already subjected to. No reported concerns have been raised and populations/ species present have increased since designations were applied. (Including the prevailing environmental influences)
b) In combination with other plans or projects?	Yes/ No Other normal boating activity (e.g. recreational boating).

<p>c) In combination with plans/projects of other Competent Authorities?</p>	<p>Consultation has been undertaken with NE as competent authority, RSPB, Great Yarmouth Bird Club and local naturalist Peter Allard.</p> <p>EA/BESL - Planning application to be submitted, accompanied by and EIA, in the next 4-6 weeks for improvement works to 1.2km of floodbank on the north side of Breydon. Discussions with NE and RSPB have resolved that there will be no significant effects on the SPA subject to suitable programming of works to avoid winter and breeding season.</p> <p>The work will include a small encroachment onto the SPA because of the need to do front face strengthening along the section immediately next to the railway line (drawings can be provided). BESL will be sourcing material from Railway Marsh (in partnership with RSPB), which is within the SSSI but not the SPA.</p> <p>BA – work to navigation channel marking. Works in two phases, to avoid as much as practical the main over-wintering period.</p> <ol style="list-style-type: none"> 1. Downstream of Breydon Bridge close to the mouth of the River Bure (outside of the SSSI). Remove and replace a damaged marker and install two additional marker posts. Due to the tidal conditions and channel restrictions, for safety reasons this work has to be undertaken outside of the main hire boat season. The work will take approximately 10 days and we have a start date of 12th November 2012 – now completed. 2. In the same area as above and on Breydon water. Removal of dolphins at the mouth of the River Bure and installation of timber marker posts and piles at the upstream end of Breydon Water. Programmed to start in April with approximately 2 weeks work on Breydon Water. <p>NCC/EA/BESL - Easy-access ramp from Asda car park, grass mesh, replacement hide and information board. This is already a heavily walked section around Breydon so this project is unlikely to change the degree of disturbance that the birds are already subjected to. The project will be accompanied by an Environmental Statement.</p> <p>There are no other Competent Authorities that have plans or projects that could act in combination with waterskiing. The Authority can conclude that this application alone will not result in adverse effect on the SPA and could also act in combination with other plans/projects being undertaken with the Breydon Water area.</p>
<p>10. Conclusion: Is the proposal likely to have a significant effect 'alone or in combination' on a European site?</p>	<p>Yes/No</p> <p>Given the historic and predicted use of the water ski zone coupled with the controls and mitigation measures proposed the Authority can conclude that there will be no likely significant effect on the features of the site.</p>
<p>11. Other competent authorities involved</p>	<p>Natural England</p>
<p>12. Determine the extent to which each possible impact can be avoided.</p>	

What alternative solutions could be considered?	None	
11. Name of BA Officer:	Trudi Wakelin	Date: 25/03/13
12. NE comment on assessment: (If the NE officer disagrees with the conclusion of 10c, please include details of the other Competent Authorities which should be consulted).		
13. Name of NE Officer:		Date:

References

Breydon Water European marine site, English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats & c.) Regulations 1994, published in 2001 by English Nature (now Natural England)

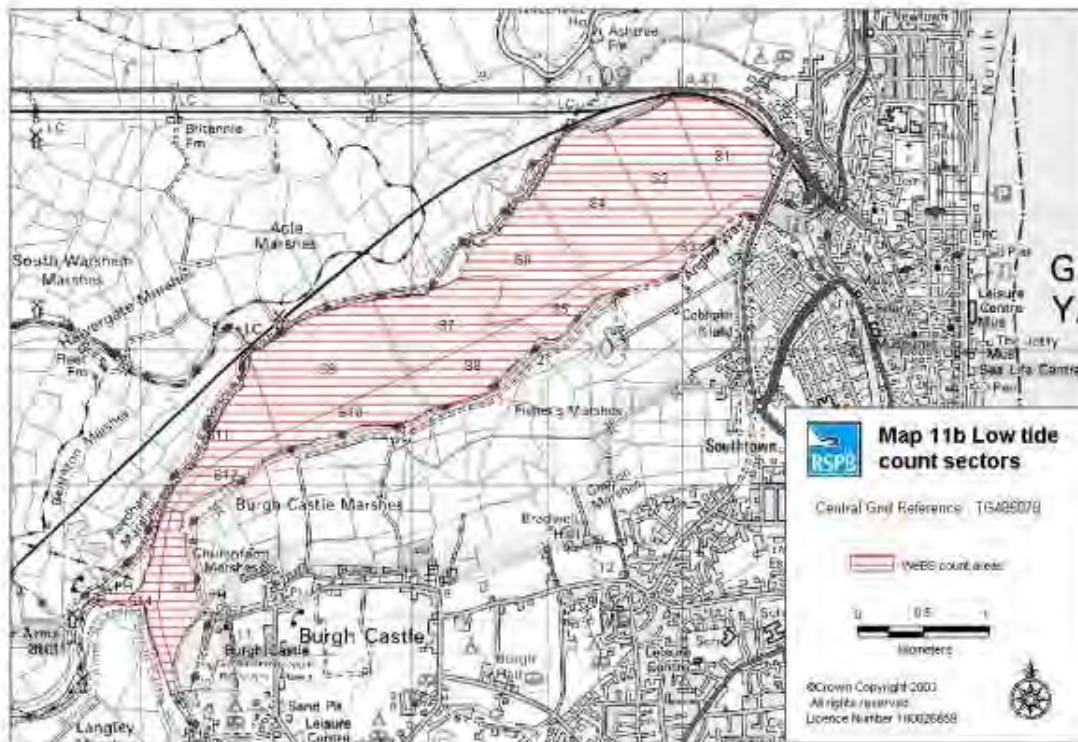
Appendix 1. Maps of Breydon

(see Appendix 4 and 5 in the main Broads Authority Committee report 231112) <http://www.broads-authority.gov.uk/authority/meetings/broads-authority.html>

Appendix 2. BoatTrafficthat is indicative of summer boating activity on Breydon water

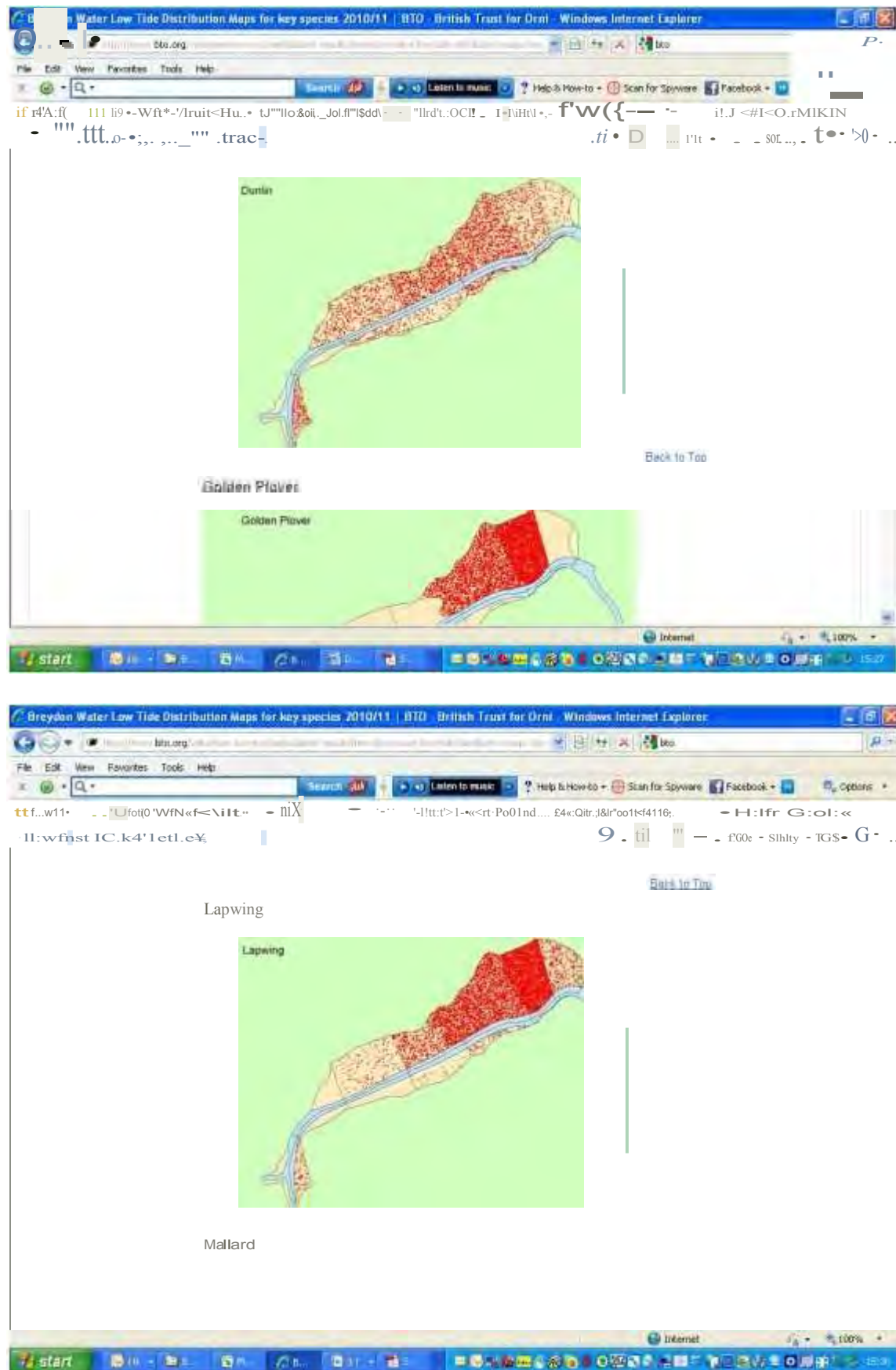
(see Appendix 6 and 7 in the main Broads Authority Committee report 231112) <http://www.broads-authority.gov.uk/authority/meetings/broads-authority.html>

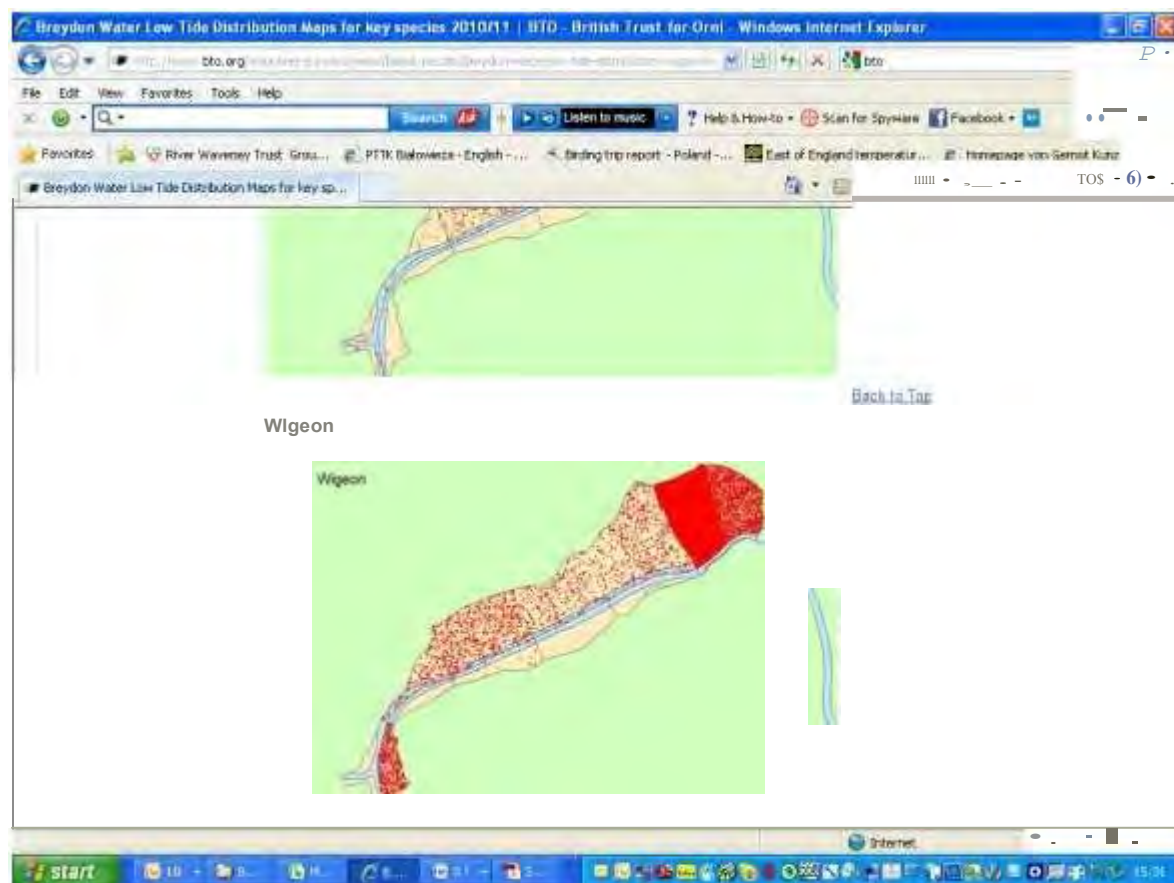
Appendix 3. Low Tide Counts zones, summary data and distribution for Breydon Water



Site	Month	Species	LTC
Breydon Water and Berney Marshes	01-DEC-10	Lapwing	438
Breydon Water and Berney Marshes	01-NOV-10	Wigeon	6457
Breydon Water and Berney Marshes	01-NOV-10	Dunlin	3070
Breydon Water and Berney Marshes	01-JAN-11	Wigeon	29370
Breydon Water and Berney Marshes	01-FEB-11	Dunlin	3470
Breydon Water and Berney Marshes	01-NOV-10	Redshank	801
Breydon Water and Berney Marshes	01-JAN-11	Teal	562
Breydon Water and Berney Marshes	01-DEC-10	Teal	375
Breydon Water and Berney Marshes	01-JAN-11	Golden Plover	7150
Breydon Water and Berney Marshes	01-FEB-11	Black-tailed Godwit	548
Breydon Water and Berney Marshes	01-NOV-10	Black-tailed Godwit	878
Breydon Water and Berney Marshes	01-JAN-11	Lapwing	16955
Breydon Water and Berney Marshes	01-DEC-10	Dunlin	5407
Breydon Water and Berney Marshes	01-DEC-10	Wigeon	8812
Breydon Water and Berney Marshes	01-JAN-11	Avocet	150
Breydon Water and Berney Marshes	01-JAN-11	Redshank	1194
Breydon Water and Berney Marshes	01-FEB-11	Oystercatcher	34

Breydon Water Low Tide Distribution Maps for key species 2010/11





Appendix 4

**BROADS AUTHORITY****Water Skiing and Wake Boarding Permit**

This Permit is issued under Section 27 of the Broads Authority Act 2009.

The Broads Authority hereby permits

_____ to navigate the Authorised Vessel

for the purpose of towing a water skier (or wake boarder) in the zones and at the times specified in Appendix 1 to this Permit provided this is in accordance with the conditions specified below.

This Permit is issued on the basis that

- a) the Authorised Vessel has a block area of no more than 13 square metres, has a planing hull, and does not have permanent covered accommodation.
- b) the Authorised Vessel has been registered in accordance with the Authority's Byelaws and that payment of the Prescribed Annual Toll for the vessel has been made.

In this Permit the following definitions apply:-

The "2009 Act" means the Broads Authority Act 2009

"Authorised Vessel" means the vessel described in Part 1 of the Schedule

"Authorised Person" means the persons named in Part 2 of the Schedule

The "Authority" means the Broads Authority

The "Permit Holder" means the person named above

The "Prescribed Annual Toll" means the appropriate annual toll within a scale of tolls, currently in force in any year, as prescribed by the Authority pursuant to Section 26 of the Harbours Act 1964

"Kill Cord" means a device to automatically stop the engine of the Authorised Vessel if the person navigating the Vessel leaves the helm

"Air Chair" means a board or chair with an integral hydrofoil for the purpose of lifting the rider and board or chair above the surface of the water

“Bank Start” means where a skier is pulled from a bank or platform by a water ski vessel to start the water skiing activity.

“Boom” a device which extends over the edge of a vessel for the purpose of providing physical support during training and for barefooting.

“Inflatable” means an object that can be inflated with gas or air.

“Jumping” means being towed by a boat and using a ramp to leave the surface of the water.

“Parascending” means being towed behind a vessel while attached to a specially designed parachute, known as a parasail.

“Kneeboard” means a buoyant board ridden in a kneeling stance that is used to ride on water whilst being towed behind a boat.

“Wakeboard” means a device where the feet are bound to a device at an acute angle to the parallel that is designed to travel on the wake created by the towing vessel,

“Water Ski” means a ski-like board used in pairs, or a mono ski, where the feet are bound in-line with the parallel that is designed to ride on water whilst being towed behind a boat.

THE CONDITIONS

1. This Permit runs from _____ to 31 March 2013 unless cancelled earlier by the Authority under Condition 23 of this Permit.

2. This Permit is personal to the Permit Holder and is not transferrable.

3. (a) This Permit does not permit anyone other than the Permit Holder and the Authorised Persons to navigate the Authorised Vessel.

 (b) Condition 3(a) does not apply in respect of training for the British Water Ski ski-boat driver award that can be undertaken for a maximum of 3 months in the period covered by this Permit. The Permit Holder or Authorised Person must be on board the Authorised Vessel and is considered master of the vessel at all times during the period of training.

4. a) This Permit authorises the Permit Holder and the Authorised Persons to navigate the Authorised Vessel at a speed over the ground greater than specified in the Broads Authority Speed Limit Byelaws 1992 Schedule 1 while being used for the purpose of “towing a water skier” in the zones and at the times specified in Appendix 1 to this Permit

 b) For this purpose, “towing a water skier” shall be deemed to include the act of recovering a water skier who has been separated from the vessel during towing.

5. The Permit Holder and any Authorised Person must:-

 (a) Throughout the period of this Permit each maintain a policy of insurance in respect of any liability referred to in paragraph 2 of Schedule 3 to the 2009 Act in the sum of £2,000,000.

 (b) On written request from an Officer of the Authority to do so produce to the Authority evidence of the insurance cover referred to in Condition 5 (a).

6. (a) The Permit Holder and any Authorised Person and any person under training must throughout the period of this Permit:-

 (i) Each be a member of both the Eastern Rivers Ski Club and the [British Water Ski & Wakeboard](#)

 (ii) Except where Permit Condition 6 (b) applies, only tow water skiers or wake boarders who are members of such clubs.

- (b) Condition 6 (a) (ii) does not apply in respect of water skiers and wake boarders who are towed up to a maximum of 4 occasions in the period covered by this Permit.
- 7. The Permit Holder and any Authorised Person must throughout the period of this Permit each hold a current British Water Ski Boat Driver Award or qualification approved by the Authority following consultation with the British Water Ski and Wakeboard.
- 8.
 - (a) Whilst in use for the purpose of water skiing or wake boarding the Authorised Vessel must display in the approved position a set of registration marks at a minimum height of 225mm (9 inches) and of a type, colour and material approved by the Authority.
 - (b) For this purpose, “approved position” means on each side of the bow and at the after end of the vessel so as to be visible from astern.
- 9. The Authorised Vessel must not be used pursuant to this Permit if, following its issue, either:-
 - (a) A material change is made to it or to its systems which in either case may affect the generation of wash or noise from the vessel, unless that change has been approved by The Authority; or
 - (b) A change is made to the vessel that either increases its block area to more than 13 square metres or involves the provision of a non-planing hull or permanent covered accommodation.
- 10. The Authorised Vessel must have completed and passed a Wash and Noise Test of a type approved by the Authority and complying with the pass criteria set out in Appendix 3 to this Permit.
- 11.
 - (a) The Authorised Vessel must be subjected to an annual test (which complies with the methodology set out in Appendix 4 of this Permit) carried out by a person approved by the Authority which verifies that:
 - (i) The steering system of the vessel is in good condition and fit for purpose and,
 - (ii) The Kill Cord functions correctly.
 - (b) The Permit Holder must produce to the Authority on request details of the test carried out under condition 11(a).
- 12. The Permit Holder and any Authorised Person must use “approved equipment” only
 - a) For this purpose, “approved equipment” shall be limited to
 - i. The Authorised Vessel
 - ii. Tow Rope;
 - iii. Knee Board

- iv. Wake Board
- v. Skis
- vi. Boom

13. The Permit Holder and any Authorised Person must not permit the use of ballast or excessive weight in the vessel or carry passengers in excess of the manufacturer's recommendations.
14. The Permit Holder and any Authorised Person must not permit the use of "air chairs", and any "inflatable".
15. The Permit Holder and any Authorised Person must not cause an Authorised Vessel to make any sustained wave, against a bank, of more than 300 mm (12 inches) in height from trough to crest.
16. (a) The Permit Holder must:-
 - (i) Maintain and keep up to date a log book issued by the Authority in respect of the use by the Permit Holder and any Authorised Person of the Authorised Vessel under this Permit.
 - (ii) Keep the log book on the Authorised Vessel whilst being used by the Permit Holder and any Authorised Person under this Permit.
 - (iii) Produce the log book on request to any officer of the Authority.
 - (iv) Return the log book to the Authority at the end of the period covered by this Permit or upon its cancellation if earlier.
- (b) Any Authorised Person whilst operating the Authorised Vessel under this Permit must produce the log book on request to any officer of the Authority.
17. The Permit Holder and any Authorised Person must navigate the Authorised Vessel with care and caution.
18. The Permit Holder and any Authorised Person must not navigate the Authorised Vessel unless there is also on board at least one person to provide assistance during towing.
19. The Permit Holder and any Authorised Person must not at any time navigate the Authorised Vessel so as to tow more than 2 persons.
20. The Permit Holder and any Authorised Person must ensure that any water skier or wake boarder being towed does not engage in parascending, ski jumping, or bank starts.
21. The Permit Holder and any Authorised Person must:-
 - (a) Use tow-ropes of equal length when towing two water skiers; and

- (b) Ensure that two water skiers do not cross in front of, or behind, each other; and
 - (c) Not navigate the Authorised Vessel without attaching the Kill Cord to their person in a way which ensures that it will operate effectively.
22. a) The Permit Holder and any Authorised Person must ensure that any water skier or wake boarder being towed remains in or on the water at all times during towing.
- b) Condition 22 (a) does not apply in respect of water skiers and wake boarders provided that all of the conditions 22 b) i),ii,iii), and iv) are complied with.
- i) Water skiing and wake boarding shall be limited to zones and times set out in Appendix 2.
 - ii) No more than six concurrent Authorised Vessels are used at any one time in any one zone set out in Appendix 2.
 - iii) The Permit holder and any Authorised Persons shall register with the Authority on each occasion their intention to navigate the Authorised Vessel.
 - iv) The Permit Holder and any Authorised Person must not at any time navigate the Authorised Vessel so as to tow more than 1 person.
23. The Authority may cancel this Permit, or amend its conditions, if:-
- (a) The Permit Holder or any Authorised Person is convicted of an offence under Section 29 of the 2009 Act; or under any byelaw made by the Authority; or
 - (b) Condition 5 of this Permit has not been observed.

