

Guidance notes for those conducting works within the Navigation Area



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Broads Authority
Yare House
62-64 Thorpe Road
Norwich NR1 1RY

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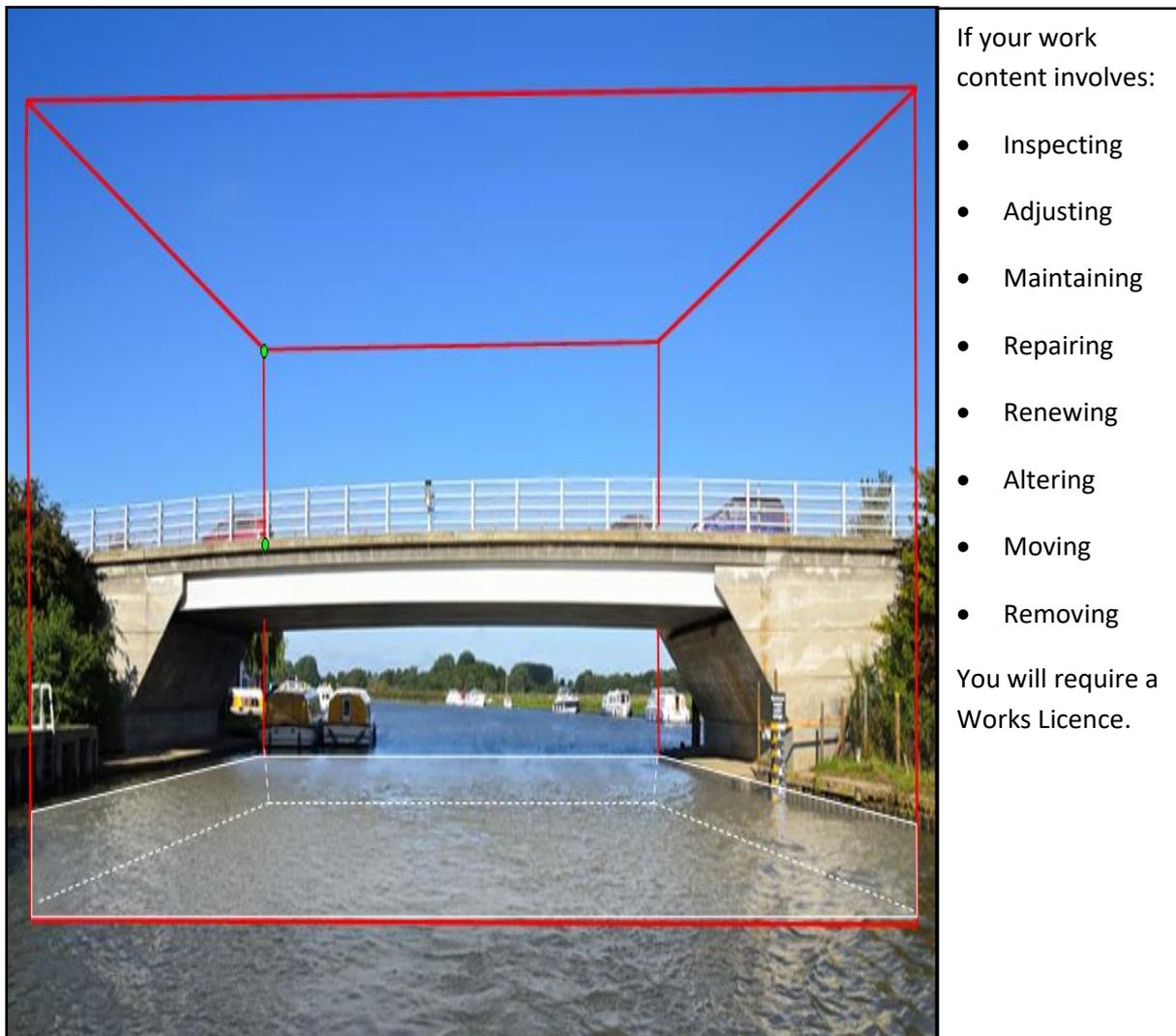
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Purpose of the document

The purpose of this document is to provide guidance for the carrying out of works within or adjacent to the navigation area of the Broads river system. It gives guidance on legislation requirements, identifies less obvious hazards and highlights other possible considerations. This Document does not absolve the user from complying with the law or from preparing their own health and safety risk assessments.

Not all sections will be relevant for every situation although the document should be read as a whole and not in part. In cases of doubt or ambiguity, the Norfolk and Suffolk Broads Act 1988 shall always prevail. Please contact the Broads Authority if you would like clarification about anything within this document, which may be unclear.

If you are working in, on, over, under, or near the Navigation Channel (denoted by the red line below) you will require a Works Licence.



If your work content involves:

- Inspecting
- Adjusting
- Maintaining
- Repairing
- Renewing
- Altering
- Moving
- Removing

You will require a Works Licence.

The Broads National Park lies in the counties of Norfolk and Suffolk in the east of England. At 303 sq. km, it is Britain's largest protected wetland (the Broads executive area map is below).



1 Navigation Works

Works carried out within or adjacent to the navigation area, which includes the river channel, riverbanks and sheltered moorings, which will interfere with or be likely to interfere with navigation are required to have a Works Licence. Examples of works which will require a works license are dredging, river crossings for services, bridge or bridge abutment works, fendering works as well as scaffold erection, diving surveys, quay heading construction or repair, erosion protection, jetties/pontoons and construction of outfalls.

Navigation works will be subject to assessment on the need for a closure or partial closure of the navigation area for the period of the works and the consequent need to publish a Notice to Mariners (see section 3)

Works will be assessed for safety, risks during construction, and any subsequent residual risks to users of the navigation area and any mitigation measures, which may be required, either temporary or permanent.

There will also be situations where the Broads Authority needs to be present on site for safety reasons. This service will be reimbursable at the Broads Authority's current charge-out rates.

