

Chief Executive's Report

Summary: This report summarises the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings. It does not include matters which are already on the agenda for this meeting. Members are asked to note the report.

1 The Promotion and Marketing of the Broads

Contact Officer/Broads Plan Objective: John Packman/Nil

- 1.1 At its meeting on 12 July 2013, the Authority received a report providing an update on the funding of the new promotion and marketing post established from 1 July 2013 including an update on recent discussions with the Hire Boat Industry and visits to boatyards by ten members of the Authority as well as a very positive meeting with Hoseasons. It was noted that there was general support for the Authority continuing to have a role in promoting and marketing the Broads in partnership with Broads Tourism. However, the boating organisations took a different view from the Authority's Solicitor as to the funding of that role on whether the activity could be part funded from navigation expenditure. Members had also received a paper endorsed by the BMF, BHBF, RYA and NSBA and circulated by Mr Ollier on the arrangements for the apportionment of expenditure and "Why it would be unlawful for the Broads Authority to use 'Navigation income' to contribute to these costs."
- 1.2 Members noted the two options outlined for consideration for the funding of the cost of the post outside the STEP programme entirely from National Park Grant or on the basis of 70% NPG and 30% (£13,500) navigation expenditure. The message from Broads Tourism and the hire boat operators was that the Authority should be doing a lot more to promote tourism in the Broads especially as this was of great value to the local economy. Therefore the post now had a greater emphasis on marketing and was placed in the Communications team where its activities crossed over all the Authority's duties. As the hire boat industry which contributed to navigation expenditure, was a significant beneficiary of the area of work being undertaken by the new post, the option of considering whether a contribution should be made from navigation income had been put forward and supported by the Navigation Committee subject to the legal constraints being clarified.
- 1.3 As the amount suggested to come from navigation funds was relatively small, the Authority agreed to fund this year's promotion and marketing activity, outside the STEP programme, amounting to £45,000, entirely from National Park Grant, adjusting the budget accordingly and await the outcome of the

Comprehensive Spending Review before determining the way forward for 2014/15.

- 1.4 As a follow up from the various discussions with the hire boat industry and Broads Tourism, members agreed that the Chairs of the Authority and Navigation Committee, the Chief Executive and Collector of Tolls should follow up the issues raised during those visits with the Broads Hire Boat Federation.
- 1.5 Following a suggestion from a member that the Authority find out more of the opinions of its customers, focusing on toll payers, in a similar way to the way Hoseasons and other private businesses had done, the Authority agreed to conduct a sample survey of toll payers, residents and others to gain a better insight of the private boat owners who use the Broads and others with an interest in the Broads and their opinions; this would be funded 50% from navigation expenditure and 50% from National Park Grant. This would supplement and extend the Authority's annual toll payers' survey, usually funded 100% from navigation income.

2 Strategic Priorities 2013/14

Contact Officer/Broads Plan Objective: John Packman/Multiple

- 2.1 The Authority's strategic priorities relating to the Management of the Navigation Area and Moorings are detailed at Appendix 1, together with the action taken to date and their current status. All key projects are currently green with the exception of the award of the Hydrographic survey contract in priority 2(c)1. Though the award of this contract has been delayed until September, there is no major cause for concern.

3 Implications of the Breydon Water Hydromorphic and Engineering Study

Contact Officer/Broads Plan Objective: Dan Hoare/NA1 and NA4

- 3.1 At its meeting on 12 July 2013, the Authority received a report and gave consideration to the JBA Consulting Study on the localized, short term impacts arising from the modelled management options of the historic training wall structures in Breydon Water including an assessment of the sediment dynamics. The Navigation Committee had the opportunity to consider the options at its meeting on 6 June and their deliberations were included within the report.
- 3.2 The Authority accepted the Navigation Committee's recommendations. It was agreed that the Turn-tide Jetty be retained in its current form for the medium term, providing appropriate navigational safety marks, with regular surveys and monitoring determining the future maintenance works required to keep the structure safe whilst allowing the final 40m to degrade in the long term. It was also agreed that the current navigation safety marks with regard to the Dickey Works be maintained and the remaining timber work be allowed to slowly degrade in situ but by the end of October 2013 a basic structural investigation be undertaken to enable a better evaluation of the most cost

effective option to balance this with navigational safety of slow degradation or complete removal.