The Schedule

Part 1

The Authorised vessel to which this Permit applies is as follows¹:

Part 2

¹ This information should be added by the Broads Authority only.

The Authorised Person/s to which this Permit applies is/are as follows²:

1	Permit Holder
2	Authorised Person
3	Authorised Person
4	Authorised Person

Appendices

- 1 Water Ski and Wake Boarding Zones and Times
- 2 Water Ski and Wake Boarding Zones and Times applicable to the Wake Boarding Trial 2012/13
- 3 Wash and Noise Test Pass Criteria
- 4 Annual Steering and Kill Cord Test Methodology

² This information should be added by the Broads Authority only. Additions may also only be made by the Broads Authority.

Breydon Water ski designation

Background

Waterskiing has taken place on Breydon Water for in excess of 40 years. During this time the Great Yarmouth Water ski Club operated approximately 25 – 30 boats, prior to the club's amalgamation with Eastern Rivers Ski Club (ERSC) in 2001.

Frequency and timing of use

The level of historic use has been investigated, through personal communications with the Chair of Eastern Rivers Ski Club and individual skiers, with 6 ski boats identified as active over recent years. 4 of the skiers involved have been interviewed concerning the frequency of their previous activities.

It has been confirmed that most activity has taken place between April – Nov, largely in evenings and weekend days, with 2 skiers reporting skiing activity in March, and 1 reporting activity all year and also in early mornings. All activity took part when weather and sea state were favourable.

The duration of skiing in the summer is usually between 2 to 3 hours per session although the shoulder months have reduced opportunity in the evenings due to available daylight. In the winter only one water skier has confirmed that they had previously water skied during the winter and only for periods of between 1 to 1.5 hours mainly due to the temperature encountered. The skier confirmed that they engaged in water skiing in all weathers however when very low temperatures existed this curtailed the duration to a maximum of 1 hour per session.

Historically those taking part in water skiing on Breydon rarely engaged in the activity together/ at the same time, as there were no restrictions on access.

With this information it can be estimated that maximum potential skiing movements are likely to be as follows in the table below, based on 2013 calendar/ tide table and the assumptions outlined;

The restriction the Authority has proposed regarding no water skiing to take place between 0.5 hour before to 2 hours after predicted low water at Yarmouth Yacht Station has reduced the available opportunities for water skiing in the evenings due to the timings of the low water event and the available daylight hours. The number of evenings when water skiing is viable are shown in column 6 in the table below. This is the number of evenings between 1600 hours and sunset where the available time to water ski is greater than 2 hours dictated by the tide restriction and available daylight.

E.g. Sunset is 2000 hrs minus 2 hours to ski minus 2 hours after low water when skiing is prohibited delivers a result that if a low water time later 1600 hrs skiing not viable. This method has been applied to the 2013/14 tide tables to determine the number of available skiing opportunities in the evenings. Furthermore if the low water events is mid day to early evening at weekends this will likely deter skiers from participating at the weekend days, this has been applied to the data shown in column 7 of the table which shows the likely remaining weekends available for skiing.

Further assuming that potential skiing opportunities will be affected by weather events occurring during the course of the year which will inhibit activity (high winds, rain, low temperatures) it is suggested that a reduction of a 20% weather factor be applied to reduce the maximum potential available opportunities, shown in the table below;

Reported individual use			Potential use opportunities			
Months	Reported frequency	Reported individual uses	Potential Evenings (after 4pm)	Potential Weekend days	Available potential after Tide/ daylight restrictions (Eve, after 4pm)	Available potential after Tide/ daylight restrictions (w/e days)
March	Every w/e day	10	20	10	5	6
April – October	Every w/e day	60	156	60	83	30
	30+ times	30				
	2x per week	62				
	Every Sunday* plus 1 weekday per week	30* 31				
Nov - Feb	2x per month	8	nil	34	nil	23
Maximum potential uses			176	104	88	59
Suitable Weather factor	-20%		280		147 (113 summer) (34 winter)	
total individual use		231			118 (91 summer) (27 winter)	
* Grand total noting reported concurrent use		183 (summer) 18 (winter)				

The grand total of available opportunities to water ski of 118 compared with the previous total reported use 231 would infer that if the activity were to remain as previously reported the overlap of uses would increase due to the reduced available time slots.

This would therefore reduce the number of likely disturbance events by 49% on those that were presented when the activity was uncontrolled. Additionally permit conditions require 3 persons in a ski team (helm/ lookout/ skier) then this also increases the likelihood of concurrent use. The water skiers on Breydon have reported that they very rarely saw other water skiers either confirming that the activity when concurrent occurred in more than one area of Breydon or that there was serial activity given the number of reported uses.

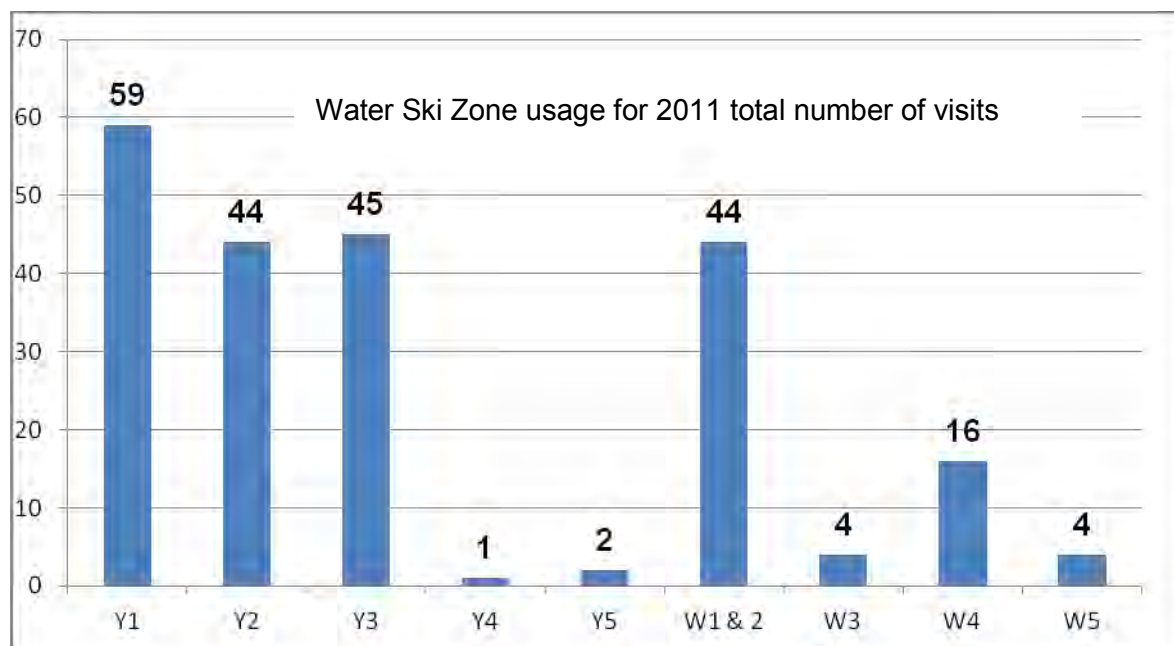
This level of activity of 231 visits would also assume that the number of active skiers were to remain as previously reported however the following must be considered –

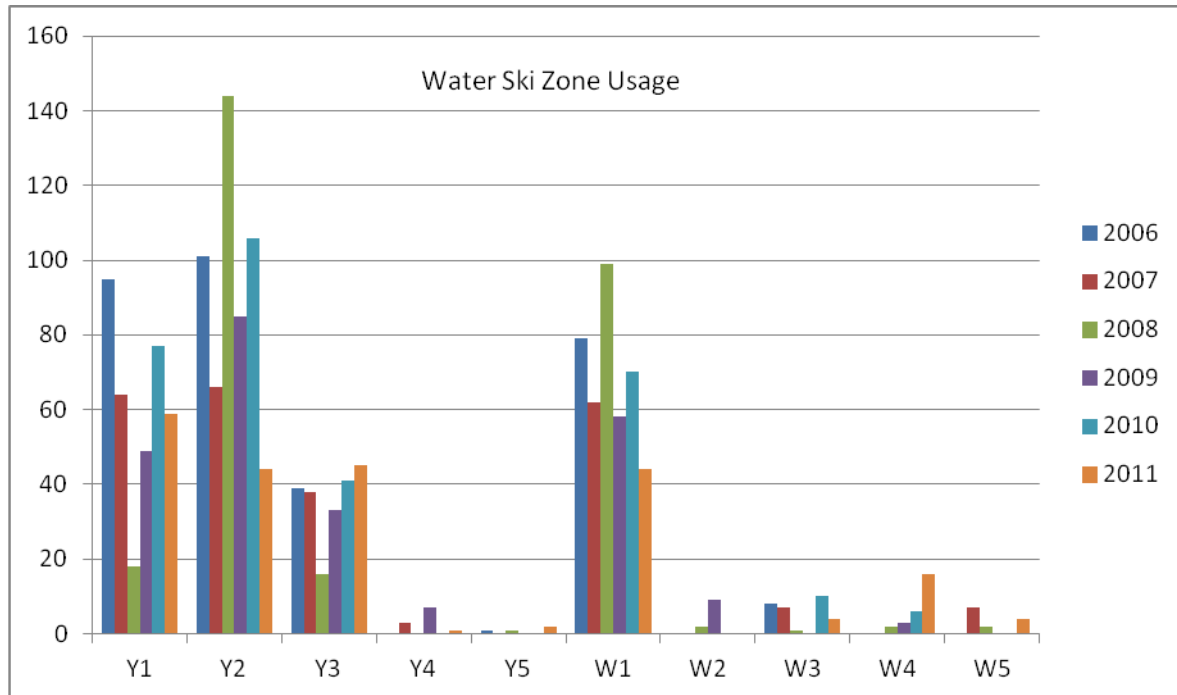
- a) the skier who reported to ski during the winter period has stopped water skiing and sold all of his equipment and his boat thus potentially removing all of the winter usage some 18 visits reported.
- b) from the analysis of water ski log books for the river sections that there is little to no activity during the winter period, these river sections would be preferred to Breydon as they offer better shelter and less choppy water.
- c) if skiing takes place in winter the duration of skiing is greatly reduced due to the temperature historically limited to only 1 hour in the depths of winter on Breydon.
- d) Individual use varies according to personal preferences and circumstance, but taking an average across the active permit holders in active zones it is reasonable to assume 13 uses per permit holder in the course of a year. If the 6 water skiers were to continue with this average this would equate to a total of 78 visits per year
- e) The zone is designated for recreational water skiing and physical constraints of individuals who take part will determine that 2 to 3 hours will be sufficient time, furthermore due to fitness levels the recreational skier is not likely to re –engage in skiing for a few days. This further reduces the likely number of disturbance events.

Evidence from the usage of the 9 existing river zones (see map at Appendix a) identifies that 36 permits have been issued in 2011, and the average uses in the well used zones was 48 visits per year. (See graph below) This usage is lower than that recorded or predicted for Breydon but one Breydon user who skis very regularly distorts these average figures. Indeed the figures for 2012 will show an increase in the river usage as this user has temporarily moved to the river sections.

Further examination of the 2011 data identifies that the majority of these uses were as a result of 15 water ski permit holders.

The number of permits issued by the Authority has consistently been below 40 for the last five years.





The width of the river in these zones are Waveney is 35m, Yare is 58m, Average overall 46.5m. Therefore the maximum distance from skier to bank edge will be approximately 23.3m. Additionally, zone Y2 is adjacent to Strumpshaw Fen and previous reviews have indicated no evidence of disturbance to wildlife at this proximity, albeit there is screening vegetation. The proposed width of the Breydon ski zone is 84m. At high water, the distance to the adjacent salt marsh is approximately 674m. From the edge of the Breydon water ski zone the average distance at low water to the mud flats is 14m. Water skiing is likely to take place in approximately the centre of the channel which is a distance of 42m to the edge of the mudflats. This is an increase of 55% on the distance to banks in the river zones. It should also be noted that it has been agreed to not allow water skiing 0.5hr before low water therefore the distance from the source of potential disturbance to the edge of the mud flats will always be greater than specified.

Area of use

Historically, the whole of Breydon Water has been used for skiing – anecdotally, reports have been received that previous water skiing activity took place outside of the marked navigable channel at high water but for the purposes of this assessment the area of the posted channel is used as a baseline = 54.1ha

The dimensions of the agreed zone is 22.44ha; which equates to 41% of the previously available area of the navigable channel although, therefore this reduction in available water space is a further restriction on the extent of the historic activity.

This is particularly relevant as the unregulated activity had potential of disturbing a larger area of the site however the proposed water ski zone concentrates the activity this combined with the potential for concurrent use therefore reduces the potential disturbance events and the area over which this potential disturbance may affect.

Breydon Water control measures

The control measures applied to the zone to allow waterskiing on Breydon Water can therefore be summarised as follows;

- Restricting the time when water skiing can take place specifically excluding around the low water event when lots of birds feed on the mud flats, thereby reducing the potential use to approximately 50% of the reported historic use.

- Reducing the area where water skiing can take place to within a small corridor in the navigation channel – a reduction of 59% taking only the navigation channel as previously available.
- Patrolling Breydon all year round to police the permit conditions, and issue Special Directions if required.
- Requiring all skiers to book on with Broads Control before commencing skiing.

Standard control measures

There is also a suite of standard control measures which apply on water ski zones, which will likewise be applied to Breydon Water;

- Requiring all water skiers to be members of ERSC and British Water ski, who follow a statement of purpose and environmental commitment, supported by environmental policy note, and who would enforce any breaches.
- Requiring all ski boat drivers to be qualified helmsmen
- Requiring all ski boats to satisfy maximum wash criteria
- Requiring all ski boats to satisfy maximum environmental noise standards
- Requiring all skiers to be permitted by the Broads Authority and subject to many permit conditions, any breaking of which could ban the skiers from obtaining a permit in the future. These conditions also include the requirement to complete a log book.
- Requiring all wake boarders to book on with Broads Control before commencing skiing.

Monitoring

The actual usage of the proposed zone will be monitored against a profiled target for the predicted use of 78 visits per year (the soft cap), which has been drawn from the river data averages. This will enable the Authority to rapidly act to any variances in use by calling an internal review to establish if additional control measures are required, and to extrapolate when the maximum potential use of 118 (91 summer) (27 winter) is anticipated to be exceeded.

Monitoring of the waterskiing will be done in 2 ways; firstly usage (number of times, number of skiers and duration) will be monitored by maintaining a running total of the number of uses by Broads Control based on the skiers logging on. Secondly, proactive trials will also be conducted with members of the ERSC with Broads Authority observers present to record the effects of waterskiing on the surrounding environment.

Additionally, Broads Authority Rangers who are rostered 7 days per week Easter – October, and 5 days per week November - Easter will also log the activity to ensure the conditions are being met, and check accurate recording with Broads Control. Regular observations will also be made of the environmental impact of the activity by staff and volunteers, including on other vessels and the bird responses. Regular, random digital video recording of skiing activity will also be completed as an objective record of the practice.

Review

It is proposed that this data will be reviewed at the end of the season, Oct 2013, and assessed to determine whether any impacts can be identified, and consider whether further constraints might be required. This will be conducted by the Water Ski Review Panel.

Additional constraints can include;

1. A restriction on the maximum number of times when waterskiing is permitted – suggested this is determined following an assessment of actual demand.
2. A restriction on the maximum number of permits which can be issued, generally or zone specific – suggest this is reviewed when data is gathered regarding pattern of use/ demand is assessed, although from the river data it is noted that the number of permits issued does not directly correlate to the level of use.
3. A Direction can be given to restrict the number of users skiing concurrently in a zone, on the grounds of congestion or safety – to be assessed following experience; Special directions can be used in the interim period if required by the Rangers.

4. Special Directions can be issued by Rangers to regulate navigation, and to restrict the speed of any vessel in the navigation area, and failure to comply with Directions is an offence under Broads Authority Act 2009.

Conclusion

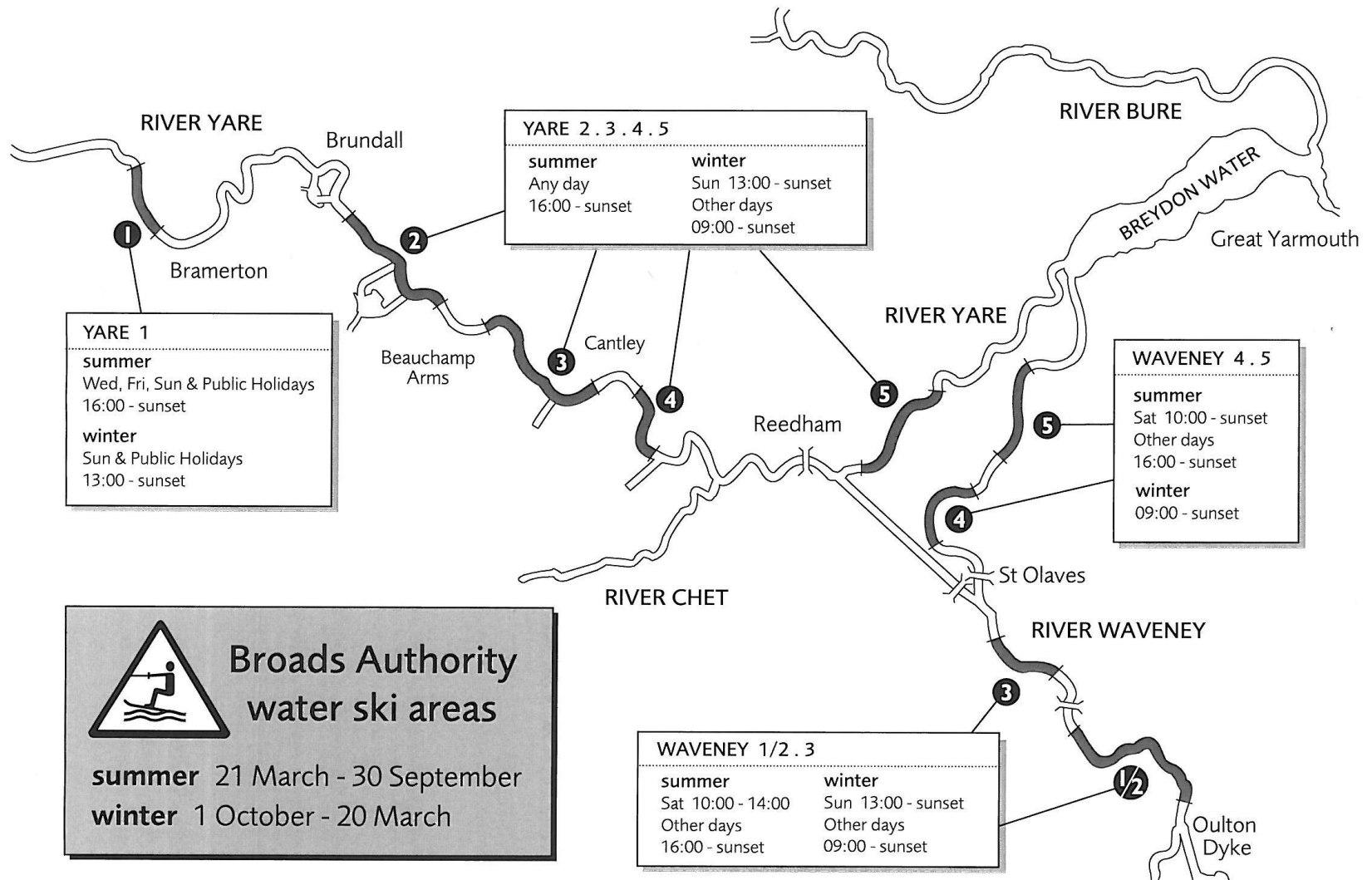
When this is compared with what restrictions were previously applied to water skiing on Breydon, this demonstrates that the Authority has been very careful and thorough in its precautionary approach to the likely affects of water skiing.

Also bearing in mind that water skiing was historically unrestricted on Breydon and when permit conditions were applied to the river systems there was not any increase in the numbers of skiers, rather the reverse. So from this it can be concluded that designating a ski zone on Breydon may see participant numbers fall rather than increase.

Given also that the RSPB local wardens have reported that bird numbers and species had significantly increased since the designations of the site SPA 1987, Ramsar 1996 etc and that these increases in bird population have occurred whilst the area has been used for recreation on the water in an unrestricted manner including waterskiing, which we now know has occurred during the summer months over many years, then this must demonstrate that recreation in general but specifically waterskiing is unlikely to have any significant effect on the features of the site. It is also noted that previously neither the RSPB nor NE have raised concerns that the features of the site may be being affected during this unregulated period.

After taking all of the above into account it is believed there are sufficient mitigation measures identified for the Authority to be comforted that they have taken all reasonable steps to ensure that there is no likely significant effect on the features of the site from waterskiing.