2 Requirement for a Works License

The Norfolk and Suffolk Broads Act 1988 requires, under Section 11, that no person shall construct, alter, renew or extend any works, or undertake any dredging, within or adjacent to the navigation area unless:

- (a) neither the works in question nor the manner in which it is to be carried out will interfere with navigation in any part of the navigation area or of the Haven or be likely to do so; or
- (b) that person:
 - i. holds a license under this section authorising the work ('Works license')
 - ii. complies with the conditions (if any) attached to the works license; and
 - iii. carries out the work in accordance with the approved plans, sections and particulars.

The requirement to have a works license does not apply in relation to:

- (a) the renewal of any works in existence immediately before April 1988; or
- (b) any works of a statutory undertaker.

In carrying out any work within the navigation area a statutory undertaker shall however comply with any reasonable direction given by the Authority for the purpose of protecting navigation within the navigation area on the Broads.

An extract of the relevant sections of the Norfolk and Suffolk Broads Act 1988 that apply to the granting of a works license appears in Appendix 3. Attention is drawn to Section 12 of the Act, which makes it an offence to carry out works in contravention of the need for a license or in breach of the conditions, if applicable.

An application form is included (see Appendix 1). Further forms are available to download from the Broads Authority website, and may be duplicated or requested from the Rivers Engineer at the address below:

**Rivers Engineer
Broads Authority
Yare House
62-64 Thorpe Road
Norwich
Norfolk
NR1 1RY**

The application form should be completed by the Landowner or his/her agent, be accompanied by a location plan, plan(s) and section(s) of the works, a method statement describing how the works are to be carried out and an application fee, determined by reference to the list in Application Works License Form.

Applications will normally be determined within 28 days. Applicants will be required to comply with any conditions imposed and/ or any reasonable direction given by the Authority for the purpose of protecting navigation within the navigation area.

The grant of a 'Works License' does not absolve the applicant from the requirement to obtain any other licenses, permissions etc. required by any other legislation e.g. planning permission, Environmental Permits Flood Defence Consent, Marine Licensing or permission under the Habitats Regulations. Please note this is not an exhaustive list and the applicant must seek further guidance as appropriate. For guidance in respect of planning permission, please see Section 5, 'Requirement for Planning Permission'.

Conditions, which must be complied with, may be imposed by the Authority when granting the works license. The 1988 Act also provides for an applicant aggrieved by the Authority's refusal to grant a works license, or by any condition imposed or by any modification required to plans, sections and particulars, to refer the matter for determination by a mutually agreed person or, failing such agreement, by the Secretary of State. In this situation, the applicant must give notice to the Authority before the end of twenty-eight days from the date of refusal or other decision in question.

If any further advice is required, please contact the appropriate officer. Please refer to the contact details in Section 11.

2.1 Works License supporting Information

Applications must be supported by information detailing plant and equipment to be used, location plan, a construction drawing and sufficient design details to enable the proposal to be assessed, method statement (a written document that essentially details a safe system of work and identifies the conceivable hazards that may arise during the work that is undertaken) timetable for the project and details of contractor(s) to be appointed.

Additional information may also be requested. A works license will normally be valid for one year from the date of issue for the work stated on the license. Occasionally, a shorter timescale will be specified. For example, diving operations, when it is essential that work takes place only at agreed times and dates for safety reasons. Before any works license may be validated, evidence that minimum public liability insurance to the value of £5,000,000 is held by the applicant or his contractor shall be submitted.

3 Requirement for a Notice to Mariners

A formal notice to inform users of the navigation will be required whenever any works are undertaken that significantly affects the navigation, e.g. severe height or width restriction or a river closure. A minimum of **30 days** advance notice, in writing, is required for any works that will affect the navigation.

An example of a Notice to Mariners is shown below

Broads Authority Notice to Mariners

Equipment failure resulting in Closure of Trowse Swing Bridge

River Wensum

Notice is hereby given that Trowse Swing Bridge will remain closed until March 2019.

The Bridge will not be operated due to failure of the bridge mechanism maintained by Network Rail. The closure will not restrict the passage of those boats normally able to pass under the closed bridge.

**Rivers Engineer,
Broads Authority,
Yare House
62-64 Thorpe Road
Norwich
Norfolk
NR1 1RY**

The following information will be required in order to complete a Notice to Mariners:

- i. Brief description of the works.
- ii. Location of the works.

- iii. Duration of the works – Start and completion (date and time).
- iv. Those parties likely to be affected.
- v. Name and address of person to receive the re-charged bill for the Notice
- vi. Contact details for further information and any complaints received.

The cost of a Notice to Mariners varies; depending on the size of the notice and number of words. As a rough guide, prices usually start at around £130 progressing to upwards of £450.00 for publication with an additional standard charge of £30 to cover administration costs.

You are advised to contact the Broads Authority at the earliest opportunity for advice regarding requirements. See the contact details under section 11. An application form can be found under appendix 2.

4 Requirement for Navigation Closures

Closures of the navigation are only permitted where absolutely necessary; Only in exceptional circumstances would daytime closures be granted during the summer season and then only with appropriate safety boat cover and control of river traffic, which may require the presence of Broads Authority launches and personnel; this service is charged for separately. Temporary closures for up to an hour at a time may be considered.

A Notice to Mariners is required for any closures, subject to an agreed method statement. Please contact the Authority to discuss a potential closure (see contact details in section 11).

5 Requirement for Planning Permission

Proposals needing planning permission are judged against all the policies of the Local Plan and a Neighbourhood Plan, if one is in place in the relevant Parish - these are available from the Authority and on the Broads Authority website, <http://www.broads-authority.gov.uk/planning/planning-policies>

River works carried out by private individuals or businesses usually require planning permission. The list below covers developments, which normally need permission; they apply both to new and replacement works. The list is not exhaustive and it is recommended that guidance is sought from the Broads Authority Planning Department.

- Piling and bank protection works.
- Boardwalks/decking.
- Buildings, including boat sheds/ houses and equipment lockers.
- Fishing platforms.

