

Review of the Staithes Register
Report by Senior Waterways and Recreation Officer

Summary:	This report discusses the Broads Authority's role regarding staithes and considers whether the Authority should undertake further work on the recording of staithes in the Broads in the light of a recent judgement in the Land Registry Tribunal regarding Cess Staithe, Martham.
Recommendation:	That members support the approach outlined in the conclusions to this report.

1 Background

- 1.1 The Broads Authority has powers under Schedule 3 Part II Section 37 (1) of the Broads Act 1988 to act as an *“owner or occupier (including, in particular, power to take criminal or civil proceedings) for the purpose of preventing unlawful interference with any staithe within the Broads, or with any rights exercisable by any person in relation to any such staithe”*
- 1.2 The Broads Local Access Forum (BLAF) has previously recognised the value of staithes for providing loading and unloading facilities for parishioners and the public and access to the Navigation during the development of the Authority's Integrated Access Strategy (IAS). Under the IAS objective of linking land and water, the IAS states that the Authority will seek to *“protect and, where possible, reinstate ferries and staithes in the Broads.”*
- 1.3 Currently the Authority's knowledge of staithes is based on a survey and register of staithes compiled by Roy Kemp, a past Chairman of the Broads Society, in 1986. The Register identifies 56 public and private staithes in the Broads although it does not provide complete information regarding the precise location, length and any rights exercisable by parishioners and the public at the staithes identified.
- 1.4 In order for there to be any scope for staithes to be protected, it is essential that information regarding their precise location and dimensions and any rights connected to them is properly recorded. This has been demonstrated in a recent case in the Land Registry Tribunal regarding Cess Staithe, Cess Road in the Parish of Martham. The case before the Tribunal was regarding the adverse possession of Cess Staithe and the Judge in the case stated in his judgement that the situation at the hearing was *“far from ideal”* regarding the precise boundaries of the land in dispute as at the hearing no-one could state with any certainty as to where the boundaries of the land actually were. In this case the Judge ruled that the Parish Council's application in regard of

the registration of the Staithe should be dismissed and the adverse possession upheld.

2 Review of the Staithes register

- 2.1 The BLAF has previously indicated that it considers that further research needs to be carried out to identify the location of staithes in the Broads. The register compiled by Roy Kemp in 1986 states that it is only a provisional register and can in no way be considered to be a complete record of all the Broadland staithes and rights connected to them.
- 2.2 This report seeks the advice of the BLAF as to whether the Authority should prioritise further research on the subject of staithes in order to compile, as far as possible, a complete record of all the available information on staithes in the Broads.
- 2.3 Clearly there would be resource issues for the Authority if this work was prioritised. The level of research required would be extensive and the and it would have to be considered alongside the existing priorities that the Authority has identified in the Broads Plan, its annual corporate priorities and the IAS Action Plan which was adopted by the Authority in May 2013.

3 Role of the Broads Authority

- 3.1 If the Authority were to exercise the powers available to it in the Broads Act with regard to staithes there would also be resource issues to consider. It would also be difficult to take action to defend staithes without sufficient evidence available.
- 3.2 As a point of principle officers consider that the Authority should not need to use its powers to defend staithes from unlawful interference if there is a landowner or occupier who is able to do so. The question for the Authority to consider is whether there are circumstances in which it would act to defend a staithe in the absence of an owner or occupier.

4 Conclusions

- 4.1 Work is needed to review the existing staithes register and this is likely to be resource intensive requiring significant officer time and historical research. The Authority is unlikely to be able to carry out this work, in the short term using existing resources. Without full knowledge of the number of sites that will need investigation it is also difficult to quantify the scale of the task. Officers therefore recommend that, as a first stage, the Authority seeks to identify a PhD student who would be prepared to carry out some initial research to identify the number of sites that will require investigation.
- 4.2 This would enable officers to plan a review of the staithes register based on a full understanding of the amount of work that would be involved. A further report on the question of staithes, including the Authority's approach to using

the powers available to it in the Broads Act could then be taken to the BLAF and Broads Authority.

Background papers:	Nil
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Broads Plan Objectives:	TR1, TR2,
Appendices:	Nil