NB note this map relates to water ski zones/ times prior to 2013 season, now amended.





By email only

Norfolk Land
Management Team,
Dragonfly House,
2 Gilders Way,
Norwich,
NR3 1UB

Dear Steve

Application to permit water skiing: Breydon Water Special Protection Area and Site of Special Scientific Interest

Thank you for your email of the 25th March and the attached Habitat Regulations Assessment of the proposal to permit water skiing on Breydon Water SSSI/SPA. Note that this also constitutes a notice (under Section 28I of the Wildlife and Countryside Act 1981, as amended) to Natural England of the intention of the Broads Authority to permit water skiing on Breydon Water and therefore Natural England's role under the Act is to provide formal Advice on this proposal.

We note that the HRA concludes that the proposal constitutes a plan or project that is not directly connected with or necessary to the management of Breydon Water SPA but that is **not** likely to have a significant effect on the conservation objectives of the SPA.

Based on the information provided, Natural England **is not able to agree** with your conclusion. However, if certain conditions were attached (see below), we would potentially be able to advise that water skiing can be permitted with no likely significant effect on the integrity of the SPA. We would also be of the opinion that water skiing is unlikely to be damaging to the interest features of the SSSI.

Recommended Conditions

Use of the water ski zone should be capped at 78 'periods of use' from the 1st April up to and including the 31st October, with no more than 15 periods of use in any given calendar month. Each period of use should last up to but not more than 3 hours duration. The number of water skiers that can use the Zone during any given period of use does not need to be limited for conservation purposes.

Use of the Zone after the 31st October should not be capped but should be logged with Broads Control.

Natural England
Head Office
1 East Parade
Sheffield S1 2ET

www.naturalengland.org.uk

An explanation for recommending these conditions is provided in Appendix 1.

The above is formal Advice and although the Broads Authority is not required to implement this advice in granting permission for water skiing on Breydon Water, **'I draw your attention to your duty, under section 28G of the Wildlife and Countryside Act 1981, as inserted by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.'**

I also draw your attention to the provisions of section 28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then you must ensure that:

- **notification is given to Natural England of the permission and terms of the permission and a statement of how, if at all, you have taken account of Natural England's advice**

and

- **the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.'**

Appendix 1 – Explanation for recommending the proposed conditions

- The Broads Authority's understanding is that water skiing has taken place on Breydon Water for at least the last 40 years and certainly ever since it was designated as a SSSI in 1987. While water skiing is perceived to be a fast and noisy activity, likely to disturb and scare birds, bird numbers on Breydon Water have increased significantly since designation, suggesting that water skiing and boat traffic in general has not had a detrimental impact on the bird populations. However, this increase in bird numbers must be looked at within the context of the wider Broads area and certainly the vicinity of Halvergate and Berney Marshes, within which much effort has been made to provide habitat for both breeding and over-wintering birds. In addition, national and international changes in bird distribution may have also resulted in changes to the number of birds recorded on Breydon Water. It is therefore possible that bird numbers have increased in spite of disturbance from water skiing activity.
- While the impact of water skiing on bird populations on Breydon Water has never been specifically assessed, at the outset of the HRA process it was anecdotally reported that water skiing activity on Breydon Water has historically been infrequently and practiced by a small number of local water skiers. **Natural England's advice was therefore that, if the Broads Authority can demonstrate this, it should be able to determine no likely significant effect on the conservation objectives of the SPA,** on the basis that even an activity that causes disturbance can be determined to be not significant if it is infrequent and of short duration (e.g a digger slubbing out ditches on a marsh for a few days each year).
- In terms of water skiing activity in winter (November – March inclusive), the Broads Authority has clearly demonstrated that this is the case. However, with regards to summer activity, historic activity was found to be much higher than originally thought and although factors including tides and the weather are likely to practically limit the use of the water ski zone, there is still considerable uncertainty as to how much activity will take place in the proposed zone. This makes it difficult to determine no

likely significant effect and therefore the HRA should proceed to the appropriate assessment stage. **However, we suggest that, if further conditions were imposed on water skiing, we would agree with the determination that water skiing is not likely to have a significant effect on the conservation objectives of the SPA.**

Summer use (April – October inclusive)

- The reported recent historic use of Breydon Water during the summer months is quite high, particularly in comparison to the rest of the Broads; 213 uses by the 4 skiers interviewed, compared to 219 across the rest of The Broads as a whole in 2011. This equates to an average of 30 uses per month. The Broads Authority also states in the HRA that water skiers generally did not tend to ski at the same time, so this effectively equates to 30 disturbance events per month (occasions when water skiing could potentially disturb birds - although it is likely that there was some overlap of activity). Water skiing generally took place at weekends and on weekday evenings and each skier usually skied for between 2 and 3 hours
- **Based on the above information, Natural England would not be able to determine such a level of activity as having no likely significant effect on the conservation objectives of the SPA.** However, the Broads Authority suggests that the limits on the use of the Zone (no water skiing 0.5 hours before and 2 hours after predicted low water) and weather will reduce potential opportunities to use the Zone to 91 (evenings after 4pm and weekend days). However, there is a degree of uncertainty about this figure, particularly with regard to the reduced opportunities to ski due to bad weather (20% reduction is a some-what arbitrary figure). However, the Broads Authority goes on to report that, on average, water skiers in the existing water ski zones in The Broads each go water skiing 13 times a year. For the six skiers reported to use Breydon Water, that would equate to 78 uses. Such a useage would equate to less than 12 uses a month. **Given that each useage would last approximately 2-3 hours, Natural England would be able to determine such a level of activity as having no likely significant effect on the conservation objectives of the SPA.**
- Natural England therefore advises that, in addition to the control measures already proposed, the Broads Authority should limit the number of periods of use of the water ski zone over the summer months (1st April to 31st October) to 78, with no more than 15 periods of use in any given calendar month. Each period of use should last up to but not more than 3 hours duration. Please note that we do not believe that the number of water skiers using the zone at any one time needs to be limited for conservation reasons, so by agreeing/arranging to ski at the same time as others, individual water skiers could ski more than the average 13 times (indeed, in theory, all water skiers could continue to ski at their reported historic level of use).
- We are of the opinion that, while this proposed cap is a precautionary figure (which it needs to be, given the uncertainties about how birds react to water skiing on Breydon Water), it still facilitates a meaningful level of access for water skiers. As only a handful of water skiers regularly use Breydon Water and given that all water skiers would be members of the Eastern Rivers Ski Club, we would hope that water skiers would be able to work together to maximise their use of the water ski zone, while keeping disturbance events to an acceptable level. We also believe that, through the use of Broads Control and the its rangers, the Broads Authority has the ability to implement and enforce such a cap.

Please note that the impact of water skiing should still be monitored as proposed and that the cap on summer useage should be reviewed at the end of October 2013 (with the observations made during monitoring taken into account).

Winter use (November – March inclusive)

- Of the 4 water skiers interviewed, 1 water skier reported that they used to water ski between November and February inclusive and 2 water skiers stated that they used to water ski in March. Their combined activity amounted to 18 uses over the 5 coldest months of the year – an average of <4 uses a month. In addition, we understand from the Broads Authority that the skier who previously used to ski in the coldest months has now sold their equipment and so is unlikely to ski on Breydon Water in future. The Broads Authority also states in the HRA that water skiers tend to ski for shorter periods of time due to the colder temperatures.
- Natural England is of the opinion that there is sufficient evidence to reasonably expect a very low useage of the water ski zone during the winter months and that therefore, **we agree that the Broads Authority can reasonably conclude no likely significant effect of winter useage.** However, all use of the water ski zone during the winter should be logged with Broads Control and be subject to the other control measures proposed in the HRA.

If you would like to discuss our Advice in more detail, I would be happy to meet with you. May I also suggest though that the RSPB and Peter Allard also be invited to attend any such meeting so that they can also understand how we have come to our opinion on this matter.

Yours sincerely



Chris Bielby
SSSI Lead Adviser

Health and Safety
Report by Head of Safety Management

Summary: This report outlines the further development of the Safety Management System Issue 5 to include identification and review of land based hazards and presents the annual safety report and marine statistics.

Recommendations:

- (i) To adopt the integrated Safety Management System and continues to support the ongoing development of detailed supporting operational procedures.
- (ii) To note the priorities for action on internal health and safety for the coming year, which are to:
 - (a) continue to implement and monitor application of the Tree Safety Management Policy on all Broads Authority sites;
 - (b) continue to promote the safety observations system to help to influence a positive change in culture and to capture near miss events; and
 - (c) carry out five internal audits of key processes to audit control measures.
 - (d) To note the Annual Marine Incident Statistics.

1 Introduction

- 1.1 This report covers three health and safety matters: the development of an integrated safety management system, the annual safety report and marine statistics.

2 Development of the Integrated Safety Management System (SMS)

- 2.1 The Port Marine Safety Code (PMSC) was published in March 2000 by DETR Ports Division. It aims to establish an agreed national standard for port marine safety and a measure by which authorities can be held accountable for their legal powers and duties to run their harbours safely.
- 2.2 The Broads Authority as duty holder for the Broads has developed a Safety Management System (SMS) as a clear commitment to the standard of safety required within the Broads to comply with the PMSC.
- 2.3 The Safety Management System Document has been developed with significant input from persons working on and around the Broads as well as users of the Broads and is supported by a series of risk assessments.

- 2.4 It has been the aspiration of the Authority to use the principles of the PMSC system to develop a safety management system relating to land based activities. This update of the Safety Management System encompasses the management of land based hazards in the form of an integrated hazard log.
- 2.5 The PMSC states that each harbour authority must appoint an individual as the Designated Person (DP) to provide independent assurance directly to the duty holder (the Authority). The main responsibility is to determine, through assessment and audit, the effectiveness of the SMS in ensuring compliance with the Code.
- 2.6 The Authority has previously appointed the Head of Safety Management to act as the “Designated Person” as defined by the Port Marine Safety Code. Whilst this is not formally required for land based activities, it is proposed that the same process be adopted in this regard to give members assurance that equal weight is attached to these potential risks.
- 2.7 The Safety Management System has been updated and is ready for formal issue. Following consultation with the Local Access Forum this update includes arrangements for the management of land based activities. The key areas of the update include the following:
- Progress made against Broads Plan Objectives (SMS section 2.6)
 - Complete replacement of the section relating to Hazards following the recent Hazard Reviews (SMS Annex M)
 - Updated section on Proactive monitoring. (SMS section 12.2)
 - Updated recommendations from the external audit (SMS Section 13)

The full update to the existing manual is at Appendix 1.

- 2.8 The Safety Management System will be subject to annual updates following the Hazard review, it is envisaged that these updates will be issued in the spring of each year. The Navigation Committee was consulted on the revision at its meeting on the 23 April 2015 the Committee supported the development and amendments as proposed.

3 Health and Safety Annual Report

- 3.1 Health and safety has always been a high priority for the Broads Authority because of the environment in which it operates. Over the last ten years the safety of visitors has been the focus for heightened activity with the Broads Authority Act and the Port Marine Safety Code providing a framework for action. Similarly the health of staff has been a high priority and this is due to the environment employees work in and the use of heavy and potentially dangerous equipment. The first annual report was presented to the Authority in May 2012. Appendix 2 contains the report for the period 2014/15.
- 3.2 The Authority continues to demonstrate a good safety record and incident and accident rates are consistent with previous years. The benchmarking information highlights the need for continued improvement. The incident trend

demonstrates that the Authority has reduced the number of Riddor reports to below the industry average of three per annum. It is recognised that continued resource and commitment at all levels will be required to improve the overall safety performance and culture in future years, particularly in areas of housekeeping, supervision and employee hazard awareness.

- 3.3 This approach combined with a proactive programme of promoting employee wellbeing demonstrates the Authority's commitment to maintaining a long term positive health and safety culture.

4 Annual Marine Incident Statistics

- 4.1 Appendix 3 provides details of the marine incidents reported during 2014/15 from April 2014 to March 2015, including an analysis of deaths and personal injury since 1993. When consideration is given to the large number of visitors to the Broads, the statistics demonstrate that the Broads continues to be a safe place for boating and boating related activities.

- 4.2 The Broads Authority has sought to continue to highlight the message of personal responsibility for safety in its publications and has encouraged boaters to take a more proactive role by becoming better-informed and wearing lifejackets. Reports from officers have indicated that again this year has seen a noticeable increase in the number of boaters seen wearing lifejackets particularly on hire boats.

- 4.3 Notable issues are:

- Boat fires continue to remain at a low level demonstrated in previous years. All boats involved in fires held current Boat Safety Scheme Certificates
- The fire boating related statistics suggest that when viewed over several years, the statistics continue to demonstrate a fairly static position
- It should be noted that there were two fatalities relating to incidents from boat use, one from a hire boat and one from a private residential boat
- The majority of incidents where hospital treatment was required continue to be attributed to embarkation and disembarkation with a slight decrease in numbers in comparison with the previous year
- Incident reports can be submitted on-line via an electronic form which can be found on the Broads Authority website

- 4.4 In terms of next steps it remains important for all agencies and organisations to continue to raise awareness of this hazard. In an effort to encourage more people to wear lifejackets or buoyancy aids the Authority and its partners, Broads Hire Boat Federation, Norfolk and Suffolk Boating Association and the booking agents Blakes and Hoseasons are to continue to support and promote the "Wear It" safety message.

Background papers:	Broads Authority, Port Marine Safety Code, Safety Management System, Version 4.0 dated 2014 Previous annual reports
Author:	Steve Birtles
Date of report:	7 March 2015
Broads Plan Objectives:	NA4
Appendices:	APPENDIX 1 – Broads Authority Port Marine Safety Code – Safety Management System http://www.broads-authority.gov.uk/broads-authority/committees/broads-authority/broads-authority-15-may-2015 APPENDIX 2 – Annual Health and Safety Report 2014 APPENDIX 3 – Annual Marine Incident Statistics

APPENDIX 2**Annual Health and Safety Report 2014**

1. The Authority's commitment to employee Health and Safety and the arrangements for management and delivery are set out in the Health and Safety Policy which is published on the Authority's Intranet and communicated to all staff. Supporting policies have been developed to set out arrangements for the management of specific hazards. All hazards that are encountered by the employees are risk assessed and a series of generic risk assessments have been developed. Task specific risk assessments are completed for all work sites. This system is well developed and in regular use by employees.

2 This Year's Training

- 2.1 The Authority has continued to deliver health and safety training using both internal and external resources. Training activity over the 2014/15 period included:

Risk Assessment	Asbestos awareness
Tree Safety Management	First Aid
First Aid	Standby Training
Chainsaw refresher	Fire Awareness
Manual Handling	DSE assessment
Brush Cutter / Trimmers refresher	Life Jacket servicing
Boat Handling	VHF Radio
Construction Skills Certification	Towing and Pushing
Hazardous Boat Inspections	Large vessel handling
Launch Handling	Fire Extinguisher training

3 Development of the Authority's Tree Safety Management Policy

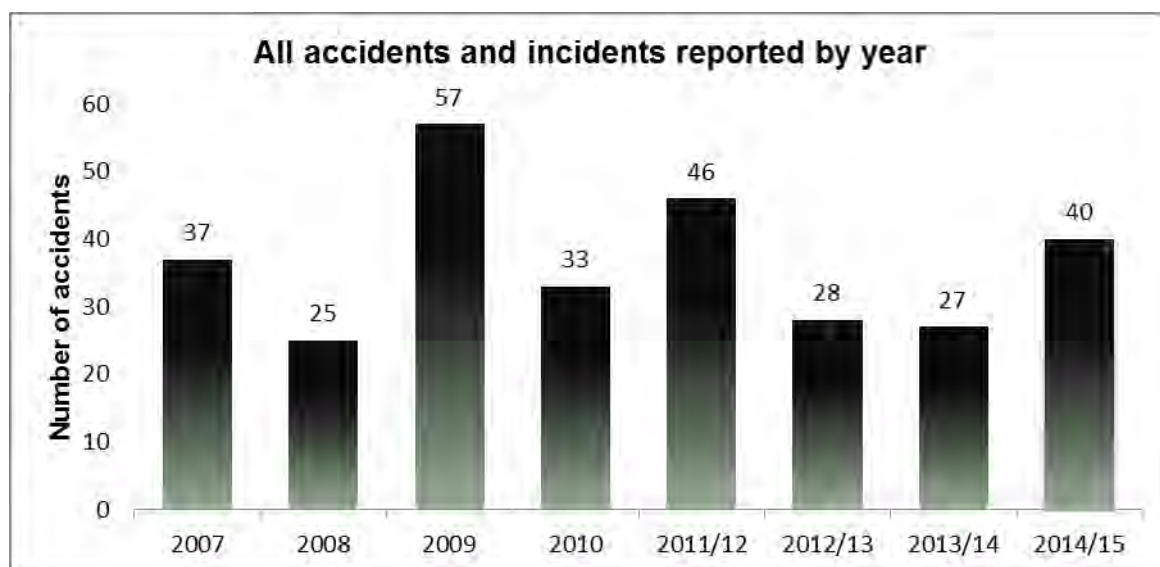
- 3.1 The main activity over the last year has been the implementation of the Authority's Tree Safety Management policy which was published in Jan 2014.

The policy aims to set out procedures and rationale for the management of the Authority's tree stock which is consistent with national guidance. Whilst the policy sets out management options all of these allow for the consideration of conservation needs of habitat for species and the greater benefit trees bring to society as a whole.

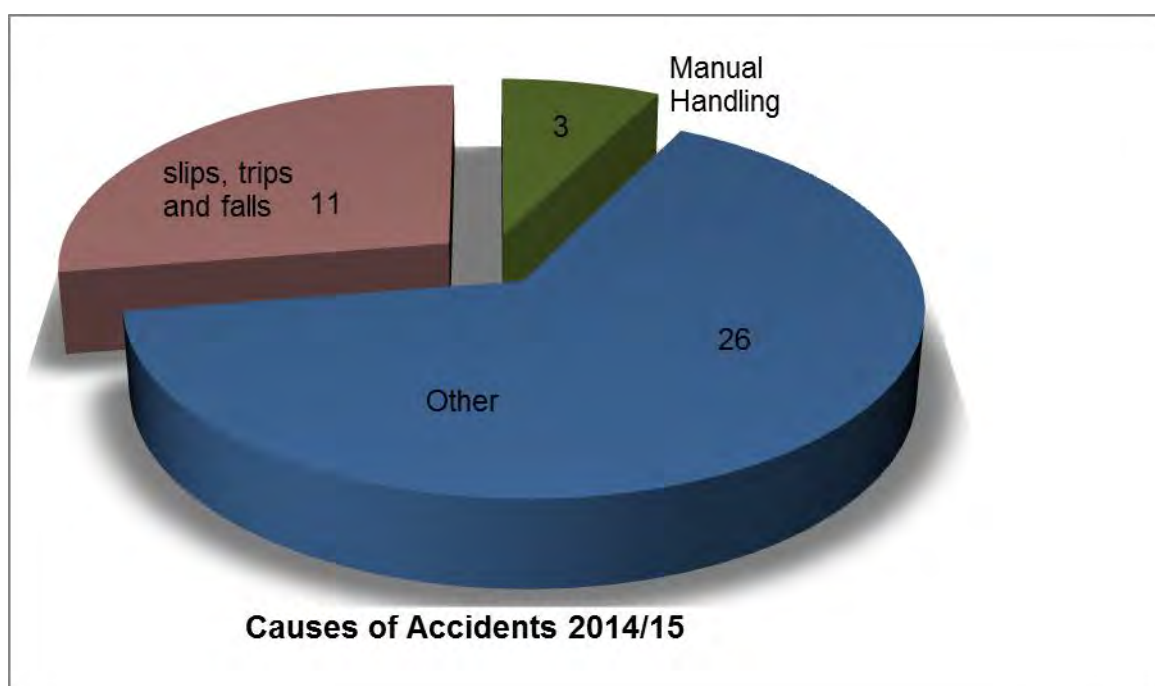
- 3.2 The policy sets out inspection methods and frequency based on risk posed to people and assets. The policy is consistent with guidance issued by the National Tree Safety Group and the Health and Safety Executive. During 2014 the tree stock on land managed by the Authority has been classified in accordance with the policy and audits will be carried out to ensure implementation is consistent.