- Mooring cuts or extension to cuts.
- Use of moorings by a vessel for residential/business use including houseboats.
- Intensified use of moorings.
- Bridge construction.
- Quay-heading.
- Formation of hard surface/ parking areas.
- Floating pontoons/platforms.
- Fences (some permitted development rights do exist).
- Moorings.
- Use of private moorings for commercial purposes.
- Raising of land levels.
- Disposal of spoil from dredging.
- Creation of mooring plots for recreational use.

The Authority offers a free pre-application advice service so please get in touch with the planning department if you would like to know more. There are also some guides in place that may be of relevance to your proposal and these can be found here:

<https://www.broads-authority.gov.uk/planning/planning-permission/design-guides>

6 Marine Licensing

Dredging to maintain normal channel depth does not require planning permission but the disposal of the dredging material, depending on the amount (if over 500m³) and the location, will require consideration when you start working up a scheme and may require a Marine Management Organisation (MMO) licence so check with the Broads Authority Planning Department prior to making an application, and seek guidance from the MMO website: <https://www.gov.uk/guidance/do-i-need-a-marine-licence>

7 Environment Agency and Natural England Consents

Under the Water Resources Act 1991 and Land Drainage Act 1991 the Environment Agency require notification of any works on, in, under or within 9 metres of EA main rivers. This includes dredging activities within the Broads system. Conditions may be imposed on works, including design, timing and procedures. See contact details in section 11.

Under the Environmental Permitting Regulations (England and Wales) 2010, the Environment Agency requires notification of all dredging disposal activities, even if the volume deposited is within the exempt threshold for Environmental Permitting. If the deposited dredging volume is greater than the threshold limits, are deposited away from the bankside, or used for agricultural benefit, an Environmental Permit must be applied for. Application and notification forms are available on the Environmental Agency website: <https://www.gov.uk/government/organisations/environment-agency>

If the proposed works site is within or adjacent to a Site of Special Scientific Interest (SSSI), Natural England consent for the works may be required. To find out if your site is within a SSSI please see: <https://www.gov.uk/check-your-business-protected-area>

Guidance as to how to give Natural England notice of such works can found in the Sites of Special Scientific Interest (SSSIs) booklet and a notice template is available. You can search for SSSI details including the list of operations likely to damage the special features of a SSSI on the Natural England website: <http://www.naturalengland.org.uk>. An informal discussion with the local advisor is recommended before a formal notice is submitted.

Surveys to determine whether Protected Species are at risk from proposed works may also be required, with appropriate schemes of mitigation required if they are found to be present or actively using a site: <https://www.gov.uk/government/organisations/natural-england>

Further information on all of the information listed above is available from the Broads Rivers Engineer. Please refer to the contact details in section 11.

7.1 Other consents

Other consents you may need include:

- Listed Building Consent
- Conservation Area Consent
- Tree Preservation Order Consent
- Advertisement Consent
- Building Regulations

8 Generic Guidance

This section of the document highlights requirements likely to be relevant to navigation works projects in conjunction with the detailed guidance in section 9. Applicants should consider the applicability of these generic guidance notes for their particular circumstances and include full details with each application for a Works License.

8.1 Towing and Escorts

All persons responsible for the management or navigation of floating plant shall in every case where tugs, pontoons, barges (propelled or non-propelled) or other floating plant are moved, moored or used within the Navigation Area of the Broads Authority apply the Directions set out in relation to Towing and Escorts.

8.2 Mooring of Vessels and Plant

All workboats, pontoons and working platforms must be moored in accordance with the agreed method statement, which will usually be single alongside only, securely moored to an appropriate fixing point on the bank. Note, experience has shown that in certain locations a single wooden stake is insufficient in high winds and/or at times of particularly high and low tides.

Vessels must have spring mooring lines and appropriate lights exhibited between sunset and sunrise (see section 8.4). The additional use of chains, secured with padlocks, together with anchors/ mud weights, where applicable, is recommended, to guard against a vessel being let go by a malicious person, particularly in areas frequented by the public. All such vessels shall comply with the Broads Authority requirements, e.g. paid the required toll charge, registration marks displayed; hold a current boat safety certificate and insurance where applicable. The vessel must be checked regularly and records kept of such inspections.

Where it is necessary to moor barges, pontoons or other floating plant abreast of each other for operational reasons (for example while transferring cargo or while lifting or driving piles), or the vessels must remain moored abreast overnight or while the work site is unattended, such vessels must be kept in constant readiness to be moved and must be immediately moved if the master is requested to by an officer of the Authority.

All moorings, positioning wires, anchor cables and other flying tackle or equipment must be clearly marked by buoys. Midstream mooring must not be undertaken where to do so would hamper or endanger passage of other vessels.

8.3 Signage/Channel Marking

8.3.1 Signage

Warning signs may be required both at the work site and in advance of the works up and downstream, and these should be clearly visible. Signage may include specific advice with regard to any width or height restrictions, mooring restrictions and for directing vessels away from the works site. Emergency contact details may be required to be included on any signage. Depending on circumstances, there may be a requirement for signs to be lit and be reflective. Where mandated by the Authority, signs must be sited at the agreed location with the agreed wording and in place before any works commence; failure to comply with this requirement will result in works being stopped. All signage must be removed immediately at the end of the works.

If warning signs are requested on sites, they must be clearly positioned both up and down river by large and visible signs (minimum 2.4m x 1.2m) stating the identity of the operators, the nature of the works ("Flood Defence Piling Works" or similar) a contact telephone for use in the event of incident and the words "Navigate with Care" or similar.

Signage should follow AINA standards: <https://www.aina.org.uk/wp-content/uploads/2018/04/Navigationssignsandsymbols.pdf>

8.3.2 Channel Marking

Any markers used should be consistent with the specifications as listed below. Discussions must be held with the Head of Ranger Services or the Senior Rangers before any marks are placed in the Navigation Area.