- 3.3 The Authority also agreed that a 2m recreational navigation depth should be targeted and that the existing navigation channel of Breydon Water was adequate with strategic positioning of marker posts in order to minimize dredging requirements whilst maintaining a clearly defined passage across Breydon, but that further work be carried out as to the options and costs. It was also noted that any proposals to increase the dredging depth to 4m would need to take account of Habitat Regulations and the impact on the conservation interests of the area.

4 Deal Ground Planning Application Update

Contact Officer/Broads Plan Objective: Andrea Long/Nil

- 4.1 Outline Planning permission for a mixed development of 670 dwellings, a local centre comprising commercial uses, restaurant, dining quarter, public house and commercial units was granted by Norwich City Council in July 2013. The application had been the subject of the consultation with the Broads Authority at Navigation Committee and planning committee in April. The key concerns raised by the Broads Authority included provision of moorings within the development and also the relationship of the development with the bridge application which was considered by the Broads Authority Committee in August 2013 and approved subject to confirmation of no objection from Network Rail. Following the comments made by the Broads Authority on the Deal Ground application some amendments were made to the scheme to accommodate on line mooring provision although details are still to be fully worked out. Both applications are outline in nature and therefore separate future applications will be required for reserved matters both of which will need to be considered by future Broads Authority Navigation and Planning Committees.

5 Charges for Rowing Craft

Contact Officer/Broads Plan Objective: John Packman/Nil

- 5.1 A meeting was held on 15 August 2013 to discuss charges for rowing craft. Officers suggested that a parallel arrangement to that in place for sailing and canoeing could be considered to reduce the navigation charges for rowing craft used by young people. This was welcomed by the representatives of the rowing clubs and will be worked up as a proposal for inclusion in the main tolls report for consideration at the October meeting.

6 Payment of Tolls by the Hire Boat Fleet

Contact Officer/Broads Plan Objective: John Packman/Nil

- 6.1 The Authority's officers have had a productive meeting with representatives of the Broads Hire Boat Federation concerning the payment schedule for next year's tolls. The meeting explored the annual pattern of income to the hire boat yards and the administrative demands on the Authority of extra payments. The fine detail of the outline proposals needs further investigation

by the Authority's officers and wider consultation with the BHBF Members and is set out below for the Committee's information.

1. Total bills for an individual yard below £2,500 will be required to be paid in one sum by 1 April.
2. Total bills for an individual yard between £2,500 and £7,500 will be eligible for the arrangement of two equal payments on 1 April to 1 July.
3. Bills for yards paid by Hoseasons will be paid for simplicity and reduced administration in one payment by 1 April.
4. For yards that are members of the British Marine Federation **or** the Broads Hire Boat Federation and have total bills greater than £7,500 an option to make four payments in the following manner will be available:

1 April	10%
31 May	30%
30 June	30%
31 July	30%

7 Broads Blog

Contact Officer/Broads Plan Objective: Lorna Marsh/Nil

- 7.1 Navigation Committee members represented concern that the monthly Bulletin provides a less effective medium for those with a particular interest with what is happening on the water than the old weekly note from Broads Control.
- 7.2 The reporting from Broads Control has been reinstated within a new blog which will be the same as the update circulated to members of staff and will also allow the public to appreciate the work the Authority undertakes. The address of the blog is <http://thebroadsblog.blogspot.co.uk/>

8 Mutford Lock Update

Contact Officer/Broads Plan Objectives: Angie Leeper/TR1.6

- 8.1 At the members request a briefing note regarding Mutford Lock was prepared and presented to committee in June 2013. Officers have investigated and sought further clarification from Suffolk County Council relating to the obligation to operate the bridge. There is no primary legislation specific to the bridge but there are general powers to build or re-build bridges in the Highways Act 1980 but the authority, for these particular bridges, derives from a Bridge Scheme under S106 of the Act. Whilst not secondary legislation in the sense of a Statutory Instrument, the authority given was for lifting bridges. The solicitors will add appropriate wording to the tripartite agreement to ensure that there is no doubt regarding the responsibility of the operation of the bridge in future years.