4 Accident Information

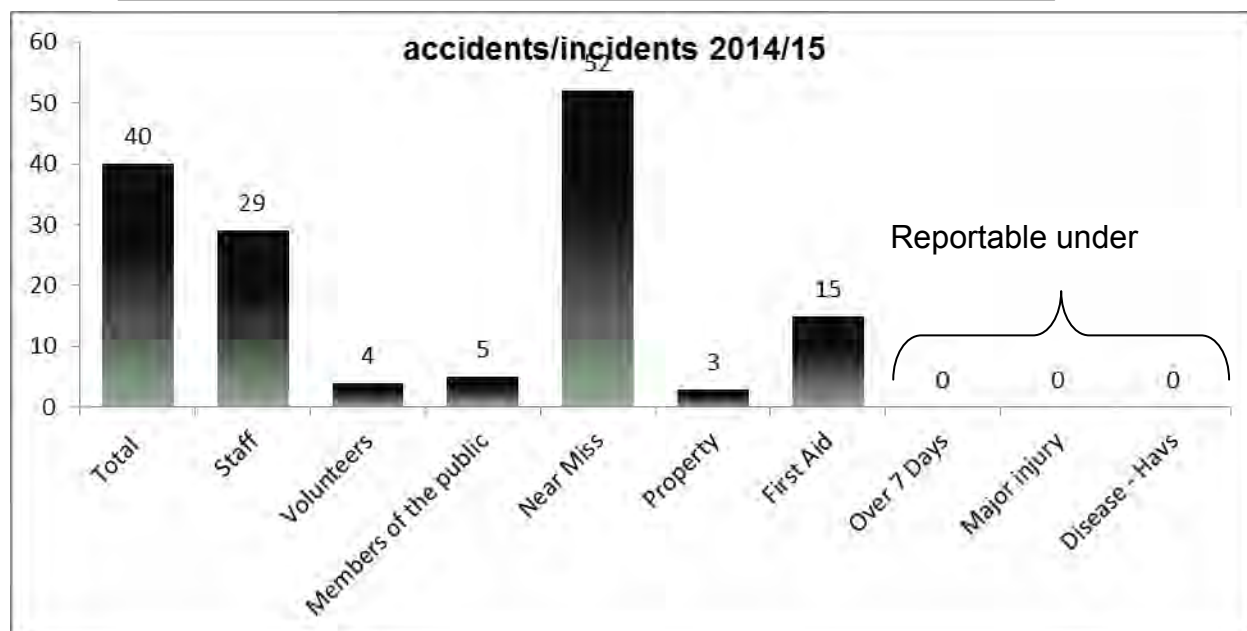
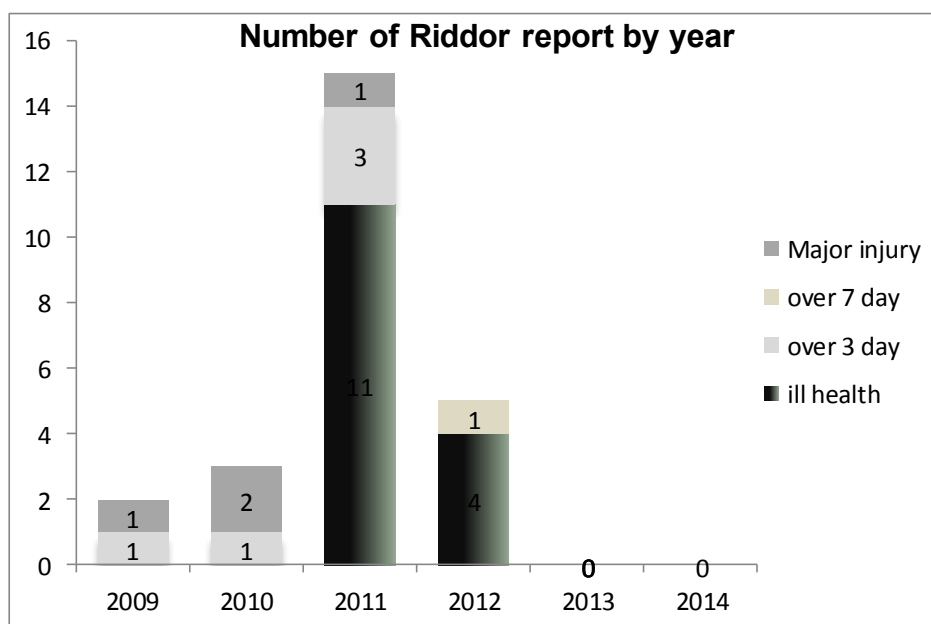
- 4.1 The following graph shows the number of accidents reported over the last eight years a total of 293 with an average of about 36 per annum. The total figures have increased this year mainly due to greater encouragement to report all accidents and incidents. Additionally the total for 2014 includes damage to property, not previously included in the accident figures, and incidents involving the general public.



- 4.2 The following pie chart shows the nature of the accidents which are very much in line with experience of previous years in the terms of cause and their incidence. The fall in manual handling incidents should be welcomed.



- 4.3 The next graph breaks down the figure of 40 reported incidents for the period from 1 April 2013 to 31 March 2014 based on the definitions contained in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) which represents those incidents that are notified to the Health and Safety Executive (HSE) 2014/15 incidents were below the long-term average.



- 4.4 The reporting regulation changed in 2012 and employers are no longer required to notify the HSE of work related absence over 3 days, this has now been change to 7 days absence before there is a reporting requirement.

- 4.5 During the reporting period the Authority had no prosecutions, prohibition notices or improvement notices.

5 Accident Incidence Rate (AIR)

- 5.1 The AIR indicator measures accident statistics, and is a calculation that the Health and Safety Executive and most organisations use to measure their accident rate. By providing this figure the Authority can benchmark itself against organisations which encounter similar hazards in their operations.
- 5.2 The sector selected for comparison is “Specialised Construction” which demonstrates a similar hazard profile to that encountered by the Authority in its operations. The reference sectors three year average AIR score of 1,240 would equate to three RIDDOR reportable accidents per annum which is largely in line with previous years.
- 5.3 It should be noted that the AIR rate should be taken as a general indication only as the variation of the number of employees and volunteers can have a significant effect on the score. Therefore it is important that accurate figures are obtained in the future if this data is to be used for comparison going forward.

6 Near Miss and Safety Observations

- 6.1 There have been 66 safety observations made by staff over the reporting period. Of the 66 in total 13 were examples of good practice, 52 were near misses, where follow up action was required to prevent the situation developing into an accident. 4 were minor injuries.
- 6.2 It is the intention to continue to promote the safety observations as they form the basis of near miss reporting which in turn will begin to drive down the accident figures as corrective and preventative measures are implemented.

7 Health and Safety Committee

- 7.1 During 2013/14 the Safety Committee has worked on a range of issues notably the revision of all generic risk assessments, a health and safety attitude survey which resulted in a number of specific actions, the development of the Display Screen Equipment policy.
- 7.2 The Safety Committee have also reviewed the outcome of the health and safety attitude survey which has seen a further positive shift in attitude. Whilst it is recognised that changes in culture can take a significant amount of time the early indications are showing a workforce which is more engaged and involved in this area.
- 7.3 A positive health and safety culture is something the Authority strives for and the results of the survey show that significant progress is being made towards a continuously improving safety culture.

- 7.4 Follow the Committee's recent meeting in which the annual accident statistics were reviewed, it was recommended that work for the forthcoming year should be focussed on the following areas:

- To continue to implement and monitor the Tree Safety Management policy
- Continued promotion of safety observations system to help to influence a positive change in culture and to capture near miss events
- Carry out five internal audits of key processes to audit control measures.

8 Proactive measures

- 8.1 The Authority through its Employee Assistance Programme provides advice and support to its employees delivered by an independent provider "Insight". The programme includes the following features:

- Unlimited access to Insight Wellbeing at Work's 24 hour telephone counselling helpline
- Support and signposting to appropriate services and sources of information
- Legal and financial helpline
- Management advisory service
- Access to Employee Wellbeing Portal
- Support calls

- 8.2 The employee assistance programme was used on 8 occasions during the 2014/15 reporting period. The support further breaks down in the following areas:

Ad-hoc Counselling Support from Helpline	2
Legal / Financial Advice	1
Face to Face Counsellor Referral	3
Telephone Counsellor Referral	2

- 8.3 The Authority also provides health surveillance via its occupational health providers of those staff who may be affected by exposure to certain hazards such as vibration or noise. Additionally occupational health professionals are employed to provide guidance where additional measures are required for the management of specific issues. During the 2014/15 reporting period 13 referrals were made comprising of one workstation assessment, two ill health retirement assessments, two ill health retirement reviews and 9 ill health reviews.
- 8.4 At the recent staff development day where all staff attend a briefing on the work of the Authority a presentation was given alerting staff to factors that may have both positive and negative effects on their wellbeing. This added to the Authority's healthy workforce programme of education and monitoring.

APPENDIX 3**Annual Marine Incident Statistics**

The reporting period is from 1 April 2014 to end March 2015. The report is limited to the Broads Authority's area of marine responsibility. Notable incidents are listed below.

Summary of Incidents Reported

2014	Incident Details	Hazard Log Category
1/4	Body of female recovered near Trowse Eye. Believed to have been in water some time.	Non boat related Fatality
1/4	Emergency services were called to reports of a woman in the water near Carrow Road at 3.35pm.	Fallen in
16/4	While attempting to moor a male crew member fell from the aft deck. Was safely recovered	Embarkation / disembarkation
20/4	9 yr girl pedestrian fell in and mother jumped in after her. Assisted out by passers by.	Fallen in
9/5	Male fell in while attempting to embark. Assisted by several police officers.	Embarkation / disembarkation
17/5	Woman fallen in from day boat attempting to moor.	Embarkation / disembarkation
18/5	Drunk male jumps in to swim river "for charity". Cannot swim well and shocked by cold. Assisted out by quay attendant.	Swimming
30/5	While mooring vessel hit quay causing male crew member to fall in. A second crew member jumped in to assist and both had to be rescued by quay staff.	Inexperienced helm
31/5	Collision between trip boat and a sailing dinghy.	Collision with commercial vessel
14/6	Whilst trying to moor hit another vessel causing male to fall in. Rescued by area Ranger using launch ladder.	Inexperienced helm
14/6	A half decker sank in the middle of the river. Three crew members swam ashore.	Inexperienced helm
15/6	Woman jumped ashore while mooring and broke ankle. Taken to hospital.	Embarkation / disembarkation
22/6	Vessel collided with the stationary	Collision with

	chain ferry whilst attempting to moor at Reedham. A crew member injured her arm when it became trapped between the vessels. The casualty was taken to James Paget Hospital in Great Yarmouth for treatment	commercial vessel
28/6	Coastguard callout to boat fire at Wroxham turned out to be smoke from a slipping fan belt.	Fire
3/7	Quay attendant responded to call to a woman in the water by Bishops Bridge where emergency services were already in attendance.	Fallen in
9/7	Woman and young son and daughter on day boat. Daughter fell in from side of boat and mother jumped in to rescue her. Got child back onto boat but unable to get back on herself. Assisted by passing boats.	Fallen in
11/7	Male returning from night club at approx. midnight. Body recovered from water following day	Fatality
14/7	Hire cruiser hits canopy and top of stern cabin passing under Vauxhall bridge at wrong tidal state.	Collision with low bridge
19/7	Hire cruiser crashes into and rides up bank, causing vessel to sink.	Inexperienced helm
26/7	On board petrol fuel fire extinguished by owner using on-board appliance.	Fire
3/8	Sailing cruiser capsizes. 6 crew swim to shore	Capsize
5/8	Woman suffers suspected spinal injury stepping ashore off high bow wearing long dress and flip flops. Recovered to hospital.	Embarkation / disembarkation
9/8	Hire cruiser stuck under Vauxhall bridge.	Collision with low bridge
10/8	Moored vessel set alight and burnt out by arsonists unknown.	Fire
14/8	Hire cruiser hits moored boat, causing owner to fall overboard.	Inexperienced helm
16/8	Child walking decks of day boat fallen in. Male jumped in to rescue her, but got into difficulties himself. Female jumped in and assisted both. Nearby private boater rescued all three using dinghy. Male taken to hospital by air ambulance.	Fallen in
20/8	Male suffers facial scalding when	Injury

	removing cap from hot header tank.	
25/8	Coming in to moor single handed male fell in grasping bow warp. Boat still in gear and dragging casualty into middle of river. Rescued by third party.	Inexperienced helm
27/8	While mooring an elderly lady fell and broke her arm. Removed to hospital	Embarkation / disembarkation
3/9	Body of angler found in Oulton Broad having been reported missing by his wife.	Non- Boat related Fatality
5/9	Attempting to moor at Goodchilds a male fell in. Got himself out.	Embarkation / disembarkation
17/9	Moored cruiser hit by passing Environment Agency barge.	Collision with commercial vessel
23/9	Erratically helmed cruiser hit by works barge.	Inexperienced helm
24/9	Hire cruiser hits Reedham Ferry chains and rips out rudder and props.	Collision with commercial vessel
25/10	Hire cruiser reverses into passenger boat in Wroxham	Collision with commercial vessel
29/10	Hirer stepped off the vessel to adjust the bow line, slipped on the wet capping and fell head first into the river, the life jacket inflated successfully and he was soon assisted from the water. Although cold and wet no injuries were sustained.	Embarkation / disembarkation
30/11	A child who was feeding ducks, at the grass area adjacent to Mutford Lock fall into the river, at the mouth of the Lock entrance. Pulled out by an accompanying adult.	Fallen in
2/12	Coastguard reports that a body of an unidentified elderly woman found on the flats of Breydon Water.	Non boat related Fatality
14/12	Residential boat destroyed by fire at Stalham. No casualties.	Fire
16/12	Residential boat owner found drowned alongside his vessel at Bramerton.	Fatality
27/1	Search for and subsequent recovery of a male body in the Beccles area.	Non boat related Fatality
26/1	Woman walks off quay at Swan Inn, Horning. Air ambulance crew revived her and recovered her to hospital where she died a few days later.	Non- boat related Fatality
23/2	Private cruiser attempting passage	Strike low bridge

	under low bridge at Great Yarmouth becomes trapped by bridge on rising tide. Vessel dragged out without casualties.	
12/3	Hire cruiser attempting passage under low bridge at Great Yarmouth becomes trapped by bridge on rising tide. Vessel dragged out without casualties.	Strike low bridge

TABLE 1 Analysis of Death/Injuries Since 1993

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Death																						
No of deaths on or from boats	2	2	3	1	1	3	2	1	3	2	6	0	0	2	0	0	0	2	4	2	0	2
Reported deaths not related to boating	1	3	4	-	2	1	4	4	2	3	1	0	7	2	1	1	3	3	3	8	2	5
Cause of death																						
Severe injury	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Heart Attack	0	2	0	0	0	0	1	1	0	1	0	0	0	1	0	1	2	2	1	5	0	1
Drowning	0	1	2	1	0	4	5	1	3	3	5	0	4	3	0	0	0	1	3	2	0	5
Asphyxiation/CO poisoning	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terminal Illness																			1	0	0	0
Not Known	0	2	4	0	2	0	0	1	0	0	2	0	3	0	1	0	1	2	2	0	2	1
Reports of people inadvertently entering in the water See footnote.	0	0	3	2	4	8	2	5	1	4	15	16	12	23	29	17	34	20	17	18	12	22
No of persons reported as requiring hospital treatment	0	0	0	9	8	7	9	8	7	7	18	2	4	13	12	11	22	30	17	15	19	14
Nature of injuries																						
Head	0	0	2	0	4	1	3	2	1	1	1	1	3	1	1	5	3	3	1	3	3	0
Arm/hand	0	0	2	1	6	0	0	1	3	1	1	1	0	1	6	4	1	4	4	2	4	1
Leg/foot	0	0	3	5	4	2	4	1	2	2	2	2	1	3	7	5	7	8	3	6	4	3
Torso, ribs, chest, back	0	0	1	0	2	0	1	4	1	1	2	0	1	4	3	0	2	4	2		2	2
Not described	0	0	1	1	0	0	0	0	0	0	10	2	1	4	0	0	8	10	2	2	5	2
Asphyxiated/CO poisoning	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		0	2
Burns/Scalds	0	0	0	1	1	4	1	1	0	2	1	0	0	1	1	0	1	2	1		1	2
Heart attack																			3	5	1	2

Footnote: Reports where someone inadvertently found themselves in the water. It does not include capsizes of sailing dinghies etc, or from any other contact water sports where entry into the water is predictable.

TABLE 2Analysis of Fire and Explosions Since 1993

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Number of incidents	2	4	7	2	5	4	6	3	4	2	2	0	2	22	8	4	4	3	3	1	1	3
Vessels involved (Private)	2	3	5	1	3	4	3	2	2	2	1	0	1	18	10	4	2	2	2	1	1	3
Vessels involved (Hire)	0	0	3	1	2	0	3	1	2	0	1	0	1	4	1	0	2	1	1	0	0	0
Prime cause LPG	0	0	2	0	0	2	0	1	1	0	2	0	0	0	1	0	0	1	0	0	1	0
Prime cause Petrol	0	2	2	0	1	1	1	0	0	1	0	0	0	1	2	0	0	0	2	1	0	1
Prime cause Electrical	1	0	0	0	2	0	0	1	1	1	0	0	1	0	1	2	2	1	1	0	0	0
Prime cause Other	1	1	3	2	2	1	5	1	2	0	0	0	1	21	4	2	2	1	0	0	0	2
No of vessels total loss	0	1	3	1	2	0	1	2	2	2	0	0	0	20	6	2	1	0	2	1	0	2
No of injuries from fires requiring hospital treatment	0	1	2	0	1	3	1	0	0	2	2	0	0	1	1	0	0	2	1	0	1	0
No of fatalities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Supporting and Developing the Role of Members
Report by Chief Executive

Summary: The report builds on the feedback from Members in their Annual Development Interviews and the Stakeholder Survey results concerning engagement with local people.

Recommendation:

Members are asked to consider whether the four ambitions accurately reflect the feedback from the Development Interviews and the Stakeholder Surveys.

It is recommended that:

- (i) Broads Authority Members are allocated to four Parish Forum Teams and asked to participate in the development of the programme for 2015;
- (ii) a Chairs' Group in line with the description in paragraph 8 be established;
- (iii) a report, in line with the suggestions in paragraph 5, on Lead Members and the Appointment of Members to Outside Bodies is brought to the next meeting of the Authority, the Annual Meeting, when these appointments are normally made; and
- (iv) the constitution, including membership, period of office, and selection of members for the Broads Local Access Forum (BLAF) be reviewed with the current members of the BLAF.

1 Introduction

1.1 The results of the four Stakeholder Surveys and the feedback from Members in their Development Interviews have provided valuable suggestions on areas where the Authority could improve its performance and engagement with the public. The new Chair of the Authority has taken the opportunity to talk to both Members and key representatives of local organisations and a number of suggestions to support and enhance the role of Members have been made which are summarised in this report. The ambition is to:

- (i) increase the quality of the Authority's communication with local residents, parish councils, local businesses and other stakeholders through a more active ambassadorial role for all Members of the Authority;

- (ii) enable Members to gain a deeper collective understanding and engagement in the key issues for the Broads and the work of the Authority;
- (iii) consider how the important work of the Local Access Forum can be brought more into the mainstream of the Broads Authority's discussion and debate; and to
- (iv) re-assess the areas of responsibility for Lead Members so that they match issues of strategic relevance to the Authority.

2 The Way We Do Business

2.1 There is awareness and agreement that while the formal meetings of the Authority are essential for decision making they are not necessarily the most appropriate vehicles for building common understanding and trust on complicated issues. The recent workshops on moorings and the Lake Review research involving Broads Authority Members and officers, experts in the field and representatives from key stakeholder organisations have been very well received and developed a common platform on which difficult and complex decisions can be made. The feedback from the Member Development Interviews is that they would like more of this approach and it is proposed to develop a programme linked in part, though not exclusively, to the key issues for the Broads Plan Review.

3.1 Parish Forums

3.1.1 Parish Forums have been a great success in the Authority's ambition to increase its engagement with local people. The opportunity for individuals to discuss with Members and officers issues of the day has been welcomed and in general the events have been well attended.

3.1.2 There was, however, uncertainty amongst Members about whose responsibility the Parish Forums were, and who was expected to attend. Consequently, Member engagement and attendance at the Parish Forums held in 2014 was perhaps less than was hoped. It is therefore proposed that Members should be allocated to a geographical patch relating to one of the Parish Forums. Members could then take ownership of the Forum arrangements – contributing to suggestions for dates and venue, planning the agenda and would be expected to attend the meetings. Members would be invited to choose which Parish Forum they would like to be attached to. Members may wish to note that the geographical spread of the Parish Forums is based on the Ranger areas. The benefit of such an approach would be to develop the ambassadorial role so that Members become better known to sections of the Broads' Communities. In addition, it would strengthen relations between Members as they work together in the context of their shared group of parishes.

4 Parish Council Briefings

4.1 The Authority has previously organised briefings for Parish Councils with a particular focus on planning matters. These have been well attended and

appreciated. It is proposed that at least once a year all parish councils in the Broads area should be invited to a briefing at Yare House to cover all aspects of the Authority's activities, meeting Members and officers.

5 Lead Members and Representation on Outside Bodies

- 5.1 The role of Lead Members was set out in the March 2015 report and is reproduced in Appendix 1. Lead Member subjects were allocated in 2010 and the substantive topic areas reflect concerns at the time. Some are still very relevant but many others may no longer be so. With the retirement of some Lead Members it is appropriate to review the arrangements. One suggestion is that Lead Member roles could be allocated in line with the key areas for the Broads Plan Review and the Strategic Priorities matching them with Members' interests and skills.
- 5.2 The representation of the Authority on other bodies by Members is another area where the Authority could think more strategically about the organisations it needs to influence, and where officers would appreciate more active support. Authority Members have a wide range of skills and expertise that could be particularly helpful in building external relationships and contributing to more effective partnership working. More thought could be given to the mechanisms by which Members are chosen to represent the Authority on outside bodies and how their work is fed-back into the work of the Authority.

6 Induction of Members

- 6.1 The induction of new Members of the Navigation Committee appears to have gone well with 1:1 briefings with the Chief Executive and a site visit with the rest of the Committee, combined with a round table discussion with members and officers. It is proposed that in future the induction of new Members should have a strong focus on site visits, workshops and briefings on key issues. The suggestion that Broads Authority Members be allocated to a Parish Patch will automatically 'buddy' new Members with existing Broads Authority colleagues, though the offer of an identified Member mentor may also be helpful.
- 6.2 It is planned to continue with the Annual Site Visit, which is an important mechanism for briefing Members on current issues. This year a focus on the Lower Yare in July is being proposed which could highlight the Landscape Partnership bid and other work in the area.

7 Member Development Interviews

- 7.1 Most Members of the Authority have embraced and welcomed the annual opportunity for a discussion with the Chair of the Authority on the level and quality of their engagement and involvement over the previous year. It is suggested that it would be good practice to extend the practice of the Annual Member Development Reviews to the Co-opted Members of the Navigation Committee, including seeking ideas for workshops and identifying training needs.