All markers are to be supplied, installed, maintained and removed by contractors unless agreed otherwise with the Broads Authority. All channel markers, their type and location, must be approved by the Broads Authority

- a) Temporary – while contractors still on-site: posts 75mm x 75mm, yellow (or equivalent round). A lightweight mark, such as these, requires a methodology for weekly inspection. If this is not feasible, an alternative is to use an intermediate, more robust post to reduce the need for inspection. Height above water level to be agreed.
- b) Interim – marking hazardous piling/object remaining in place for a maximum of 2 seasons: 150-200mm posts (or buoy option 1) see below) coloured yellow. All posts are to have 2m visible above high-water level unless otherwise agreed with the Broads Authority. Posts should be located at each end of the hazard with intermediate posts spaced as appropriate to the channel.
- c) Interim – marking soft erosion protection², post construction/pre-vegetation- in place for a maximum of 2 seasons: 150-200mm posts, (or buoy option 1) coloured red or green as appropriate. All posts are to have 2m visible above high-water level unless otherwise agreed with the Broads Authority. Posts should be located and spaced as appropriate to the channel.
- d) Permanent – 250mm diameter steel posts (or buoy option 1) appropriately coloured for navigation. Permanent markers would be used to mark the location of irremovable submerged hazards, etc. Spacing to be agreed on a site-specific basis. All posts to have 2m visible above high-water level unless otherwise agreed.
 1. Buoys appropriately sized and located may be used in areas with low water velocity and small tidal ranges.
 2. Markers are normally installed to follow -1.2m Above Ordnance Datum contours where river width allows.

8.4 Lights and Symbols

Any works, vessels, platforms etc. within the navigation channel must exhibit amber flashing lights from sunset to sunrise for the duration of the project. Whilst underway all vessels must display navigation lights during hours of darkness and where appropriate shapes by day. Lights and shapes must be checked and maintained with spare lighting units available to cover malfunction, theft or vandalism. There must be a proper checking and recording procedure for these lights and shapes to ensure that these are always conspicuously exhibited to avoid collisions. Lighting and shape requirements are detailed in the Navigation Byelaws, which can be found on the Broads Authority website: <https://www.broads-authority.gov.uk/boating/navigating-the-broads/byelaws-and-speed-limits>

8.5 Air Draught/Width/Depth

Works will be assessed on the temporary and permanent impacts to the available navigation area and may require navigation closure/Notice to Mariners. Additionally, where the navigation area is restricted warning signs will be required and temporary, revised gauge boards will be necessary if the air draught at bridges is affected. Lighting of the signs at night may also be required.

8.6 Protruding Edges

Protruding edges such as ends of scaffolding poles or materials left overhanging the quay edging can be extremely dangerous to boats and boat crews. This practice should be avoided but where it cannot be avoided, they must be protected and formed into a continuous safe barrier. All edges protruding into the navigation area must be lit between sunset and sunrise. Failure to do this will result in works being stopped. Scaffolding sub-contractors must be made aware of these requirements as experience has shown nearly all contractors have to return to adjust the scaffolding accordingly, causing a delay to the work.

8.7 Banksmen

Banksmen may be required in the case of diving works and/or projects working adjacent to public access areas including footpaths. Please refer to the statutory regulations and good practice codes.

8.8 Inspection/Maintenance

Applicants are responsible for ensuring that all relevant Health and Safety legislation and codes of practice/instructions are to be complied with. All equipment must be maintained and inspected as required by current legislation. Site and equipment safety must be maintained and regularly inspected in accordance with good practice, approved codes of practice and regulations.

8.9 Emergency Procedures

8.9.1 Emergency Situations

In an emergency, you should contact:

- 1) Emergency services /Coastguard: 999, then

2) Broads Authority, Broads Control: 01603 756056 (office hours only, 9am - 5pm)

Ensure that arrangements in the event of an emergency are in place and that there are warning systems in case of fire and other emergencies.

Ensure adequate provision has been made for fire-fighting equipment and first aid and that all personnel are aware of the arrangements and trained appropriately.

8.9.2 Emergency Measures

The applicant will ensure that:

- a) Means of escape routes are not obstructed by any plant, equipment or materials.
- b) Procedures and equipment are in place to prevent any pollution to both land and water. In addition, pollution control and response equipment are available on site to deal with any spillages to either land or water.
- c) The use of equipment/materials and the carrying out of processes, which could cause a fire to be started and/or increase the severity or risk of a fire, is strictly controlled. All equipment or equipment utilising a naked flame is switched off or disconnected after every use on every occasion.
- d) Any use of flammable chemicals or gases are in accordance with the manufacturer's instructions and conditions of use. Flammable materials are to be kept in the correct containers and stored appropriately when not in use. All cylinders of flammable gases are stored in an area suitably designed to minimise any risk of combustion or removed from the site each day after use.
- e) To minimise the risk of fire or explosion, all works that involve "Hot Works" e.g. the use of welding gear, blow lamps or other plant using naked flames or plant or equipment which generates sparks shall cease not less than sixty minutes before leaving the site. A thorough check for signs of fire should be carried out immediately following the use of such equipment and before the site is vacated each day. These checks must be recorded.
- f) All accidents must be recorded. You may be asked to provide details of your accident record. The Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require employers to report some types of work-related accidents and ill health the health and safety enforcing authorities (HSE or the local authority), and to keep records of these for three years. If an accident occurs on or near the water and this would also include sunken vessels, this should be reported to Broads Authority Broads Control even if not reportable to HSE.

All incidents and accidents involving vessels must be reported to the Broads Authority via Broads Control. The MGN:564(M+F) Marine Casualty and Marine Incident Reporting Regulation 2012 require both the Navigation Authority and the owners/masters of certain

vessels to report specific incidents to the Marine Accident Investigation Branch. Failure to report relevant incidents is a criminal offence. See Mariners Guidance Notes (MGN): <https://www.gov.uk/government/collections/marine-guidance-notice-mgns>

8.10 Health and safety requirements

The applicant is responsible for ensuring that prior to commencing the work, all risk assessments/method statements have been prepared for the work that is to be carried out and that they will adequately address all identified risks.

All equipment used and personal protective equipment supplied should be in accordance with and conformity with current regulations and appropriate standards.