8 Establishment of a Chairs Group

- 8.1 Determining the agenda for Broads Authority meetings has largely been a matter for the Chairman of the Authority and the Management Team. It is suggested that a wider group of Members could be involved in this process. It is therefore proposed that a Chairs Group be established, not only to consider the agenda for the forthcoming meeting but also to ensure greater join-up between Members and officers. It would meet in-between Broads Authority meetings and, while it would have no decision-making powers, a formal note of its meeting would be made available to Members and the general public and this would provide greater understanding of both forthcoming agenda items and progress on key projects. It is proposed that the Chairs Group would consist of five members and five officers:

Chairman and Vice Chairman of the Authority
 Chairman of the Planning Committee (or V-C as substitute)
 Chairman of the Finance Scrutiny and Audit Committee (or V-C as substitute)
 Chairman of the Navigation Committee (or V-C as substitute)
 The Authority's Management Team
 (Chief Executive, Solicitor and Monitoring Officer, Director of Planning and Resources, Director of Operations and Head of Finance) or substitutes

9 Local Access Forum

- 9.1 As with the Navigation Committee, the Local Access Forum is a Statutory Committee of the Authority and yet, because of the structure of the Authority, its formal links with the Authority are more tenuous. The Stakeholder Survey results highlighted the importance of land based activity – walking, bird watching etc. and it is suggested that the Forum deserves greater prominence than it is currently given.
- 9.2 It is therefore proposed that, working with the current members of the Forum, a review of its constitution, including membership, period of office, selection of members, etc ought to be undertaken. For example, in parallel with the Navigation Committee, should there be more than one Broads Authority Member on the Forum to make a stronger link between the two bodies? If the principle of a review is agreed, then it is suggested that for the time being the current membership of the Forum should stand until this work is completed and the Authority is clear how the status, role and constitution of the Forum can be improved.

Background papers: None

Author: John Packman
 Date of report: 24 April 2015

Broads Plan Objectives: None
 Appendices: APPENDIX 1 – Role of Lead Members

Role of Lead Members

- To develop and maintain an interest in specific area(s) of the Authority's work or policy;
- To liaise with appropriate staff on the Authority's approach to the issue, and particularly when a policy is being developed;
- To support staff where necessary in meetings with external bodies;
- To attend briefings and/or training on the issue as required;
- To be prepared to inform other Members on key aspects of the issue, and speak on the topic in Authority and other meetings;
- To assist Communications staff, as required, in preparing significant media releases in the Lead Member's subject area; and
- To be available to offer strategic advice on the issue to staff as and when requested.

It should be noted that Lead Members are not responsible for making decisions; ultimately that rests with the Broads Authority as a whole. Decisions on strategy and policy are made by the Authority and operational matters are delegated to officers.

**Annual Report on Requests to Waive Standing Orders
Relating to Contracts**

Report by Head of Finance

Summary: This report provides Members with the annual summary of instances where Contract Standing Orders have been waived by the Chief Executive during 2014/15.

Recommendations:

- (i) To note the annual report of instances where Standing Orders have been waived.
- (ii) To support the action taken by Chief Executive in respect of the waiver of Standing Orders for the purchase of unifloats and spudlegs and, support the suggestion that the Financial Scrutiny and Audit Committee consider an appropriate upper limit for the delegation on such waivers.

1 Introduction

- 1.1 The Authority's Standing Orders relating to Contracts provide for the Chief Executive to authorise a waiver of Standing Orders by certifying that there is an extreme urgency, only one supplier or in certain other circumstances. They also require that all waivers authorised under delegated powers must be reported to the Authority.
- 1.2 It has been agreed that any waivers will be reported on an annual basis, after the end of each financial year.

2 Waivers Authorised During 2014/15

- 2.1 Six separate waivers to Standing Orders were authorised by the Chief Executive during the 2014/15 financial year. These are summarised in the table below. All costs are exclusive of VAT.

Ref	Details of Contract	Supplier	Amount (£)
A	To outsource the payroll services to a new provider	Norfolk County Council	18,000 over the 3 year contract
B	To undertake emergency diving works at Mutford lock	Underwater Surveys Ltd	6,832.40
C	To resurface the road at the Dockyard between the Riverside and the workshop	Carben Construction	13,774.80

D	To undertake the Stakeholder survey	Insight Track	47,355
E	To procure handheld radar guns	Truvelo (UK) Ltd	11,716
F	To undertake the cleaning arrangements at Whitlingham barn to include the new toilet block.	Churchill Catering	6,770 with the costs to be split 2 ways between WCT and BA

2.2 Further details of the individual contracts and the reasons for waiving Standing Orders are set out below:

A Competitive quotations sought, lowest price not selected. Four quotations for this contract were received, two from private sector and two from public sector providers. The lowest cost provider was a private sector provider who did not have Local Authority Payroll experience. Norfolk County Council was the second cheapest and was able to offer synergies through their closer link with Norfolk Pension Fund, savings on salary sacrifice schemes and access to wider HR/Payroll consultancy services.

B Expected cost below £5,000. When works initially started it was expected that the costs would be below the £5,000 threshold. However once the diving work commenced significant amounts of debris and sediment required removal. It was essential these works were undertaken prior to the installation of the new hydraulic system. There was not sufficient time to delay the works. Similar day rates were compared with another diving company and a previously used company was unavailable.

C Competitive quotes sought, only one obtained. Works were required to enable vessels to be lifted from the river to the workshop. Due to the small scale size of the project most groundwork companies declined to quote due to other large scale projects within the region and site restrictions.

D Competitive tenders not sought. Previously reported to Members for decision (BA Item 13, 11 July 2014). When the original project was scoped it was anticipated that private boat owners should be surveyed to assess their attitudes, opinions and behaviours. As part of this process four proposals were received and assessed and Insight Track scored the highest. After considerations of the steering group and Navigation Committee it was considered that a combined survey assessing a wider range of stakeholders would assist the Authority's understanding of these groups. By using one company this would provide efficiencies and cost savings to the whole project.

E **Sole supplier.** Radar guns are a specialist piece of equipment which are essential for prosecution and enforcement. The previous radar guns were over 29 years old and had become difficult to obtain spares. The Kustom Falcon RR Hand Held Radar Guns are only available from 1 UK supplier. Leasing the equipment was explored however this was not deemed value for money.

F **Competitive quotes not sought.** When the original cleaning contract was scoped it did not include the new toilet facilities at the Country Park. Three quotes were obtained and the cheapest selected. Once the toilet block had been installed it was considered that one contract for the whole site would minimise management demands and provide efficiencies. The contract price including the toilet block remained cheaper than the initial two competitors.

3 Summary

- 3.1 Fewer waivers were approved by the Chief Executive in 2014/15 than in previous years (fourteen were reported to members in the previous year). As in previous years, the use of specialist and bespoke equipment without equivalents for comparison. The most significant waiver in financial terms (D) had been subject to Member consultation set out in section 2 above. All approved waiver requests were considered to be justified, for the different reasons as set out above, and on the grounds of achieving the best outcome for the Authority at the best possible price.
- 3.2 All requests to waive standing orders are carefully assessed by the Chief Executive on the basis of the information provided, taking into account the views of the appropriate Director and those of the Head of Finance. In the last month an unusual instance has arisen regarding the purchase of linkflotes and spudlegs at a cost of nearly £100,000 where there was only one supplier of this specialist equipment compatible with the Authority's requirements. The Chief Executive took the view that as the Standing Orders were not clear about an upper limit for his discretion to waive Standing Orders he would take the precautionary approach of consulting the Chair and Vice-Chair of the Authority, the Chairman of the Financial Scrutiny and Audit Committee and, the Chairman of the Navigation Committee. All were supportive of the waiver and the Chief Executive therefore authorised the order to proceed. It is recommended that the Financial Scrutiny and Audit Committee review this issue and determine what would be an appropriate upper level for the Chief Executive's waiver and the process to be used on the rare occasions when that is exceeded.

Background Papers: None

Authors: Emma Krelle
Date of Report: 23 April 2014

Broads Plan Objectives: None
Appendices: None

Summary of Formal Complaints 2014/15

Report by Solicitor and Monitoring Officer

Summary: This report summarises the formal complaints dealt with by the Authority during 2014/15, together with the outcome of these complaints.

Recommendation: That the report be noted.

1 Introduction

- 1.1 It is good practice for local authorities and other public bodies to ensure that effective, transparent and accessible arrangements are in place for dealing with complaints, that complaints procedures are adequately publicised and that processes are in place to enable the Authority to monitor responses and ensure that lessons are learnt from the outcome of such complaints.
- 1.2 This report sets out details of the complaints dealt with during the period April 2014 to March 2015, together with a summary of the Authority's responses to these complaints.

2 Broads Authority Complaints Procedure

- 2.1 The Authority has a formal Complaints Procedure which is advertised on its website and which has a number of stages:
 - In the first instance complainants are advised to contact the manager responsible for the area of work where they have a complaint or comment, in order that the matter can be dealt with informally and as near as possible to the point of contact.
 - If it proves impossible to resolve the complaint informally, the complainant may submit a formal complaint in writing. This complaint is investigated by the appropriate Director who has a responsibility to reconsider the matter objectively and professionally.
 - Finally, if the complainant is still dissatisfied as a result of the Director's response, they may ask for the matter to be reviewed by the Chief Executive. The Chief Executive is required to review the complaint in an impartial manner and may, if he sees fit, seek advice from other officers, such as the Solicitor and Monitoring Officer, or from independent consultants or advisers if he believes that an external view would be helpful. This is the final stage of the Authority's formal complaints procedure.

- 2.2 The Authority also has a Members Code of Conduct and the Authority's Complaints Procedure provides clarification of the conduct expected by members and a summary of how the Authority deals with Standards allegations. This is also available via the Authority's website.

3 Local Government Ombudsman

- 3.1 The Local Government Ombudsman investigates complaints by members of the public who consider that they have been caused injustice by the administrative actions (maladministration) of local authorities and other bodies within their jurisdiction (which includes the Broads Authority).
- 3.2 The Local Government Ombudsman provides a free, independent and impartial service, and will normally only agree to investigate a complaint if the internal complaints procedures of the appropriate body have been exhausted.
- 3.3 During 2014/15, the Local Government Ombudsman reviewed two complaints relating to the Broads Authority; both of which are detailed in the Appendix below. It should be noted that the Local Government Ombudsman decided not to investigate either of these complaints. As a comparison, two complaints were made through the Local Government Ombudsman in 2013/14, no complaints were made in 2012/13 and two complaints were made in both 2010/11 and 2011/12.

4 Formal Complaints 2014/15

- 4.1 As already indicated it is good practice for the Authority to monitor the number of complaints dealt with and their outcome. A summary of those dealt with during 2013/14 is therefore set out in the Appendix below, together with the responses made.
- 4.2 Members will note that sixteen formal complaints were received during this period (compared to seven during 2010/11 and eleven during 2011/12, four during 2012/13 and ten during 2013/14), although of course other complaints and issues were dealt with and resolved on an informal basis. The Authority does not record the number of complaint resolved informally.
- 4.3 The summary of the responses demonstrate that the Authority was found partially or fully at fault for four of the sixteen complaints received, where apologies were duly made to the complainants. This demonstrates that the Authority does look to provide a remedy to complaints when it is found at fault.

5 Summary

- 5.1 Given the wide breadth and volume of the Authority's work, the number of complaints which were taken to and dealt with at the 'formal' stage is considered to be small. It is very encouraging that there were no findings of maladministration against the Authority.

- 5.2 Officers will continue to monitor and record details of complaints and seek where possible to learn lessons from these, especially should the actions of the Authority have fallen below expected standards.

Background papers: Nil

Author: Piero Ionta

Date of report: 5 May 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 - Formal Complaints 2014/15

Formal Complaints 2014/15

Summary of Complaint	Final Response Provided by	Summary of Response
1. Complaint relating to the inappropriate handling of a planning application.	Chief Executive	The complainant was advised that the evidence in the Planning Committee reports and minutes demonstrated that due regard had been given to the matters identified and that the members of the Planning Committee therefore addressed this matter correctly.
2. Complaint relating to enforcement action.	Director of Planning and Resources	The complainant was advised that in terms of how the matter had been dealt with, the information that had been provided was technically and legally correct. However, an apology was made that the Authority could have been more explicit about the concerns over signage at an earlier stage.
3. Complaint relating to lack of enforcement action.	Chief Executive	The complainant was advised that there was no evidence that the Authority had handled the issue in an inappropriate manner when considering whether to take enforcement action or not and that the timeline and active discussion between the Authority and the land user supported the approach not to take enforcement action.
4. Complaint concerning the conduct of a member of staff.	Director of Operations	The complainant was advised that other staff members, who had listened to the telephone conversation in question, had confirmed that the member of staff had not been abusive and indeed had been very calm and polite.
5. Complaint relating to the inappropriate handling of a planning application	Director of Planning and Resources	The complainant was advised that the Authority had given great consideration to the issues raised by objectors, that a thorough site visit

		had been made and that a comprehensive and detailed committee report and presentation allowed the members to discuss all the issues in considerable detail before coming to a conclusion.
6. Complaint about delays in response to an enquiry on tolls	Director of Planning and Resources	An apology was provided to the complainant over the lack of response to their earlier communication and the required responses were provided.
7. Complaint about the non-return of a toll after selling a boat	Chief Executive	The complainant was advised that all vessels kept or used in the navigation area for more than 28 days in any toll year required an annual toll and that refunds after the 28 day period were not possible.
8. Complaint about the build-up of refuse	Head of Governance	The complainant was advised that the land did not belong to the Authority, that the Authority had no powers in this regard unless it became a planning issue, and that the land owner had been alerted to the issue with a request for them to take action to clear the area.
9. Complaint about delays in response to an inquiry on planning	Director of Planning and Resources	An apology was provided to the complainant over the delay in response to their earlier communication.
10. Complaint concerning moorings	Local Government Ombudsman	The complainant was advised by the LGO that the Authority had properly responded to the complainant offering a reasonable compromise to remedy the complaint. The LGO considered that the action offered by the Authority provided a solution to the complaint and that it would not be good use of public money to pursue this matter further.
11. Complaint concerning the conduct of a member of staff and contradictory, unhelpful information provided by the Authority	Director of Planning and Resources	The complainant was advised that there was no evidence that the member of staff had been rude and that there had been no evidence of to

		support the allegations of contradictory or unhelpful information.
12. Complaint concerning the Authority not complying with its statutory or legal requirements in the processing and determination of a planning application	Chief Executive	The complainant was advised that there was no evidence that would support that the Authority had failed to handle the application in an appropriate manner.
13. Complaint concerning the process the Authority followed concerning a planning application	Chief Executive	The complainant was advised that there was no evidence that would support that the Authority had failed to handle the application in an appropriate manner.
14. Complaint concerning the reasons for not registering an application	Director of Planning and Strategy	The complainant was advised of the valid reasons that the application was not registered.
15. Complaint that a previous response to an issue raised was unacceptable	Chief Executive	An apology was provided to the complainant that the Authority had omitted to provide a copy of its complaints procedure in response to their previous communication. The remaining issues concerning the Authority's previous response were not upheld on the basis that it was decided that officers had acted reasonably.
16. Complaint concerning the Authority's communication policy	Local Government Ombudsman	The complainant was advised by the LGO that they would not investigate as the complainant was complaining about his position as a Member of the Authority.

**Construction & Maintenances Output 2014/15
and Work Plan for 2015/16**

Report by Environment and Design Supervisor and Director of Operations

Summary:	This report summarises the operational work achieved by the Construction and Maintenance teams during 2014/15, as supported by the volunteers, Fitter team and Environment & Design team. The work plan for 2015/16 is also summarised.
Recommendation:	That members note the contents and detail of this report, and consider the implications set out in Section 6 for the Authority's ongoing ability to deliver all practical work areas, with changes to budget and staff time allocations.

1 Introduction

- 1.1 Since the establishment of the Operations Directorate in 2011, which brought all practical work together in an integrated manner, the works programme has been designed to follow the agreed apportionment of costs between Navigation expenditure and National Park Grant (NPG). Until this year, the agreed allocations have been set at 60% Navigation and 40% NPG, with the NPG element being further subdivided at 20% Conservation and 20% recreation activities.
- 1.2 Practical work completed by the Operations Technicians in 2014/15 was delivered according to plan, with 61.9% of time spent on Navigation focused work and 38.1% spent on National Park focussed activities. Some variations from the original 2014/15 work plan occurred due to a case of long term staff sickness, gaps in recruitment and some individual project slippage. All major work areas were delivered as planned, with management of individual projects being adaptive to staff availability, weather and some delays at the project planning stage.
- 1.3 As part of the Financial Strategy setting process to address the reduction in National Park Grant it was agreed that the percentage allocation of practical work time spent between navigation tasks and National Park tasks would change from 2015/16 onwards. This is to reflect the variation in budget availability for these work areas and the need for staff time to adjust accordingly. As well as achieving the required savings to National Park expenditure, a review of the split of NPG resources was also completed, and agreed that conservation work would be the priority area. Figure 1 summarises the percentage allocation of Operations Technician work time to meet budgetary requirements. The plan by 2016/17 is to reduce the amount of practical work delivered by the Construction and Maintenance teams in the visitor site/recreation project areas and increase the time spent on navigation management. The time spent on conservation management will remain the same.

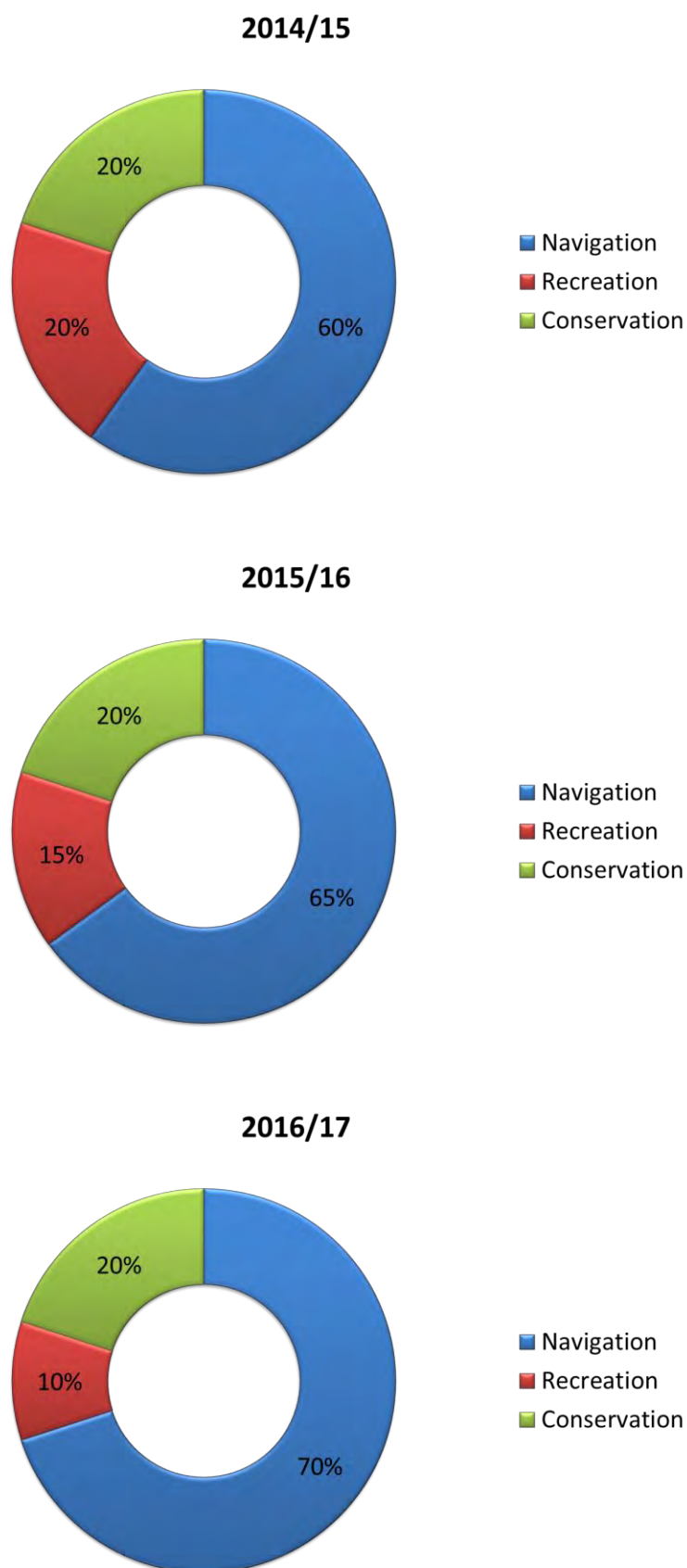


Figure 1. Changes to percentage Navigation: National Park practical work allocation for Construction and Maintenance teams

2 Navigation Work 2014/15

- 2.1 Dredging is always the highest priority within the navigation works plan, and has occupied over half the agreed allocation time (See Table 1) Total dredge volume achieved during 2014/15 was 46,320m³ which was a small shortfall from the 50,000m³ target. The largest area of sediment removal was from the mid Bure between Horning Hall and Thurne Mouth, with nearly 17,000m³ dredged. These arisings were either placed in setback areas or used to strengthen the flood bank upstream of Thurne Dyke. Variations from the original dredging plan were due to the deferment to 2015/16 of mechanical dredging on the Upper Bure upstream of Coltishall necessary to gain all required consents and avoid fish spawning time; and also the removal of over three times more sediment from Haddiscoe Cut as resource time and opportunity presented the ability to do so.
- 2.2 24 Hour Moorings that received refurbishment work from a mix of staff and contractors were Langley Dyke, Thorpe River Green, How Hill, and Commissioner's Cut. Staff were mainly involved in on-going maintenance throughout the season on all moorings including grass cutting, reactive repairs and installation of safety features.
- 2.3 The repiling of Turntide Jetty and the on-going repairs to Mutford Lock have also been significant areas of work for the Rivers Engineer. The Turntide Jetty re-piling tender was issued and mobilisation to site occurred in March. The project plan and budget for this work straddles two financial years, so timing of delivery has been kept to plan well. The strategy for dealing with the failing lock gates at Mutford Lock has been to investigate and deal with the known minor issues first. Divers have completed investigations of the concrete sills, gate pins and sluice valves. The latter have been completely replaced as they were no longer operating. Specialist lock engineers have now been engaged to assist with the more fundamental problem of the main gates not sitting correctly and forming an adequate water seal, and a full report will be provided the next Navigation Committee.

3 Recreation and Visitor Site Maintenance 2014/15

- 3.1 Maintenance of facilities and infrastructure at visitor sites involved Operations Technicians time throughout the year, particularly at the hub sites of How Hill, Whitlingham Country Park and Hoveton Riverside Park. Approximately 27 km of footpaths were also mown to a good standard throughout the summer season. Repairs and decoration of the Tourist Information Centres themselves represented a significant investment of staff time, with most of this work being performed in the closed winter season.
- 3.2 In 2014/15 several projects were completed to enhance visitor sites the Authority is responsible for. This included Acle path bridge replacements, Belaugh Slipway rebuild, Cary's Meadow portage installation and facility enhancements at Bridge Green, Potter Heigham.

Table 1. Summary of Operations Activities during 2014/15 and plan for 2015/16

	2014/15			2015/16	
Number of Operations Technicians FTE	23.6			22.6 plus apprentices	
Total work days available	5286			4814 ^b	
Navigation Allocation	3172	60%		3129	65%
	Actual Days	Percentage of Total	Volunteer Days with Op Techs	Planned Days	Percentage of Total
Dredging	1807	35.6	23	1814	37.7
Moorings	263	5.2	62	318	6.6
Weed harvester	82	1.6	6	99	2.1
Bankside scrub removal	32	0.6	73	114	2.4
Channel markers	157	3.1	4	205	4.3
Signs & boards	47	0.9	5	40	0.8
Navigation obstructions	36	0.7	0	14	0.3
Reactive navigation works	27	0.5	7	60	1.2
Share of corporate work ^a	692	13.6	21	465	9.7
Sub-total	3143	61.9	189	3129	65

^a – Corporate work is split as per the Navigation:National Park allocation. Work time includes training, meetings, sickness, vessel & equipment maintenance and premises maintenance

^b – total Operations Technicians days are less in 2015/16 than 2014/15, but apprentices will contribute

	2014/15			2015/16	
Recreation Allocation (days available)	1057	20%		722	15%
	Actual Days	Percentage of Total	Volunteer Days with Op Techs	Planned Days	Percentage of Total
Site management	239	4.7	165	161	3.3
Footpath maintenance	45	0.9	30	52	1.1
Projects	267 ^a	5.3	4	295 ^b	6.1
TIC maintenance	100	2.0	0	86	1.8
Other visitor/access work	11	0.2	2	20	0.4
Share of corporate work	230	4.5	7	108	2.2
Sub-total	892	17.6	201	722	15

^a – 2014/15 recreation projects included Acle path bridge replacements, Belaugh Slipway rebuild, Cary's Meadow portage, Potter Heigham enhancements and St Benet's interpretation

^b – 2015/16 project work is only planned to be the replacement of Cockshoot boardwalk

	2014/15			2015/16	
Conservation Allocation (days available)	1057	20%		963	20%
	Actual Days	Percentage of Total	Volunteer Days with Op Techs	Planned Days	Percentage of Total
Fen management	683	13.5	194	656	13.6
Grazing Management	53	1.0	12	28	0.6
Lake/Riverbank habitat projects	33	0.7	8	23	0.5
Invasive species monitoring & control	44	0.9	27	113	2.3
Share of corporate work	230	4.5	7	143	3.0
Sub-total	1043	20.5	241	963	20

4 Conservation Work 2014/15

- 4.1 Fen management in terms of regular vegetation cutting and dyke clearance made up the greatest proportion of the conservation work delivered by the Authority in 2014/15. In addition to the fen and meadow sites the Authority owns and manages, the Authority is engaged in medium-term management agreements (5-10 years) with 14 different third-party landowners across the Broads. This managed land area comes to approximately 240 hectares. 2014/15 has also seen the Authority gain several small contracts for specialised fen management with a range of Broadland landowners. The new fen harvester has been in operation at areas of Barton Fen and South Walsham Fen and the fen excavator employed at Acle Doles.
- 4.2 The external income derived from fen management currently runs at about 40% of the total expenditure by the Authority on practical conservation delivery. The remainder is funded through the National Park Grant, with the majority of costs being staff and equipment time. The aim over the next two years is to increase this proportion of external (non-National Park grant) funding to 50%. This will be achieved through the Environment Officers maximising opportunities for alternate income sources and actively seeking other Defra grants for agri-environment delivery. There is also a large potential for working with the volunteer service to increase volunteer input on conservation tasks and reviewing the way in which the Authority attracts and engages volunteers.
- 4.3 Working closely with landowners and focussing Authority conservation delivery to specialised areas that the Authority can deliver in a sustainable way, helps keep the Authority in a position to deliver against objectives set in the Broads Biodiversity and Water Strategy. Future updates to the Broads Authority will summarise the area of land managed for conservation purposes under management agreements and the breakdown of costs and income for this area of Authority work.

5 Summary of 2015/16 Work Plan

- 5.1 The largest work areas for Construction and Maintenance teams in 2015/16 are:-

Navigation

- Dredging
 - River Ant – Irstead - to end April (1,500 m³)
 - River Chet - to end April (1,000 m³)
 - River Bure - Coltishall Lock - to mid May (2,000 m³)
 - River Bure – Coltishall to Belaugh Oct-Nov - (3,000 m³)
 - River Bure – Horning Hall – May-Jul (8,000 m³)
 - River Bure – Acle to Stokesby – Sep-Oct (7,000 m³)
 - Oulton Broad – May-Aug (10,000 m³)
 - River Yare – Whitlingham – Sep-Oct (4,500 m³)

- River Yare – Seven Mile to Berney – Nov-Feb (5,000 m³)
- Hickling channel (Subject to gaining all consents) – Nov - Feb (10,000 m³)
- 24 Hr Moorings
 - Bramerton Common – timberwork & surfacing refurbishment
 - Wayford Bridge – refurbish timberwork
 - Womack Dyke – Timberwork, surfacing, posts & safety chain
 - Aldeby – refurbish timberwork and replace tie rods
 - Cantley – replace fendering
 - Reedham Quay – replace safety chains and fendering
 - Horning Marshes – refurbish surfacing and fill holes
 - Cockshoot – temporary repairs to tie rods
- Channel Markers
 - Barton Broad – 10 replacement marker posts
 - Breydon Water - 10 replacement marker posts
- Tree clearance
 - Main focus on River Ant and upstream of Horning on the River Ant.

Recreation

- Cockshoot boardwalk replacement (STA)
- Priority footpath maintenance
- Visitor hub maintenance
- TIC maintenance

Conservation

- Fen management
 - Cary's Meadow – scrub control
 - Common Fen – fen mowing & scrub control
 - Irstead Marsh – dyke maintenance
 - Barton Fen - dyke maintenance
 - Burgh Common - fen mowing & dyke maintenance
 - Buttle Marsh – fen harvesting
 - Decoy Carr - fen mowing & scrub control
 - Hall Fen - fen mowing
 - Mill Marsh - fen mowing & scrub control
 - Little Reedham - scrub control
 - Geldeston Meadow – fen harvesting
 - Hulver Ground - fen mowing
 - How Hill - fen mowing, scrub control, fen harvesting & dyke maintenance
 - Repps Meadow - fen harvesting
 - Rollesby Common - scrub control
 - Stanley Carr - fen mowing
 - Whitlingham Marshes - fen harvesting & dyke maintenance
- Grazing Management
 - Pony grazing at Snipes Marsh, Buttle Marsh, Clayrack Marsh, Rollesby Common, Repps Meadow, Hickling NWT.

- Cattle grazing at Cary's Meadow and Trowse Meadow
- Waterbody habitat enhancements
 - Maintain biomanipulation areas at Barton and Ranworth Broads
 - Maintain erosion protection structures at Rockland Broad, Irstead and Womack
- Invasive species control
 - Priority control work at sites with swamp stonecrop, parrot's feather, Japanese knotweed, Himalayan balsam and giant hogweed

A full, timed version of the Construction, Maintenance and Environment section work plan is available from the Environment and Design Supervisor.

6 Future implications for allocation changes

6.1 With the planned changes in work allocations across navigation and National Park work areas (see Figure 1), the impact on the Authority's ability to deliver as much variety of special projects and visitor site enhancements is now being seen within the practical teams work plans. 2015/16 is the transition year with the allocation moving to 65:35 Navigation: National Park for Construction and Maintenance teams. 2016/17 will see the National Park allocation reduce to 30%. During this period the Ranger team work time allocation will remain at the 60% Navigation and 40% National Park split.

6.2 Future implications for the Authority to consider when prioritising construction and maintenance work include:-

- Delivery of access projects, e.g. the replacement of Cockshoot boardwalk. At current allocations this high priority project is the only project possible to be completed by the Maintenance team during 2015/16 given the restricted time available. Progress at the Cockshoot boardwalk this financial year also depends upon the successful renegotiation of the lease agreement with Rotac Farms, Woodbastwick although if this is not achieved alternative smaller projects could be brought forward. During 2016/17 the 10% allocation available for Recreation work will be fully focussed on maintenance of existing Authority managed visitor sites, priority footpath maintenance and TIC upkeep, with no capacity for any new projects at all.
- The results of the stakeholder survey results indicate a strong visitor preference for greater access opportunities into the Broads landscape and high quality amenities during their visit. The level of Authority involvement in creating and maintaining visitor infrastructure, with a reduction of 10% of the time available by 2016/17 for these types of project, will therefore be severely limited.
- A greater level of Ranger team involvement in day to day visitor site management is possible from 2015/16 onwards. 2014/15 figures suggest that more Ranger team time can be spent on land-based sites, including support with maintaining visitor hubs and footpath mowing. 2014/15

figures for the Ranger term came out as 66% Navigation:34% National Park, against a target of 60:40.

- Table 1 shows the amount of volunteer input to various areas of Authority practical work with Construction and Maintenance teams. There is a good spread of volunteer time spent across the three work areas, although in percentage terms the greatest input is in supporting recreation and conservation tasks. There is potential to further develop certain volunteer work areas, such as more woodworking and construction based skills, as these are the areas that have so far had less volunteer input. Increasing volunteer capacity in the heavier construction work would aid both the Recreation and Navigation work areas. A review of the Volunteer Strategy is being planned which will address these issues, alongside providing the full value of the work that Volunteers give to the Authority as a whole e.g. Ranger support..
- Training three apprentices within the Construction and Maintenance teams is a plan being developed in conjunction with the HR team in 2015/16. The resource for this scheme is through not recruiting an Operations Technician post that is currently available. Again, the areas apprentices can support and gain valuable skills is predominantly in land and water based construction work, such as timberwork, groundworks and boat handling.

Background papers:	None
Author:	Dan Hoare
Date of report:	28 April 2015
Broads Plan Objectives:	NA2; NA3; TR1; TR2; BD1; BD6
Appendices:	None

Broads Authority

Planning Committee

Minutes of the meeting held on 6 March 2015

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Miss S Blane
Prof J Burgess
Mr N Dixon
Mr C Gould
Mrs L Hempsall

Mr G W Jermany
Dr J S Johnson
Mr P Ollier
Mr R Stevens
Mr J Timewell
Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Mr P Ionta – Solicitor and Monitoring Officer
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2014/0423/FUL Compartments 5 & 6 Sections of Womack Water, right bank of River Thurne and left banks of Rivers Bure and Ant

Mr M Flett	Objector
Mr J Halls	BESL on behalf of Applicant

BA/2014/0394/FUL Upper River Bure at Anchor Street, Coltishall, Top Road Belaugh to Skinner Lane Wroxham

Dr D Hoare	On behalf of Applicant
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9/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mrs J Brociek-Coulton.

9/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0394/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

9/3 Minutes: 6 February 2015

The minutes of the meeting held on 6 February 2015 were agreed as a correct record and signed by the Chairman.

9/4 Points of Information Arising from the Minutes

There were no points of information arising from the minutes to report.

9/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

9/6 Chairman's Announcements and Introduction to Public Speaking**(1) Heritage Asset Review Group**

The Chairman announced that the HARG meeting would now follow the next scheduled meeting of the Planning Committee on Thursday 2 April 2015.

(2) Retiring Members

The Chairman announced that this would be the last Planning Committee meeting to be attended by Stephen Johnson and Phil Ollier as their terms of office would be coming to an end by the end of March 2015. He thanked them both for their valuable contributions to the Committee acknowledging Stephen Johnson's excellent ability of ensuring that decisions were policy based, effectively demonstrated when the committee was being reviewed, and Phil Ollier's role in liaising between the Navigation Committee and Planning Committee.

The Committee endorsed the appreciation expressed by the Chairman.

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. No member of the public indicated that they intended to record or film the proceedings.

9/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests had been received.

9/8 Applications for Planning Permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) **BA/2014/0423/FUL Compartments 5 &6 Sections of Womack water, Right bank of River Thurne and left banks of Rivers Bure and Ant**

Crest Raising and Piling Removal

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for crest raising and piling removal in Compartments 5 and 6 of the Broadland Flood Alleviation Project. The proposals involved crest raising works on a number of sections in Compartment 5 where bank settlement had taken place and the removal of 927 metres of piling in four areas (three in the Compartment 5 and one in Compartment 6) which had been the subject of the works relating to the Broads Flood Alleviation Project approved in 2005, 2008 and 2010 and which was now no longer required for flood protection purposes. He explained that the techniques for both the crest raising and piling removal had been used effectively in a number of other sites within the Broads and the scheme would also involve monitoring. The two sections of 24 hour public moorings would not be affected and although there were a number of SSSIs close by none would be directly affected by the works.

The Planning Officer emphasised that the access route for construction traffic had now been redirected from that in the original proposal and the material for the improvements to the path would be brought in by river.

The Planning Officer drew attention to the consultation responses particularly those from the NSBA which had no objections but had concerns over safety, and times of working and would wish to have conditions to be attached to any planning permission which would minimise any such impacts. Since the report had been written, further consultation responses had been received from Natural England with

no objections and NCC Highways which had no objections and was in support of the alternative route for the traffic to Little Reedham.

The Navigation Committee had considered the matter at its meeting on 26 February 2015 and supported the Officer's views expressed in his report in that they had no concerns over navigation provided that appropriate conditions were placed on any permission requiring adherence to standard methodology, timing of works, channel marking and removal of channel marking, and erosion monitoring.

In addition to the consultation responses within the report a further letter had been received expressing concerns over the use of the access route and footpath and traffic damage.

Having provided a detailed assessment against policies taking account of the main concerns and issues relating to navigation, recreation, highways and ecology, it was concluded that the piling removal would not increase flood risk in the compartments or elsewhere in the area. It was considered that with the imposition of planning conditions; navigation, recreation, ecological, and other interests could be protected and the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice. Therefore the recommendation was for approval with conditions and two Informatives, one of which was additional to that documented in the report and would make reference to any temporary footpath closure requiring full consultation with Norfolk County Council PROW and the necessary footpath diversion orders being in place.

Mr Flett, a resident of Turf Fen Lane, Ludham expressed concerns over the application notably the use of "heavy" granite material for the path which would again result in settling and provide a detrimental and an alien urban walkway in an unspoilt part of the Ant Valley. He considered that the crest was unnecessary and inappropriate. He also considered that the nature of the work would be intrusive and disruptive at a time of year when a large number of visitors used the area, the revised access route to the site would destroy an existing mature grassed public footpath and therefore he advocated deferring a decision for consideration of an alternative of the crest raising aspect of the application and the soke dyke being assessed by the IDB. He also suggested a site visit prior to determination.

Mr Halls, BESL on behalf of the applicant, responded to the concerns explaining that the section in question was part of the flood defence improvement works 10 years previously and was in a section where the geology changed. Given the heavily pedestrian use of the path and the fact that it would follow on from the How Hill staithe area recently improved by the Authority, it was considered that the proposed footpath surface was appropriate and it would provide an enhancement. He explained that the semi-bonded surface had been used elsewhere and was a compromise. Mr Flett's concerns relating to the Blind Lane

aspect had been taken into account and an alternative was now proposed.

Members acknowledged Mr Flett's concerns that the proposed harder surface for the footpath would appear more manicured particularly when first installed. However, it was considered that this area was very heavily used and it was considered necessary to provide a more robust surface. One member expressed considerable distaste at the use of crushed granite, particularly in the vicinity of mooring boats due to the effect it had on boats, although others considered that the path was furthest away from the boats not to have an effect. Other members suggested the use of an alternative material to crushed granite. With reference to the timing of the works, members accepted that a balance needed to be struck between what was practical and achievable and therefore a condition requiring a detailed programme and timing of works for each area was appropriate, noting that each section was likely to take a maximum of 6 – 8 weeks.

In conclusion, Members considered that the majority of the concerns had been addressed and endorsed the Officer's assessment, particularly on the basis of the conditions to be imposed.

Mr Dixon proposed, seconded by Mrs Hemsall and it was

RESOLVED by 10 votes to 0 with 3 abstentions.

that the application be approved subject to conditions as outlined within the report and informatives which

- required the permission to be granted in the context of the Memorandum of Understanding between the BA and the Environment Agency on 25 April 2003; and
- Any temporary footpath closure will require full consultation with Norfolk County Council Public Rights of Way and the necessary footpath diversion orders to be in place.

It is considered that the works are in accordance and consistent with the aims of the development plan policies particularly Policies CS1, CS2, CS4, CS15 of the Core Strategy (adopted in 2007) and Policies DP13 and DP29 of the Development Management Policies DPD (2011) and the NPPF.

(2) **BA/2014/0394/FUL Upper River Bure at Anchor Street Coltishall, Top Road Belaugh and Skinners Lane Wroxham**

Erosion protection works on the Upper River Bure at Coltishall, Belaugh and Wroxham

Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the application to provide the necessary erosion protection works mainly in three

sections on the Upper River Bure between Coltishall and Wroxham. The works related to 170metres of river bank in Coltishall, 205 metres in Belaugh and 80metres at the southern end of Skinners Lane in Wroxham. All sites were within Conservation Areas. The scheme involved the dredging and removal of accumulated sediment which restricted navigation from narrow stretches of the Upper Bure and therefore was in accordance with one of the Broads Plan objectives to open the River Bure to effective depths. Some 3,000m³ of sediment would then be used to provide the erosion protection in the three identified areas.

Since the writing of the report consultations had been received from Hoveton Parish Council stating it had no objections. In addition, the scheme had been modified to take account of other representations received, particularly those relating to the Coltishall stretch resulting in the creation of an access area to the river in the position currently used by cattle as a drinking area, the realignment of the erosion protection works, and alteration of the species of plants to create the riverbank so as to keep these as low growing as possible to ensure that the views of the river would not be diminished from the meadow and public footpath in Coltishall and from the meadow in Belaugh. A member commented that the Local District Member for Coltishall had not raised any objection to the proposals.

The Planning Officer commented that the proposed development was considered necessary for the management and maintenance of the River Bure and was in accordance with the wider objectives of the Broads Plan NA.1 and the Authority's Sediment Management Strategy. Having assessed the proposals against the potential impacts on landscape, Conservation Area, ecology, navigation and flood risk the Planning Officer concluded that the application could be recommended for approval subject to conditions.

Having sought reassurances on the materials and techniques to be used as well as plant species, members were satisfied that the concerns had been addressed and concurred with the Officer's assessment.

Mrs Hempsall proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

that the application be Approved subject to conditions as outlined within the report The Application is considered to be in accordance with the aims of the development plan policies particularly with Policies CS1, CS2, CS3, CS5, CS7, CS15 and CS20 of the Core Strategy (2007) and Policies DP1, DP2, DP3 and DP 29 of the Development Management Policies DPD and the NPPF.

9/9 Enforcement of Planning Control: Enforcement Items for Consideration

(1) Bathurst, PH51 North East Riverbank, Potter Heigham

The Committee received a report providing an update concerning the unauthorised installation of decking at a riverside property in Potter Heigham and prevalence of comparable decking in the vicinity. The Planning Committee on 9 January 2015 deferred making a decision on the report in order to clarify the extent of the ownership of the plot and for officers to provide information on the number of other plots in the area which had installed comparable decking.

Having made detailed investigations it was appreciated and recognised that the riverside plots in this vicinity often had an associated mooring facility. It was therefore not considered wholly uncharacteristic to have structures like decking by the water to create a safe at level access for boats. It was noted that there was one or two other properties with decking extending over much of the plot, although not having the benefit of planning permission would now have established use. Members noted that Site Specifics Policy POT2 of the development plan had the intention to restrict domestic development favouring the small scale and more open character of the riverside plots with front lawns adding significantly to their character. Although it was preferable to see as much open and green space on plots as possible, and the decking installed at Bathurst presented a full decked frontage to the property which did appear excessive, it was noted that the adjacent grassed area next to Bathurst was in the same ownership. They therefore considered that in this instance it would be unreasonable to take full enforcement action. However, they did recognise the concern that retention would establish an undesirable precedent and lead to increased urbanisation.

It was noted that officers had discussed the increasing level of decking and external structures and its impact on the character of the area with the River Thurne Tenants Association and a joint site visit was proposed to look at the extent of the issue and to agree best practice. It was considered that it would be appropriate to provide more detailed guidelines for development and that POT2 be reviewed and examined in more detail.

Members noted that the owner had previously declined to submit a planning application for a reduction in the decking as he had considered that it was permitted development. Members were in favour of a negotiated settlement and it was suggested that a personal condition would be appropriate on a planning permission.

RESOLVED unanimously

- (i) that it would be inappropriate and not expedient to pursue enforcement action in this particular instance in light of the size of the entire property in the ownership of Bathurst as well as the personal circumstances of the owner; and
- (ii) that officers be encouraged to go back to the chalet owner to seek a retrospective planning application for the extended decking and limit any permission by personal condition.

(2) Land at North End Thurlton

The Committee received a report on the options available to Members to recover the costs of the Authority having taken direct action to remove a fence which was the final unauthorised use of the land at North End Thurlton amounting to some £3,880. This had been the result of long standing issues of planning control and had resulted in almost complete compliance. Members noted that invoices for the cost of the works had been submitted to the landowner and separate occupier, but no payment had as yet been made. There were still a few articles remaining on the site.