The correct storage, securing of and stacking of materials, plant and machinery used during the contract will be the responsibility of the Applicant.

Contamination of waste or surplus material with dangerous substances must be considered when dredging or excavating. Such dangers may include the risk of finding “sharps” items, such as hypodermic needles, glass etc., which must be correctly and safely disposed of.

The Health and Safety Executive can supply further advice. Please refer to section 11 for contact information.

8.11 Pollution control including noise and preventative measures

In planning and carrying out any work in or near rivers, streams, ditches and other watercourses, precautions must be taken to ensure their complete protection against pollution, (including any emissions of construction material, sewage, fuel, oil, paint, etc.), silting (from soil or sediment escaping into the watercourse) or causing direct bankside erosion. The use of industrial by-products at locations where drainage from the material could directly or indirectly enter surface or groundwater must be discussed with the Environment Agency and the Broads Authority, e.g. spent fuel ash.

- i. Care should be taken with the discharge of any pumped water. This operation may increase the risk of bankside erosion or structural under-cutting, and the mixing of different waters is strictly controlled. The Environment Agency requires an application for consent to discharge before any discharges enter any controlled watercourse. This includes dry ditches or surface water drains as well as lakes and rivers.
- ii. Care should be taken to prevent water from entering excavations to reduce the risk of soil entering the watercourse.
- iii. Cement and concrete are very alkaline and corrosive and can have a highly polluting impact on watercourses. It is essential that the use of cement and wet concrete in or adjacent to any watercourse is carefully controlled so as to minimise the risk of any material entering the water particularly from shuttered structures or the washing of equipment

- iv. Storage - No loose materials should be stored below high-water level where there would be a risk of the materials entering the watercourse, either from slippage of the stored material or being washed off by rainfall/ high tide. Fuel, oil and chemical storage must be sited on an impervious base within a bund with a capacity of at least 125% of the total storage volume and secured. Detailed guidelines concerning above ground storage tanks are available from the HSE.
- v. Where bridges or other structures over or adjacent to rivers are being cleaned or repainted, debris should be prevented from falling into the watercourse or on to the embankment. Provision for the collection of solid debris, including spent abrasive materials and waste paint should be incorporated into working methods.
- vi. The risk of spilling fuel is at its greatest during refuelling of plant. Where possible, refuel mobile plant in a designated area, preferably on an impermeable surface and well away from any drains or watercourses. A spill kit must be available for use and a bunded bowser must also be used. Diesel pumps and similar equipment must be placed on drip trays to collect minor spillages or leaks. In the event of any spillage, the spilt material must be contained (using absorbents such as sand, soil or commercially available booms or pads) and the Broads Authority should be notified immediately. Contaminated material should be disposed of to a licensed disposal site as regulated by the Environment Agency. Sufficient supplies of absorbent materials must be available to cover the perceived risk and disposed of appropriately after use.
- vii. All chemicals and fuel must be secured as appropriate to avoid criminal damage and theft which may cause pollution to the rivers and broads. Consider the use of bunded, secure areas and security guard attendance.
- viii. Environment health department may monitor construction or demolition sites activities to minimise pollution caused by noise dust and other nuisances. Companies must take reasonable steps to control any nuisance, depending on technology available and costs involved. This is called using the best practicable means (BPM). This may include;
 - limiting hours of operation
 - using quieter pieces of machinery
 - using water to damp down dust
 - using sound dampening control methods

In the event of any pollution incident, or if there is risk of pollution from a spillage, please contact Broads Control on 01603 756056 during the hours of 9am to 6pm April to end of October and 9am to 5pm in winter. Outside those hours phone the Coastguard via 999 who

will call the Broads Authority duty staff. The Environment Agency should also be contacted on their incident hot line on 0800 807060.

8.12 Anti-social working hours

It is important that, other than in emergency situations, due consideration is given to the amenity of local residents and the general boating public from both general disturbance and noise disturbance. This is particularly the case when working outside normal working hours.

8.13 Insurance

It is a requirement of a works license that the licensee/contractor must have in place, in respect of the works, Public Liability Insurance for a minimum cover of at least £5,000,000 in respect of any claim (or series of claims arising from the same occurrence) but otherwise unlimited in number of claims. A copy of the insurance certificate must be attached to the application for a Works License.

It is also a requirement of the licence that the licensee indemnify the Authority against any claims arising from the carrying out of the works except to the extent that it is due to the fault of the Authority.

8.14 Working on or near water

A suitable buoyancy aid or life jacket complying with the relevant standards must be worn correctly when working on or near water.

Consideration must be made for the provision of a rescue boat and personal rescue equipment for people working on or over the water after assessing the particular circumstances. I.e. depth of water, rates of flow

Attention is drawn to the requirement for the helmsman of the vessel engaged in commercial activity to hold a Maritime & Coastguard Agency 'Boatmaster licence' or recognised equivalent.

8.15 Training

It is important that all personnel are trained to an appropriate standard for whatever role they are asked to undertake and must have information, instruction and training on anything which may affect their health and safety. Health and Safety training is just as important as other aspects of job training. Make sure you identify what knowledge and experience is needed to work, including relevant safety rules and procedures, and procedures for dealing with emergencies.

8.16 Security

The site and surrounding areas should be secured to ensure that members of the public are not able to stray into areas of work or where mooring is not allowed. The site and surrounding areas shall be signed to identify the risks.

9 Detailed Guidance

This section of the document considers specific works requirements in more depth, though it is not expected to be relevant in all cases.

Applicants should satisfy themselves regarding the need to adopt measures appropriate to their works, and incorporate full details in any application.

9.1 Scaffolding

Erecting and dismantling scaffolds remains a high-risk activity, not only to those carrying out the work but to other workers and the general public. It is important to remember that many people ranging from clients through to the self-employed have legal responsibilities. In simple terms, the law requires that scaffolding operations are properly planned and carried out by a competent scaffolding contractor. It is for the applicant to ensure compliance with legislation. Please refer to current legislation regarding the erecting and dismantling of scaffolding.