Members considered various scenarios including that of doing nothing. The possibility of clearing the site totally in order to improve it and to reduce the possibility of fly tipping prior to pursuing claims through the courts was considered although it was recognised that this would increase the costs. It was noted that advice had been received from NPS on the potential value of the land and this was taken into account in considering the line to take. It was considered important to be able balance costs against potential retrieval.

In conclusion, Members considered that it was important to pursue the operator/alleged landowner for the costs of this action through a County Court claim and charging order which, in addition to enabling the recovery of costs, would act as a deterrent to further breaches.

Mr Jermany proposed, seconded by Mr Barnard and it was

RESOLVED: by 9 votes in favour, 0 against and 2 abstentions.

that a county court judgment and charging order are sought and the costs recovered through a forced sale if necessary.

9/10 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Thorpe Island

The court date concerning the amended Section 288 challenge against the Planning Inspector/Secretary of State's decision had been fixed for 19 May 2015. The Authority has made an application to the Court for summary judgment. The Authority's intention is to seek injunctions relating to the breaches and further breaches of planning control on the site and in the adjacent river. The Authority was still awaiting the decision by the Planning Inspector on whether or not to accept the appeal against non-determination of the planning application for the variation of conditions. This had not been validated and the Planning Inspectorate are considering their position.

Former Piggery Building adj to Heathacre, Chedgrave Common

The Head of Planning reported that following a site visit, it was confirmed that compliance had now been achieved. The site would be monitored but this would no longer appear on the schedule.

Land at Newlands Caravan Park, Geldeston

Following a site visit, there appeared to be further breaches of planning control and therefore further Enforcement action was required.

In response to Members' queries, the Head of Planning confirmed that a report would be brought to the next Planning Committee meeting on potential enforcement relating to a site at Oby and progress on the removal of office and equipment by BAM Nuttall from the Site at Acle.

RESOLVED

that the report be noted.

9/11 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 January 2015 to 24 February 2015.

RESOLVED

that the report be noted.

9/12 Date of Next Meeting

The next meeting of the Planning Committee would be held on **Thursday 2 April 2015** starting at **10.00 am** at Yare House, 62- 64 Thorpe Road, Norwich, This would be followed by a meeting of the Members' Heritage Asset Review Group.

The meeting concluded at 1.00 pm.

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 6 March 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	9/8((3	Application BA/2014/0394/FUL As Members of the Broads Authority...

Broads Authority

Planning Committee

Minutes of the meeting held on 2 April 2015

Present:

Mr C Gould – in the Chair

Mr M Barnard
Prof J Burgess
Mr N Dixon
Mrs L Hemsall
Mr G W Jermany

Mr R Stevens (Minute 10/9 onwards)
Mr J Timewell
Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr B Hogg – Historic Environment Manager
Mr P Ionta – Solicitor and Monitoring Officer
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS)
Ms K Wood – Planning Officer

Members of the Public in attendance who spoke:

BA/2015/0068/FUL Compartments 37 - Floodbank at Fishley Marshes: Right bank Of River Bure immediately upstream of Northern Rivers Sailing Club clubhouse

Mr J Halls BESL on behalf of Applicant

BA/2015/ BA/2015/0062/HOUSEH Wroxham - Staithcote, Beech Road, Wroxham

Mr A Knights On behalf of Applicant

10/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from: Mrs J Brociek-Coulton, Miss S Blane and Dr J M Gray

10/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2015/0072/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

10/3 Minutes: 6 March 2015

The minutes of the meeting held on 6 March 2015 were agreed as a correct record and signed by the Chairman.

10/4 Points of Information Arising from the Minutes**Minute 9/10 Enforcement Update: BAM Nuttall Office and Equipment**

It was confirmed that BESL had contacted the Parish Council and they (BESL) will have completed the removal of the BAM Nuttall Office and equipment from the site at Acle by the end of May 2015.

10/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

10/6 Chairman's Announcements and Introduction to Public Speaking**(1) Heritage Asset Review Group**

The Chairman announced that the HARG meeting would follow this meeting of the Planning Committee.

(2) Staff Movements

The Chairman announced that Kayleigh Wood would be changing roles within the Authority. She had resigned as Planning Officer to take up a new role with Heritage England but would still be working with the Authority as Planning Officer (Compliance and Implementation) as from 1 May 2015. It was therefore unlikely that Kayleigh would be attending Planning Committee meetings in the future

(3) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. No member of the public indicated that they intended to record or film the proceedings.

10/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests had been received.

10/8 Applications for Planning Permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also

having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) **BA/2015/0068/FUL Compartments 37 Floodbank at Fishley Marshes: Right bank of and River Bure immediately upstream of Northern Rivers Sailing Clubhouse**

Installation of Crest Piling

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for crest raising and piling along a 237 metre length of flood bank in Compartment 37 of the Broadland Flood Alleviation Project, given the need to raise the bank where the new floodbank works undertaken in 2009/10 had settled significantly due to the poor ground conditions. It was emphasised that the crest piling technique was to be used in order to protect the botanically rich County Wildlife Site. The proposals would involve the temporary diversion of the public footpath from along the riverside but this would only be for a limited amount of time while the works were undertaken. The landowner had given permission for BESL to use the existing access track for the necessary work vehicles.

The Planning Officer drew attention to the consultation responses and reported on the further consultation responses received since the report had been written namely:

- Upton Parish Council – support
- Environment Agency – no objections
- Natural England – no objections
- NSBA – no objections subject to conditions to cover no working on weekends or bank holidays and if any works took place which impacted on the river itself, proper and appropriate marking should be in place.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to navigation, recreation, highways and ecology, it was concluded that the works would return defences to the level proposed in 2008 in a manner that avoided impacting upon the botanically rich fen meadow and had no unacceptable impact on recreation, flood risk or other interests. The imposition of planning conditions would ensure that the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice. It was therefore recommended for approval subject to conditions and an informative.

In response to a Member's concerns, over the use of the access route and footpath, Mr Halls on behalf of the Applicant clarified that the access which impacted on the Acle to Upton footpath route would not involve any footpath closure and appropriate signage would be put in place. He also confirmed that, subject to approval, it was intended that the works would be undertaken over a maximum 6 week period in the Autumn outside the main holiday season and associated works would be undertaken in tandem. This had been agreed with Norfolk County Council Highways. Although the footpath closure would be technically for a period of six months, it should be possible for the crest piled area to be open for public access as soon as it was completed.

Members considered that the work was essential and having sought clarification on the footpaths, concurred with the officer's assessment, particularly on the basis of the conditions to be imposed.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report and an informative requiring

- the permission to be granted in the context of the Memorandum of Understanding between the Authority and the Environment Agency on 25 April 2003.

It is considered that the works are in accordance and consistent with the aims of the development plan policies particularly Policies CS1, CS2, and CS4 of the Core Strategy (adopted in 2007) and Policies DP1, DP13 and DP29 of the Development Management Plan DPD (2011) and the National Planning Policy Framework (NPPF).

(2) **BA/2015/ 0062/HOUSEH Wroxham - Staithcote, Beech Road, Wroxham**

Demolition of existing garden sheds and erection of domestic outbuilding incorporating summerhouse, storage and water treatment housing

Applicant: Mr Jonathan Edye

The Planning Officer explained that the application was before Committee as the applicant was connected to a member of the Authority's staff. He provided a detailed presentation of the proposal within the Wroxham Conservation Area for an ancillary domestic building to replace three sheds. The building would incorporate a summer house, facilities for storage and housing for water treatment, was sympathetically designed with materials sensitive to the setting and would remain subordinate to the main dwelling and therefore was considered to enhance the Conservation Area.

The Planning officer updated members on the consultations received since the report had been written:

- Wroxham Parish Council – no objections
- Broads Society – no objections
- Broads Authority Ecologist – no objection subject to conditions relating to the timing of the works to avoid the bird breeding and nesting season and environmental enhancements.

The Planning Officer concluded that the application would have no unacceptable impact in relation to flood risk, ecological or landscape considerations, was consistent with policy and was therefore recommended for approval.

In accordance with the Authority's Code of Conduct for Members on Planning Committee and Officers, the Solicitor and Monitoring Officer confirmed that he was satisfied that the application had been processed normally

Mr Anthony Knights, the agent for the applicant confirmed that the proposals included voluntary replacement planting and would involve undergrounding of wires which would also enhance the area.

Members concurred with the Officer's assessment and it was

RESOLVED unanimously

that the planning application be approved subject to conditions as outlined within the report to include the landscaping scheme submitted and an additional condition relating to the timing of the works. The application was considered to be in accordance with development plan policy, in particular Policies CS1 of the adopted Core Strategy 2007 and Policies DP1, DP2, DP4 and DP 5 of the Development Management Plan DPD (2011) and the National Planning Policy Framework (NPPF).

(3) **BA/2015/0072/FUL Cary's Meadow, Thorpe Road, Thorpe St Andrew, Norwich**

Improvements and extension to existing car park with new fencing, tree works (approved), new livestock corral and landscaping.

Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the application. She explained that since the writing of the report and consultations having been received from the Tree Officer, the application had been amended to accommodate the comments which involved the rearrangement of the allocated car parking spaces away from the existing trees, repositioning of the gates and the livestock corral. The Tree Officer had also suggested a post protection plan for the trees and replacement planting if the new planting did not survive.

In addition consultations had also been received from the Authority's Ecologist stating that there were no objections subject to conditions

relating to the timing of the works outside the bird nesting and breeding season. Norfolk County Highways had also requested that the parking be set back 5 metres from the road.

The Planning Officer recommended the amended application for approval subject to conditions including those requested by the Ecologist, Tree Officer and NCC Highways as the development was appropriate, well screened and would complement the existing site and there would be no adverse impact on highway safety, landscape, ecology or amenity.

Members expressed some concerns relating to the use of the area, the limitations on space and raised potential traffic management issues. However, in general they considered the application to provide suitable, appropriate and worthwhile enhancements. The area would be the subject of monitoring in accordance with normal officer duties.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as well as additional conditions concerning Tree protection and timing of works as suggested by the Tree Officer, the Ecologist and NCC Highways. The application is considered to be in accordance with the aims of the development plan policies particularly with Policies DP1, DP2, DP4, DP5, DP11, DP27 DP28 and DP29 of the Development Management Plan DPD (2011) and the National Planning Policy Framework (NPPF).

10/9 Enforcement of Planning Control: Enforcement Items for Consideration Update

No. 1 and No 2 Manor House Farm, Oby

The Committee received a progress report on the work being undertaken to the Grade 2 Listed Building at Manor House Farm building in order to rectify the unauthorised work. It was noted that an order had been placed for the manufacture of windows to replace those which were in breach of planning consent. It was noted that the work which would be phased had commenced and part was expected to be completed in early April 2015.

Members noted the sensitivities involved and welcomed the considerable progress which had been made.

RESOLVED

that the report be noted and welcomed.

10/10 Heritage Asset Review Group: Membership

The Committee received a report relating to the membership of the Member Heritage Asset Review Working Group set up in 2010 to provide officers with direction concerning the protection of Heritage assets within the Broads Area. The Group was made up of 5 members but in light of the recent departure of Dr Stephen Johnson and Mrs Julie Brociek-Coulton who was standing down as from 1 May 2015, members were requested to appoint two members in their place. Jackie Burgess had attended and expressed her willingness to become a full member of the group. Peter Warner had also expressed a willingness to be part of it. It was noted that this did not preclude other members from becoming involved.

RESOLVED

that Prof Jackie Burgess and Peter Warner be appointed as members of the Heritage Asset Review Group in addition to the Chairman and Vice-Chairman of the Planning Committee and Mr Michael Barnard.

10/11 Appeals to Secretary of State and Annual Review of Appeal decisions 2014/15

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 March 2015. In addition the report provided a review of the eight decisions made by the Secretary of State over the last year. Since the writing of the report, the Planning Inspectorate had turned away the appeal relating to Thorpe Island (former Jenners Basin) against non-determination of the application for a variation of conditions.

RESOLVED

That the report be noted.

10/12 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Land at North End Thurlton.

Members welcomed the information that the costs of direct action had been paid and therefore the case was closed.

Land at Newlands Caravan Park, Geldeston

A meeting had been held with the landowner on 24 April in order to provide pre-application advice. Any application submitted would be brought to the Planning Committee for consideration.

RESOLVED

that the report be noted.

10/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 24 February 2015 to 23 March 2015.

RESOLVED

that the report be noted.

10/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 1 May 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich,

The meeting concluded at 11.05 am.

CHAIRMAN

APPENDIX 1**Code of Conduct for Members****Declaration of Interests****Committee:** **Planning** 2 April 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	10/8(3)	Application BA/2014/0072//FUL As Members of the Broads Authority

Broads Authority

Broads Local Access Forum

Draft Minutes of the meeting held on 4 March 2015

Please note these draft minutes will be reviewed by the Broads Local Access Forum at its next meeting on 10 June 2015 and may be subject to amendments prior to being confirmed

Present:

Dr Keith Bacon (Chairman)

Mr David Broad
Ms Liz Brooks
Mr Mike Flett
Mr Alec Hartley
Mr Peter Medhurst

Mr Stephen Read
Mr George Saunders
Mr Charles Swan
Mr Ray Walpole
Mr Chris Yardley

In Attendance

Mr Steve Birtles – Head of Safety Management
Ms Lottie Carlton - Administrative Officer
Mr Adrian Clarke – Senior Waterways and Recreation Officer (SWRO)
Mr Simon Hooton – Head of Strategy and Projects
Mr Mark King – Waterways and Recreation Officer (WRO)
Mrs Alison Macnab – Planning Officer
Mrs Lesley Marsden – Landscape Officer

Also In Attendance

Professor Trevor Davies – Generation Park Project Spokesman/UEA
Mr Martin Symons – Not about the Bike/Norwich Access Group
Mr Russell Wilson – Senior Trails Officer, Norfolk County Council
Mr Matt Worden – Maintenance Projects Manager, Norfolk County Council

3/0 Election of Chairman and Vice-Chairman

An extra item was included at the start of the meeting. The SWRO invited members to nominate a Chairman and Vice-Chairman. RW nominated Keith Bacon as Chairman and CS seconded this nomination. Keith Bacon accepted the role of Chairman of the Broads Local Access Forum. RW nominated Peter Medhurst as Vice-Chairman and CS seconded this nomination. Peter Medhurst accepted the role of Vice-Chairman of the Broads Local Access Forum.

3/1 To receive apologies for absence

Apologies for absence were received from Mr Louis Baugh, Mr Robin Buxton, Mr John Gregory, Mrs Hattie Llewelyn-Davies, Mrs Jo Parmenter, Mr Gary Simons and Mr Hugh Taylor.

Attendees were welcomed to the meeting.

3/2 To receive and confirm the minutes of the meeting held on 03 Dec 2014

The minutes of the meeting held on 3 December 2014 were confirmed as a correct record, subject to the addition of Peter Medhurst in section 2/1 Apologies and to amending Horning to Honing in section 2/11 and 4 March 2014 to 4 March 2015 in section 2/13, and signed by the Chairman.

3/3 To receive any points of information arising from the minutes

(1) Minute 2/3 (2) Staithes – Current information and role of Staithes Management

Following meetings with Tom Williamson of UEA a research brief had been put together and projected costs had been received. The Broads Authority Project Development Group had provisionally approved funding for the project subject to Management Team approval. BLAF members were supportive of the project, but were mindful of management issues. Subject to funding approval work would start in the next few months and should be completed within 5 months.

(2) Minute 2/3 (3): Hoveton Great Broad Restoration Project

Planning permission had been granted but Broads Authority members had reasserted that without a significant shift on access provision of the project they could not lend support to the HLF funding bid.

(3) Minute 2/3 (4): Boundary Farm Mooring

Talks were ongoing with the landowner and a more positive outcome now seemed likely.

(4) Minute 2/3 (5): Norwich City Council River Corridor Strategy

At the inception meeting of the Norwich City Council River Corridor Strategy Group basic guidelines were agreed. Core group meetings following this had produced a spreadsheet of timescales for actions and mapping work for land access routes, moorings and water access routes had been completed. Officers would be meeting to agree responsibilities. Consultation on potential access improvements would take place after the May elections. BLAF input would be welcomed and an agenda item was requested to cover this.

(5) Minute 2/3 (6): Review of BLAF membership

Confirmation of the BLAF membership process was given to members: The maximum membership was 22. To appoint a new member the Chairman, Head of Strategy and Projects and Head of Governance and Executive Assistant had to be in agreement. User group representation was a key consideration in appointing new members.

It was confirmed that Tony Howes and Patrick Hacon had stepped down. John Gregory had been appointed to represent anglers. Martin Symons was considering becoming a member. This was David Broad's last meeting as a Broads Authority Member. Thanks were given for his contribution and important liaison work with the Authority. A replacement would be made from Broads Authority membership.

At the December BLAF meeting it had been agreed that potential areas to encourage representation from included: cycling, carriage riding and boating.

It was hoped to have a full membership for the BLAF in place for the June meeting.

(6) Minute 2/3 (8): Sale of Geldeston Woodland and March

Tenders had been received and were under review by the Broads Authority. Public access would be a condition of sale.

(7) Minute 2/3 (9): Ludham Footpath

The permissive path agreement had been finalised by NPS and was under review by Norfolk County Council's legal department and would then be circulated to landowners for signatures. It was hoped that the agreement would be in place by the end of March 2015. The Outdoors Festival launch was due to take place at St Benet's Abbey and it was hoped the footpath would be open by this date. Concerning the gateway across the bridleway at St Benet's Abbey; the SWRO agreed to make enquires to Sarah Price of Norfolk County Council, noting that it was possible to apply to have the gateway removed as an illegal obstruction.

(8) Minute 2/3 (10): How Hill Footpath

The SWRO had written to Natural England to ask them to look at the Habitats Regulation Assessment. Once an agreement was in place work could start.

(9) Minute 2/4: Broads Heritage Lottery Fund Bid

The Broads Heritage Lottery Fund bid was on track to be submitted in May.

(10) **Minute 2/6: Rights of Way changes in the draft Deregulation Bill**

Once the Bill had gone through the parliamentary process members would be updated.

(11) **Minute 2/8: Accessible Britain Challenge**

Valentine's Meadow: A site meeting had taken place and officers had agreed to address the kissing gate issue.

(12) **Minute 2/11: Ordnance Survey Maps – Other routes of public access**

A meeting had taken place with Ordnance Survey, with more planned for the future, in order to plan how to best map 'other' public access routes. It was noted that Norfolk County Council keeps records of surfaced and unsurfaced adopted PROW and Green Lanes. The SWRO agreed to circulate a link to the Highways public mapping system to BLAF members.

(13) **Minute 2/12: To receive any other items of urgent business**

Marcia Leigh of Norfolk County Council was dealing with the Cess Staithe, Martham issue.

The Broads Authority had approved adoption of National Park branding and had also removed the long term ambition to legally change their status to a National Park. The three statutory duties remained, with equal importance attached to each, and this had reassured some of the navigation community who had expressed concerns.

The request for a Wensum Forum had been passed to Andrea Long.

The consultation document made it clear that Norwich was considered an important part of navigation.

Trudi Wakelin, Director of Operations, had confirmed that the tripartite agreement was ready for signatures. Once these were secured an application for a Harbour Revision Order would be submitted for consideration by the Marine Management Organisation. Charles Swan agreed to pass on this information to the volunteer group.

3/4 Generation Park Norwich

It was agreed to move this item forward in the agenda after item 3/2.

Professor Trevor Davies of UEA and Spokesperson for Generation Park Norwich gave a presentation on Generation Park Norwich.

Presentation summary:

Generation Park Norwich is a development proposal for the Utilities Site close to Norwich railway station and the Crown Point railway depot, across the river from Whitlingham Country Park. It is intended to provide an exemplar, low carbon, sustainable energy provision for Norwich. The proposal includes provision of district heating for Norwich homes and businesses via a renewable energy production centre (using straw pellets), a renewable energy research centre, a public education centre, eco-friendly student accommodation (UEA, Norwich University of the Arts and City College) and private residential housing, a data centre, cycle and pedestrian routes linking to current riverside paths, opening up access to a large parkland area of the site, a new access bridge via the Dealground and a performance area. Consideration had been given to past and present planning policy guidance, minimising traffic access into and out of the development and mitigation against climate change and flood risk.

Comments and answers to questions arose as follows:

- (1) Discussion was ongoing regarding the feasibility of also using fen litter pellets.
- (2) The partners and consultants of NPH (Norwich) LLP, a limited liability partnership set up to develop the project, included UEA (main partner), EON (district heating infrastructure), Grimshaw Architects, Axis (planning specialist), BWSC (large scale power plant design, development, management), Royal Dahlman (tailor made solutions for renewable energy markets), Ramboll (engineering and design particularly renewable energy schemes).
- (3) Projected income streams were not yet known. UEA would use their share of profits to be re-invest into progressing the aspirations of the site.
- (4) While the driver for energy production would be biomass, other renewable energy options would be demonstrated or trialled and this could include tidal considerations.
- (5) With green banks either side of the development there was no bridge connection between the two in the current plans. Meetings were ongoing with Whitlingham Charitable Trust who were concerned at large numbers of extra visitors impacting on 'quiet enjoyment' and increasing maintenance costs of the Country Park. With car parking providing the vast majority of the Trust's income, large numbers of extra visitors arriving on foot/cycle would not provide income to mitigate the extra maintenance required. Norwich City Council did not contribute currently. There were also concerns regarding siting of a bridge impacting on the Whitlingham Outdoor Education Centre and Boathouse activities.