Where scaffolding is to be erected over or adjacent to the navigation area, the following conditions must be satisfied and agreed in advance before issue of a works license.

- a) A safe navigation route will normally be required for vessels. Where there is any difficulty in achieving this, preference would be for access under scaffolding or around if room. If the channel is affected, your application will be referred to the Head Ranger who in conjunction with the Rivers Engineer will decide what arrangements shall be made.
- b) The scaffolding contractor must supply in writing to the Broads Authority a method statement for the erection and dismantling of the scaffold. This must include the basic dimensions of the scaffolding, how the scaffolding will be supported and any plant/ vehicles used. Scaffolding/works restricting the air draught of bridges, (the distance from the waterline to the highest fixed point of a vessel or structure), requires a Notice to Mariners; restriction to navigation width may also require a Notice to Mariners. Refer to the contacts in section 11, and contact the relevant person for advice.
- c) The scaffolding contractor must supply a copy of their risk assessment for the erection and dismantling of the scaffold.
- d) Adequate lights to define the profile of the scaffolding must be provided during the hours of darkness and should be regularly checked and maintained.
- e) Advance signs or warnings of works and dimensions restriction to be provided, erected and lit, including where appropriate suitably modified gauge boards by the contractor.

- f) Adequate protection must be provided to all projections and sharp edges. This applies particularly to scaffold couplings, which should be securely wrapped. No single scaffold pole must be left protruding, but finished with perpendicular member or boards.
- g) The lower part of the scaffold, including all standards, braces etc. should have a high visibility surface finish e.g. luminous tape, day-glow etc. If paint/ emulsion are used, adequate precautions should be taken to protect passing vessels etc.
- h) The Broads Authority must be indemnified against all claims, including any which may result from erection of scaffolding and/or hoarding. The minimum amount of insurance in respect of any claim on the Insurers (or series of claims arising from the same occurrence) is to be £5,000,000, but otherwise unlimited in the number of claims.

A copy of the certificate should be attached to the application.

- i) Materials may be mixed on or adjacent to the river with prior agreement. No such materials or washings must be allowed to enter the river.
- j) The scaffold must be designed in such a way as to prevent materials/equipment from falling into the adjacent watercourse.

9.1.2 Works License for scaffold

A license from the Broads Authority is required before a scaffold can be erected on or over the public navigation.

An additional license is usually needed if you plan to install a protective fan. A license may set down standards on such matters as lighting and painting the scaffold or for a fan it may restrict the height at which it is set. For further advice you should contact the Broads Authority (refer to contacts in section 11).

9.1.3 Protection of the public

Whilst scaffolding operations are in progress, the public must be excluded from both the area of work and a sufficient area around it. Minimum requirements will include:

- i. Obtaining a temporary navigation closure whilst operations are carried out.
- ii. Undertaking operations in “quiet” hours i.e. early morning, at night or out of season.
- iii. Incorporating fans, crash decks and tunnels as early as possible into a scaffold.
- iv. Erecting barriers and signs and diverting the public away from operations.
- v. Storage of scaffold clips and other loose materials is not allowed on the scaffold.
- vi. Not raising or lowering materials over members of the public or site workers.

9.1.4 Risk of collision by vessel

There is always a risk, particularly in areas of strong tides, of vessels striking or being swept onto scaffolding; with this in mind scaffolding must be constructed so that no single poles are protruding. Ends of scaffold poles must have plastic covers and any single poles must be joined together to form a continuous safe barrier. Scaffolding ends must be lit with yellow flashing lights which must be checked and monitored particularly at weekends and bank holidays when they might run out of power, be stolen, vandalised or damaged by vessels. A contact telephone number must be provided so that replacements can be requested should there be complaints from the public or our staff.

9.2 Diving operations

Where diving operations are to be undertaken, consideration will need to be given as to the requirement for navigation closure, the issue of a Notice to Mariners or provision of escorts. In addition, a dive permit is required from the Broads Authority. The permit will demand a method statement which details the dive, purpose of the dive and associated method statement for any works. Provision of a safety boat, relevant warning flag, shore communications, use of banksmen, etc. should be identified, along with any restrictions on works due to tidal or weather conditions.

Copies of certificates for competence training for staff, equipment and insurances and medical certificates must be requested by the Applicant. Any known hazards, sluices, valves, cables, whether above or below the water must be identified to the dive supervisor. All current legislation and HSE advice must be adhered to.

9.3 Towing, escorts and pilotage

The conditions set out below are issued pursuant to appendix three S.11 (3) of Norfolk and Suffolk's Broads Act 1988 and the Broads Authority Act 2009.

These conditions apply to all persons responsible for the management or navigation of floating plant being used in connection with the Works and shall apply in every case where tugs, pontoons, barges (propelled or non-propelled) or other floating plant are moved, moored or used within the Navigation Area of the Broads Authority.

These conditions do not apply to the movement by a self-propelled vessel, which is less than 20 metres overall length and less than 6 metres beam, or to a movement by any vessel which is limited to shifting berth within an immediate worksite.

Owners of vessels over 20 meters must contact the Broads Authority at least 35 days in advance of the planned vessel movement to enquire if a pilotage service is required.

The conditions are without prejudice to any Direction, which may be given in respect of any particular vessel movement.

- a) The Broads Authority must be given seven days' notice by telephone to Broads Control, Norwich (telephone 01603 756056) of every movement of a tug, barge,

dredger or pontoon or other floating plant, stating the expected time and place of departure, intended route and destination, particulars and dimensions of the vessel(s) concerned and intended towing arrangements, etc.