- (6) The site's condition of sale included public access to the parkland area; the power plant obviously being a safety issue would not be included in this. The Forum felt that Open Access could be relevant to the site.
- (7) The riverside access proposed would include shared pedestrian/ cycle paths that linked to existing riverside pathways.
- (8) Public transport links: Talks were ongoing regarding the potential for public buses to stop closer to the site, beyond Morrison's supermarket.
- (9) Public moorings planned were relatively small in number. Launching for small craft had not so far been considered, but this could addition could potentially introduce extra traffic to the site, which the project was aiming to avoid.
- (10) A water sports venture was suggested.
- (11) The partnership was aware of the Norwich River Strategy and would want to link with projects to develop access.

Professor Davies was thanked for his presentation.

3/5 Cycling Ambition in National Parks funding

Norfolk Country Council Highways and Broads Authority had been awarded £712k from the Cycling Ambition fund. With the addition of further funding from NCC and BA a total of £1.2million was available for the section of Three Rivers Way between Hoveton and Horning. The work was due to be finished by June 2016. Feasibility was also under way for further sections should a similar funding opportunity arise.

Comments and answers to questions arose as follows:

- Provision for horse riding would be considered as part of the route from Horning to Potter Heigham.
- Similar initiatives would be welcomed in the southern Broads. It was noted that David Faulk, who had attended BLAF in the past, no longer worked for Suffolk County Council, but Suffolk County Council had not let the Forum know despite information being sent to them on a regular basis. Once this was realised a replacement contact had been sourced and the SWRO would meet to discuss Suffolk access issues and engagement with BLAF. Richard Laycock was suggested as a further contact to help progress southern Broads access issues.
- CTC, National Cycling Charity, information had been circulated to members. There was potential to engage with this organisation to get support for cycling schemes generally.

3/6 Norfolk County Council update

Matt Worden of Norfolk County Council's Highways Team gave an update on the Council's position regarding footpath maintenance. Following a consultation in 2011 on PROW it had been decided in May 2012 to concentrate resources on the Norfolk Trails, working only on a reactive basis to maintenance of PROWs. This decision had produced criticism regarding performance from Norfolk LAF, CPRE, the Ramblers and the Open Spaces Society. Following meetings with the above groups, in February 2014 it had been agreed to move £75k from the road maintenance budget to PROW for some proactive grass cutting. Contractor engagement had been difficult in 2014 and therefore improvements in service were expected for 2015. PROWs were now managed by Area Officers, each with three sectors. A formal inspection regime had been introduced; once a year for high use paths and once every 5 years for less used paths. Parish Clerks had been used to liaise regarding complaints resulting in a reduction in these in 2014 compared to 2013. NCC was happy to share cutting regimes to avoid duplication of effort and would be liaising with the SWRO over this.

Comments and answers to questions arose as follows:

- The Forum felt that once every 5 years was too long for inspection. It was explained that this time scale was based on a national code of practice: A-roads once a month, B-roads once every 3 months, rural roads once every 6 months, green lanes once every 5 years. It was recognised that reliance was therefore placed on the public to inform the Council of particular problems/issues.
- 'Quiet Lanes' designations were discussed. It was noted that two pilot studies in Norfolk had shown that impact was temporary; visitors were influenced, but locals tended to get used to the signage and ignore it.
- Reported footpath problems were recorded and sent out to the most appropriate local team who would respond to the enquiry.
- It had been demonstrated in a Broads Authority survey that one of the most appreciated activities overall was walking and footpath maintenance was therefore key to economy and tourism in the area.
- Clarification was given regarding legality of removal of overhanging branches that obstructed a PROW. If the whole trunk was within the Highway it was permissible for members of the public to thin back branches, but the arisings had to be left behind.
- It was confirmed that most roads were owned by landowners, however Highways rights were stronger than freehold rights.
- It was noted that although Parish Councils could include footpath maintenance in Local Plans they were reluctant to do so as there was a

feeling that Norfolk County Council would no longer carry out such work in the future.

The Forum recognised the difficulties faced by funding and politics and thanked Matt Worden for his informative update.

3/7 East of England Local Access Forum Regional Meeting

The minutes of the East of England Local Access Forum Regional Meeting had been circulated. George Saunders had attended the meeting on behalf of BLAF and gave an update of the site visit to Coton Countryside Reserve that accompanied the meeting. The group inspected a new bridge that had been put in with access to the village and various styles of gates. These had been easy to use and accessible via wheelchair. Signage around the site was good. The work had been completed with funding from Pathways for Communities following consultation with the local village regarding useage and aspirations for the Reserve. Although the visit was informative and enjoyable George Saunders was pleased to return to Norfolk.

Comments and answers to questions arose as follows:

- Some gates had catches that were easily used when in a wheelchair but others would need an accompanying friend to help.
- Often gates were retained historically and not actually required functionally. It was important to remove such obstacles when there were longer necessary.
- Regarding information available for wheelchair users and potential barriers to access, cycle routes coul generally be assumed to be barrier free. The Ordnance Survey 'upsy-downsy' work would provide information on obstructions and surfaces. Disabled Ramblers were assisting OS with grading and matching surfaces to different types of machines e.g. trampers.

George Saunders was thanked for his update on the Regional LAF Meeting.

3/8 Safety Management System – Land-based Sites

Steve Birtles, Head of Safety Management, was seeking the Forums views on the Hazard Log for the Safety Management System – Land Based Sites. It was noted that no incidents had been reported that affected any change.

Comments and answers to questions arose as follows:

Item 5: Often with stiles the design created unnecessary difficulties e.g. too high, absence of pole to assist climbing over. It was noted that the Safety Management System – Land-based Sites only covered land managed or leased by the Broads Authority, but the Authority intended to develop a style

book for countryside furniture with design standards such as those suggested by the Forum. These would be consulted on and then circulated more widely.

Item 13: An extra item was suggested – lighting columns/electrical supplies - a hazard due to vandalism and shallow underground cables. The Broads Authority could link inspection of these into current inspection regimes of moorings and charging points.

Item 7/8: A public reporting system would be useful. This was being looked at using the Broads Authority website as a conduit for reporting.

It was noted that there was a corresponding Marine table and similar items would be merged.

3/9 Broads Authority Stakeholder Surveys Analysis

The SWRO used the Insite Track presentation to highlight relevant areas of the Broads Authority commissioned Stakeholder Surveys of four user groups; Hire Boat Operators, Private Boat Owners, Residents and Visitors.

The range of issues raised and the statistically robust opinions gathered would help to inform strategic priorities for the Authority.

An action plan would be developed in response to the survey and this would go first to Broads Authority and then to wider consultation. BLAF comments would be welcomed.

Comments and answers to questions arose as follows:

- The Broads Authority should be encouraged by the results. It was interesting to see that large percentages of respondents wanted more access generally, but particularly walking.
- The survey demonstrated the integrated approach was proving useful and worked well with all groups surveyed.
- It was noted that the survey was not likely to be repeated for about 5 years.

BLAF members were encouraged to read the full report which could be obtained via the link circulated in the accompanying report.

3/10 Broads Forum Update

The following items had been discussed at the last Broads Forum:

- (1) The 10 year mooring strategy had been accepted by Broads Authority.
- (2) Waste Review – there was support for collections at Ranworth.

- (3) It was agreed that the 24hour free moorings at Geldeston should be retained.
- (4) Agricultural schemes were noted and discussed.
- (5) Electronic paperwork only would be used at full Broads Authority.
- (6) A 1.7% toll increase was supported.
- (7) Positive discussions on Climate Change and Workshop on Fen ecology/hydrology. The importance of public access was stressed.
- (8) Long term planning for Hickling Broad was discussed.

3/11 To receive any other items of urgent business

A request was made by Charles Swan for an enforcement officer to investigate two planning issues at Boat House Lane 0054 and 0043, both of which were in a conservation area and appeared to be convening planning regulations. The SWRO agreed to pass this information on to appropriate planning officers.

A reminder was given regarding the Joint LAF meeting with Norfolk LAF on 26 March to which all BLAF members were invited (10am, Research Park, UEA). Suggestions for agenda items were welcomed. A joint Suffolk LAF meeting was also requested.

3/12 To note the date of the next meeting

It was noted that the next meeting was scheduled to take place on Wednesday 10 June 2015 at 2pm.

The meeting concluded at 5.20 p.m.

Chairman

Navigation Committee

Draft Minutes of the meeting held on 23 April 2015

Please note these draft minutes will be reviewed by the Navigation Committee at its next meeting on 4 June 2015 and may be subject to amendments prior to being confirmed

Present:

Mr M Whitaker (Chairman)

Mr K Allen
Ms L Aspland
Miss S Blane
Mr W Dickson

Sir P Dixon
Mr P Durrant
Mrs L Hemsall
Mr M Heron

Mr J Knight
Ms N Talbot
Mr B Wilkins

In Attendance:

Mr S Birtles – Head of Safety Management
Ms E Guds – Administrative Officer (Governance)
Mr P Ionta – Solicitor and Monitoring Officer (for Items 5/1-5/14)
Ms E Krelle – Head of Finance
Ms A Leeper – Asset Officer
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction, Maintenance and Environment
Mr A Vernon – Head of Ranger Services
Mrs T Wakelin – Director of Operations

Also Present:

Prof J Burgess –Chairman of the Authority

5/1 To receive apologies for absence

Apologies for absence were received from Alan Goodchild.

5/2 Appointment of Chairman

The Chief Executive invited nominations for the appointment of the Chairman to the Committee.

Kelvin Allen proposed, seconded by Sholeh Blane that Michael Whitaker be appointed as Chairman until 13 May 2016. No other nominations were forthcoming.

RESOLVED

that Michael Whitaker be appointed as Chairman of the Navigation Committee until 13 May 2016.

Michael Whitaker in the Chair

The Chair invited nominations for the appointment of the Vice Chairman to the Committee.

Max Heron proposed, seconded by Brian Dickson that James Knight be appointed as Vice Chairman until the 13 of May 2016. No other nominations were forthcoming.

RESOLVED

that James Knight be appointed as Vice Chairman of the Navigation Committee until 13 May 2016.

5/3 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda

No items had been proposed as matters of urgent business

5/4 To receive Declarations of Interest

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

5/5 Public Question Time

There were no public questions.

5/6 To Receive and Confirm the Minutes of the Meetings Held on 26 February 2015

The minutes of the meeting held on 26 February 2015 were confirmed as a correct record and signed by the Chairman.

5/7 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.

The Chief Executive fed back to the members that their recommendations on the 26 February 2015 were considered, however the Broads Authority (BA) decided that the best way forward for the disposal of Geldeston Woodland would be selling the land to Waveney RiverTrust for the reasons sets out in their minutes.

Members noted the report.

5/8 Appointment of Co-Opted Members to the Broads Authority

In accordance with the provisions in the Norfolk and Suffolk Broads Act 1988 (as amended) and the decision of the full Authority dated 23 March 2015, the Committee was invited to recommend two Co-opted members to be appointed to the Authority until 13 May 2016.

The Committee noted that due to commitments Mr Alan Goodchild would seek to stand down as nominated appointed co-opted member to the Broads Authority.

Members highlighted that the term of appointment of the two co-opted members to the Broads Authority post 15 May 2015 should be an annual term in order to give more members the chance to take on his role.

The Chairman of the Committee is required to be a member of the Broads Authority and therefore Michael Whittaker was recommended for appointment to the Authority.

RESOLVED

that Mr Michael Whitaker and Mr James Knight, proposed by Lana Hempsall and second by Kelvin Allen be appointed co-opted members to the Broads Authority until 13 May 2016.

5/9 Broads Plan Review & Stakeholders Action Plan

Members received a report outlining the key stages in the Broads Plan Review and were requested to offer suggestions on topics that could be the subject of specific engagement/discussion as part of that review.

The Director of Planning and Resources highlighted that engaging with hire boat operators was one of the priorities of the Stakeholder Action Plan and that a meeting with hire boat operators was scheduled for 25th of June 2015.

It was noted that another priority of the Stakeholder Action Plan was the engagement with Parish Councils and that their involvement in workshops should be encouraged.

Members acknowledged that action plans were being carried out and believed it was important this remained the situation so feedback would filter through and become apparent in the next survey.

It was mentioned that more could be done to promote The Broads, not only to attract visitors but also to ensure they would return. Furthermore Members noted that the Broads Authority should do more to promote itself and make the public aware of the positive work they do and the service they provide.

Members noted the report.

5/10 Hire Boat Statistics for 2014/15

Members received a report which presented two items of evidence: boat hire statistics provided by the Broads Hire Boat Federation and the Authority's own record of boat registrations for 2014.

Members acknowledged that the statistics in the report didn't reflect a full picture and that there was a lot more detail behind the figures like weather conditions and boats which pay toll to other organisations than the BA.

Another concern was that the BA would rely largely on the income of the hire boat industry to which the Chief Executive responded that over the years their reliance had gone down considerably so that the Authority was less vulnerable to changes in the hire boat industry.

It was also mentioned that the BA should get more involved with the infrastructure like moorings, pubs and waste collection and it was agreed that a long term strategy was needed.

Members noted the report.

5/11 Breydon Water: Water Skiing and Wakeboarding Trial Findings

Members received a report which set out the findings of the trial of recreational water skiing and wakeboarding on Breydon Water and their views were sought for the future management of these activities on Breydon Water considering the following options:

- Accept the recommendation from the Water Ski Review Panel and formally designate the existing zone for water skiing and wakeboarding without any additional controls;
- Accept the recommendation from the Water Ski Review Panel and formally designate the zone for Water skiing and Wakeboarding but with additional controls, (i) not permit water skiing and wakeboarding from 1 November until 1 March, and (ii) further reduce the total amount of skiing occasions in any one year from 78 currently agreed to account for the winter ban;
- Reject the recommendation and embark on an additional trial period to enable data to be gathered for future consideration by the Authority;
- Reject the recommendation and revoke the designated water ski zone.

The general opinion was that as water skiing on Breydon Water never used to be an issue in the past there was no reason to change the formal arrangements. Taking into consideration the view of the Waterski Review panel, which included a wide range of stakeholders who had considered all aspects of water ski activity, members

RECOMMENDED by 6 for, 3 against and 1 abstention

to accept the recommendation from the Water Ski Review Panel and formally designate the existing zone for water skiing and wakeboarding without any additional controls.

5/12 Integrated Safety Management System Including Hazard Review

Members received the updated Safety Management System, and noted the integrated approach adopted, and recommendations identified. It was noted that the Boating Safety Management Group and Local Access Forum had both been involved in the hazard review.

It was suggested that a more practical access to the Safety Management System (SMS) would be made available, either online or for example in the Broadcaster. Head of Safety Management acknowledged although the SMS is not intended to be a public document, a more accessible form of the document was also necessary and that they were working on this but explained it was a slow and difficult process.

Members noted the report.

5/13 Annual Incident Reporting Statistics

Members received a report which provided details of the marine incidents from April 2014 to March 2015, including an analysis of deaths and personal injury since 1993. There had been two fatalities, and one fire caused by a gas flashback. Members were reminded that considering the large number of visitors to the Broads, the statistics demonstrated that the Broads continued to be a safe place for boating and boating related activities.

Members were informed that the most efficient way of reaching emergency services on board and in the Broads would be calling 999, to which a member responded that in that case efficient mobile network coverage in the entire Broads would need to be made a priority.

Members noted the report.

5/14 Planning Application with Navigation Implications: Proposed Residential Development at the Former Ferry Boat Inn

Members received a report setting out a planning application which had been submitted to the Broads Authority in respect of the erection of a riverside walkway/staithe on the western bank of the River Wensum and the construction of cantilevered balconies over the River Wensum. The walkway/staithe is proposed to be situated adjacent to the northern side of the Novi Sad footbridge and along the river frontage of the former Ferry Boat Inn site.

The walkway/staithe would be part of the wider proposals for the redevelopment of the Ferry Boat Inn site for residential use, which is being

considered and determined by Norwich City Council and which the Broads Authority had been consulted on.

Members were reminded of the anticipated navigation issues which would be restriction of river width, the use of the staithe and the projecting balconies.

The committee made some suggestions to be fed back to the developers and Norwich City Council in relation to the placement of the pathway and the height of the proposed redevelopment of a six storey building to try to encourage the developers to alter their plans.

A further concern was the strength of the quay heading and members were conscious that the overhanging balconies might cause vessels to run into.

Therefore after careful deliberation members

RECOMMENDED

that the planning application should be rejected due to the proposed restrictions in the width of navigation and the potential impact on the safety of existing and proposed boat users.

5/15 Navigation Income and Expenditure: 1 April to 28 February 2015 Actual and 2014/15 Forecast Outturn

Members received a report which provided the Committee with details of the actual navigation income and expenditure for the eleven month period to 28 February 2015, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2015).

Members were informed that overall income was in line with the original budget though there had been a difference between hire boat and private income, the former down by nearly £45,000 and the later up by over £41,000. It was noted that expenditure was forecasted to be £8,717 below the latest available budget, nonetheless within this operational expenditure it had been above budget and Planning and Resources was below the latest available budget.

It was demonstrated that there had been some significant movements in the forecast outturn position for the year which suggested a small surplus of approximately £16,166 within the navigation budget for the year. With the latest amendments to forecast outturn, this would result in a navigation reserve balance of approximately £306,000 at the end of 2014/15 (before any year-end adjustments), which equates to 10.3% of net expenditure and would be in line with the recommended level of 10%.

Head of Finance informed members that brackets had been removed from the reserve figures but that actual income figures needed to remain between brackets as this is the format the Finance Department has to follow as set out in the CIPFA code and in the Authority's Statement of Accounts. She further highlighted that a minus would project negative and a plus would demonstrate we are ahead.

Members noted the report.

5/16 Construction, Maintenance and Environment Work Programme Progress Update

Head of Construction, Maintenance & Environment updated members on the issues the Authority was currently experiencing with Mutford Lock. Currently divers were working on the alignment of the lock and by the end of April they would be able to see if the repairs have been successful or if further work was needed.

The Director of Operations said that a full report on the Mutford Lock with forward projections, would be brought forward to the next meeting in June 2015 so that a strategy could be planned and additionally a costed programme for the Hickling enhancement project would be brought to the meeting in September 2015.

In relation to dredging material piled up at Ludham Bridge, the Head of Construction, Maintenance and Environment explained that the Authority was working together with BESL on reinstatement of the set-back areas. Each set-back is filled under its own management plan, as agreed between BESL & the Broads Authority and sometimes material is left slightly higher than the folding level to allow for the material to dry out. The dry material is then used to crest raise or re-shape the flood wall.

The Broads Authority is a statutory consultee to the Marine Management Organisation (MMO) and has recently commented on an application to push dredged material from a mooring basin on the Lower River Waveney at Burgh Castle. It was explained to the members that the Broads Authority had raised objections to the discharge of sediments into the Waveney on a number of grounds, ranging from volume to a lack of chemical analysis.

In response to a question raised about a vessel being damaged at Irstead, Director of Operations said that the vessel was damaged because it hit a submerged tree stump. She informed the members that as the dredging crew were near to this location at the time, they located and removed the offending object. She then explained that the river (Ant) naturally shallows at this location and dredging to deepen it was not in accordance with the Sediment Management Strategy and that the Navigation Notes had been amended to reflect this.

Members welcomed and noted the report.

5/17 Broads Safety Management Group: Update

The Director of Operations provided the members with a short update of the Broads Safety Management Group meeting held 10 March 2015 where the main topics discussed were:

- PMSC External Safety Audit
- Hazard Review 2014/15 Process Update

- Report on Incidents
- Safety Alerts – potential installation of Carbon Monoxide alarms
- Hire Boat Code Update
- Water-ski Review progress update

5/18 Chief Executive's Report

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

Members noted the report.

5/19 Current Issues

In general members were concerned about the fish kill in the Upper Thurne and although the brief which was sent out by the Chief Executive was welcomed, one member in particular was disappointed there was no mention of why or what could be done about the current fish kill situation. He deliberated if specific monitoring of temperature, salinity and oxygen in the rivers was necessary to be carried out on a daily basis.

Director of Operations responded that to date nothing had been confirmed as yet and that the Broads Authority was still waiting for reports to come back to confirm that they were dealing with a toxic Pymnesium outbreak. She further informed members that the Authority had gathered a lot of information thanks to previous experiences, was in close contact with the John Innes Centre (JIC) and that a meeting with Natural England (NE) and the Environment Agency (EA) had been set up. It was explained that NE, EA and BA are all sampling for different elements but that all samples are sent to JIC to be researched and collated.

Members were assured that work is still due to start in October 2015 as scheduled, subject to consent, while working towards the long term project.

5/20 Items for future discussion

Members would like to see a programme being set for more future workshops.

5/21 To note the date of the next meeting

Due to meetings regularly over running, it was decided to remain at the regular starting time of 1 pm with an attempt to finish earlier.

The next meeting of the Committee would be held on Thursday 4 June 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

5/22 Exclusion of the Public: Item of Urgent Business – Purchase of Land

The Committee was asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information

Members of the public left the meeting

The Asset Officer introduced an urgent item of business as member's views were sought on the potential purchase of a much sought after piece of land.

RECOMMENDED

that the Navigation Committee would support the Broads Authority in delegating powers to the Chief Executive to submit an offer of the guide price plus an agreed additional percentage for a required piece of land.

5/23 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 26 February 2015

The exempt minute of the meeting held on 26 February 2015 was confirmed as correct and signed by the Chairman.

The meeting concluded at 4.50 pm

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 23 April 2015

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mr K Allen		Member of the Broads Angling Strategy Group
Ms L Aspland		Member of NBYC, Toll Payer, Hunter Fleet
Mr B Dickson		Toll Payer
Mr P Dixon	4/7 – 4/16	As previous
Mr J Knight		Hire Boat Operator, Toll Payer, Member of NSBA, NBYC, WOBYC
Mr M Heron	6-20	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NSBA, RCC, Chair Whitlingham Boathouses
Ms N Talbot		Toll Payer, NSBA Member and Member of NBYC
Mr M Whitaker	6-23	Toll payer, Hire Boat Operator, BHBF Chairman
Mr B Wilkins		Toll Payer, HBSC, NSBA, RCC