- b) Movements must be undertaken under escort of a Broads Authority patrol launch (or more than one launch if the Authority deems it necessary). Vessel movements should not commence until Broads Authority launches are ready and in attendance and have indicated that the movement may commence. The function of the Broads Authority patrol launch is to warn other craft of the vessel movement, to control movements of other vessels (including crossing particular areas/ reaches as appropriate) and to ensure observance of navigation byelaws and regulations. Safe navigation of the vessel under movement will remain the responsibility of the person in charge of it.
- c) No movements will be allowed during darkness, fog or high winds. Again, circumstances will dictate decisions and even if a movement has been agreed, the Ranger undertaking the escort can cancel the planned movement for weather, traffic or other factors. Escort of large vessels or rigs in high summer can necessitate up to three Broads Authority vessels, one ranging far ahead, one in front of the escorted vessel and one behind to prevent vessels overtaking.
- d) All escorts will be charged at the Broads Authority standard rate per vessel/staff member. If the vessel to be escorted is of sufficient size the services of the Broads Authority mud pilot may be required. The current charge for the mud pilot is £200 per single passage.
- e) Where any barge, pontoon, dredger or other floating plant of a length greater than 20 metres or beam greater than 6 metres is being towed astern by another vessel, there shall be connected also astern, a stern tug capable of effectively assisting and steering the forward vessel and keeping the towed vessel under proper control.
- f) No vessel or tug and tow, whether towing astern, or alongside or pushing ahead, in which any of the vessels involved exceeds 20 metres length or 6 metres beam shall navigate through Reedham Railway Swing Bridge or Somerleyton Railway Swing Bridge with a following tide without the express authorisation of an officer of the Authority given in respect of that particular passage.
- g) No barge, pontoon or other floating plant shall be moved by towing alongside if the overall width of towed and towing vessel so connected exceeds 8.00 metres (See Navigation Byelaw 27).
- h) Vessels must comply as appropriate with Broads Authority Navigation, Speed Limits, Registration and Vessel Dimension Byelaws.

- i) All vessels under movement which require to be escorted by a Broads Authority patrol launch pursuant to these conditions must be provided with VHF Marine Band Radio (multi-channel) in order to communicate with Broads Authority launches. It is strongly advised that mobile telephones are also carried.

Persons responsible for vessels movements are reminded that those in charge of other vessels may not be experienced navigators and may be surprised to meet substantial items of floating plant under movement. Allowance must be made for this and additional care taken in carrying out manoeuvres, communicating with other vessels, etc.

10 References

This is not a comprehensive list but a guide to some of the key regulations. You will need to refer to all current legislation and good practice guides.

10.1 General

- Health & Safety at Work <https://www.hse.gov.uk/>
- Environment Agency <https://www.gov.uk/government/organisations/environment-agency>

10.2 Pollution and biodiversity

The Broads Authority have produced a series of Environmental Standard Operating Procedures to inform works carried out in the Broads Authority Executive Area and to mitigate against environmental and ecological impacts: <https://www.broads-authority.gov.uk/looking-after/managing-land-and-water/conservation-publications-and-reports/environment-standard-operating-procedures>

11 Contact details

A list of useful contact details related to this guidance document.

Broads Control

Safety issues, accident/incident reporting

01603 756056

Broads.Control@broads-authority.gov.uk

Opening times: Monday – Sunday, 9am to 6pm April to end of October. 9am to 5pm in winter.

Broads Authority (General enquiries)

01603 610734

Broads@broads-authority.gov.uk

Broads Authority

Yare House, 62-64 Thorpe Road

Norwich
NR1 1RY

Director of Operations

Policy and strategy enquiries
01603 756085

Head of Ranger Services

Escorts, navigational directions and site-specific information
01603 756056

Head of Safety Management

Escorts, navigational directions and site-specific information
01603 756057

Rivers Engineer

Works licenses, Notices to Mariners, technical issues
01603 756066

Environment and Design Supervisor

Conservation, pollution, ecology and protected species
01603 756020

Planning issues

If you have any queries or questions about your scheme in terms of planning, please contact the Planning Team at the Broads Authority.

There are a number of documents that may be of relevance to you and these are:

The Local Plan: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

Neighbourhood Plans: <http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>

Design Guides: <http://www.broads-authority.gov.uk/planning/planning-permission/design-guides>

Contact details for all planning enquiries

01603 756029
Planning@broads-authority.gov.uk

Planning Department
Broads Authority
Yare House, 62-64 Thorpe Road
Norwich

NR1 1RY

Environment Agency (General enquiries)

01473 706720

<http://apps.environment-agency.gov.uk/contact/>

Environment Agency Corporate Services Department
Iceni House
Cobham Road
Ipswich
IP3 9JD

Environment Agency (Incidents)

Incident Hotline - 0800 807060

Floodline - 0345 988 1188

Other

Great Yarmouth Port Control – 01493 335511

HM Coastguard – 01493 851338

HSE Books – 01797 884148

HSE Information line – 08453 450055

Appendix 1: Application for Works Licence

As required under Section 11 of the Norfolk and Suffolk Broads Act 1988.

Please complete in block capitals.

Contact details

Applicant

Agent (if applicable)

Name

Name

Address

Address

Postcode

Postcode

Telephone

Telephone

Works information

Precise location of site (a location plan must also be attached):

Description of work and materials to be used (Plans, sections and other particulars to fully describe the work must also be attached):

Name and address of contractor/operator, and details of plant and equipment to be used:

Anticipated start date:

Anticipated duration:

Application category:

(See page 3 for descriptions and fees)

- | | | |
|--------------------------|---------------------------------------|---------------|
| <input type="checkbox"/> | Major works application | Fee = £80.00 |
| <input type="checkbox"/> | Minor works application | Fee = £50.00 |
| <input type="checkbox"/> | Retrospective major works application | Fee = £155.00 |
| <input type="checkbox"/> | Retrospective minor works application | Fee = £125.00 |

Note on fees: Fees are to be submitted with the application in the form of a cheque made payable to the "Broads Authority". If an application is made and it is deemed by the Authority that a Works License is not required, then the applicant will be refunded.

Signature of

applicant/agent

Date of application

Application checklist:

1. Completed application form
2. Application fee
3. Location plan
4. Appropriate works plan and section drawings

Notes:

1. Failure to fully describe the work may result in delays during the consultation process with the Broads Authority Navigation Committee.
2. A copy of the relevant section of the Broads Act is enclosed with this form.

Please return the completed form to:

Rivers Engineer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY via post or email to Adrian.Sewell@broads-authority.gov.uk

Telephone: 01603 610734

For office use	Ref no:	Date received:	Fee received:	Initials:
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Information on Works Licence Application Fees

Standard Applications

1. Major Works Application	
Fee	£80.00
Criteria	An application is considered to be a “Major Application” if any of the following applies during or as a result of the proposed works: (i) Obstruction to more than 50% of the width of the navigable channel (ii) less than an 8 metre navigable width remains over a stretch of river greater than 5 metres in length (iii) the works are within 50 metres of any works of any other statutory undertaker (iv) the works are within 15 metres of any works of the British Railways Board (v) a complete river closure is required
2. Minor Works Application	
Fee	£50.00
Criteria	A minor application is required for any works on or adjacent to the navigation not classified as a Major Application.

Retrospective Applications

Works undertaken within or adjacent to the navigation which have commenced or been completed without a valid works licence require a Retrospective Application.

3. Retrospective Major Application	
Fee	£155.00
Criteria	Retrospective application falling within the criteria of a Major Application (as outlined above)
4. Retrospective Minor Application	
Fee	£125.00
Criteria	Retrospective application falling within the criteria of a Minor Application (as outlined above)

Further information

For further information on fees and other considerations (such as Notice to Mariners etc.), please refer to the Navigation Area Guidance document available at: <https://www.broads-authority.gov.uk/planning/planning-permission/works-licences>

Appendix 2: Application Form for Notice to Mariners

As required under Section 11 of the Norfolk and Suffolk Broads Act 1988.

Location of the works

Brief description of works

Commencement date of works

Completion date of works

Parties/areas likely to be affected

Contact name and details for further queries

Billing information

Name

Address

Signature

Date

I confirm the £30.00 initial administration fee is attached to this application.

Please return this completed form to:

Rivers Engineer, Broads Authority, Yare House. 62-64 Thorpe Road, Norwich, NR1 1RY.

Email: Adrian.Sewell@broads-authority.gov.uk

Telephone: 01603 610734

Appendix 3: Regulations for the issue of Works Licenses

Extract of the Norfolk and Suffolk Broads Act 1988: Part 2 – Section 11 and Section 12

Licenses required for construction of works

11.(1) No person shall construct, alter, renew or extend any works, or undertake any dredging, within or adjacent to the navigation area, unless:

- a) Neither the work in question nor the manner in which it is carried out will interfere with navigation in any part of the navigation area or of the Haven or be likely to do so; or
- b) that person:
 - i. holds a licence under this section authorising the work (a “works licence”)
 - ii. complies with the conditions (if any) attached to the works licence; and
 - iii. carries out the work in accordance with the approved plans, sections and particulars.

(2) On an application duly made to it in accordance with the requirements of this section, the Authority may grant a works licence subject to any such conditions (if any) as it considers appropriate.

(3) Where the Authority refuses to grant a works licence which has been duly applied for it shall give reasons (in writing) for its refusal.

(4) Where the Authority grants a work licence subject to any such condition it shall give reasons (in writing) for imposing the condition.

(5) Any applicant for a works licence aggrieved by:

- a) the Authority’s refusal to grant the licence applied for;
- b) any condition subject to which the licence is granted; or
- c) any modification required by the Authority in the plans, sections and particulars submitted by the applicant:

may refer the matter for determination by a person appointed for the purpose by agreement between the Authority and the applicant or, failing such agreement, by the Secretary of State; and on any such reference the person so appointed may confirm the decision of the Authority or give the Authority such directions as he thinks appropriate.

(6) No matter may be deferred for determination under subsection (5) above unless the applicant has given the Authority written notice of his intention to do so.

(7) That notice must be given before the end of the period of 28 days beginning with the date on which the refusal, or other decision, in question was made.

(8) Subsection (1) above does not apply in relation to:

- a) the renewal of any works in existence immediately before the operative date; or
- b) any works of a statutory undertaker;

but in carrying out any work with the Navigation area a statutory undertaker shall comply with any reasonable direction given by the Authority for the purpose of protecting navigation within the navigation area or the Haven.

- (9) An application for a works licence shall be made to the Authority in writing and shall be accompanied by the appropriate plans, sections and particulars.
- (10) The authority may, before granting an application for a works licence, require modifications to be made to the plans, sections and particulars submitted by the applicant.
- (11) Where an application for a works licence has been duly made and within three months of the date of the application the Authority has neither refused the application nor granted the licence applied for: the application shall be deemed to have been refused.
- (12) The Authority may require an applicant for a works licence, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.
- (13) Before determining any application for a works licence, the Authority shall consult with the Navigation Committee.
- (14) Not less than 28 days before determining any application for a works licence in respect of works which the Authority considers, might interfere with the navigation of seagoing freight shipping, the Authority shall give notice of the application to:
 - a) the General Council of Shipping (or such body as appears to the Authority to represent nationally the interests of such shipping); and
 - b) The Commissioners
- (15) In this section “the approved plans, sections and particulars” means the plans, section and particulars approved in connection with the application in question.

Contravention of section 11 (1)

- 12.(1) Any person who, without reasonable excuse, contravenes section of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.
- (2) Where it appears to the Authority that any person is contravening section 11(1) it may by notice require him to take, within such reasonable time as may be specified in the notice, such steps to bring the contravention to an end as may be so specified.
- (3) The steps specified in a notice under this section may include removal of any works and the restoration of the site in question to its former state.

(4) If any person to whom notice is given under this section fails without reasonable excuse to comply with the requirements of the notice, the Authority may take the required steps and recover from him, as a civil debt, all reasonable costs incurred by taking those steps.

Examples of Items in the Category of Renewal and Repair

These items will not require a Works License providing that the structure was in existence prior to 1 April 1988:

- Replacement of isolated quay heading pile in like-for-like materials.
- Patching to capping in like-for-like materials not exceeding one metre in length.
- Repair of isolated tie-rod or anchor post.
- Re-fixing loose piles to black rails.
- Replacing single bricks.
- Replacement of isolated decking to a jetty, but not the structural members.