- 8.2 NP Law confirm that the Harbour Revision Order is now agreed between the two parties and will be submitted in draft to the Marine Management Organisation by week ending 5 September for their comments and once they are happy will be formally submitted.

9 Navigation Patrolling and Performance Targets

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4.3

- 9.1 The figures for May to the end of July reflect the busier season and the better weather. The rangers have had to deal with a number of incidents involving drunken youths in day boats and all male stag parties. Both navigation and public order offences are being investigated by the rangers and the police and prosecutions will follow where possible. The record for each month of the percentage of time spent by ranger teams in their integrated navigation and countryside duties is shown in Appendix 2
- 9.2 Two cases were dealt with at Magistrates Court in June as shown in Appendix 3.

10 Sunken and Abandoned Vessel Update

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4

- 10.1 Only one sunken vessel in Norwich is recorded following a major effort in April. Details are included in Appendix 4

11 Planning Enforcement Update

Contact Officer/Broads Plan Objective: Adrian Vernon and Cally Smith/None

- 11.1 Following queries raised by a member it was agreed to provide regular updates on the position regarding relevant planning enforcement actions. These details are included at Appendix 5.

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Date of report: 22 August 2013


Broads Plan Objectives: NA1.1, NA4, NA4.1, NA4.3, NA4.5, NA5.1, NA5.3 and TR1.6

Appendices: APPENDIX 1 - Strategic Priority Objectives, Projects and Key Milestones for 2013/14.
APPENDIX 2 - Report on the Significant Exercise of Powers by the Rangers during May – July 2013
APPENDIX 3 – Report of Prosecutions dealt with in Court during May - July 2013
APPENDIX 4 –Report of Sunken and Abandoned Vessels
APPENDIX 5 – Planning Enforcement Update


Strategic Priority Objectives, Projects and Key Milestones for 2013/14

Priority 2 - Working in Partnership on the Sustainable Management of the Broads –
(c) Management of the Navigation Area

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
2(c)1	NA1.1 Review and deliver strategic sediment management in accordance with waterways specifications	Head of Construction & Maintenance	<p>Dredge at least 50,000m3 from the navigation area in accordance with identified priorities within the 2013/14 dredging programme by end March 2014 with reporting to each Navigation Committee.</p> <p>Award term hydrographic survey contract by July 2013</p> <p>Develop 2014/15 dredging programme and complete hydro surveys by January 2014</p> <p>Analyse hydrographic survey data and update Waterways Specifications compliance performance by March 2014</p>	<p>Dredging underway on lower Bure, as detailed on agenda.</p> <p>Tender documents sent out with 2nd September return date.</p> <p>Contractor to provide deliverables for first survey in December.</p>	 
2(c)2	NA1.4 Seek to establish network of appropriately licensed disposal sites to ensure viability of future dredging programmes.	Director of Operations	<p>Identify three priority areas for dredging disposal sites by April 2013,</p> <p>Initiate discussions with landowners by June 2013.</p> <p>Review progress/ budget availability and strategy by October 2013</p>	<p>Sites identified</p> <p>Discussions held, however no landowners willing to sell.</p> <p>Alternative forms of agreement are being discussed.</p>	 

			Conclude negotiations by January 2014		
2(c)3	NA5.2 Deliver enhanced de-masting mooring provision in accordance with strategic priorities for mooring.	Director of Operations/ Senior Waterways & Recreation Officer	Design scheme and investigate sources of funding for demasting moorings at Acle Bridge and St Olaves by July 2013 Review demasting needs at all bridges and identify priority projects for 2014/15 by December 2013	£15,000 allocated from MMR budget, report on agenda.	

**Priority 3 - Encouraging the Sustainable Use of the Broads –
(b) Tourism, Recreation and Access**

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
3(b)1	TR1.5 Monitor and maintain appropriate zoning and management of water space and wetlands for different forms of access and recreation; and TR1.1 Examine opportunities to extend or expand navigable water space for recreation, consistent with conservation interests and flood risk.	Director of Planning & Resources	Develop Breydon Water Space Management Plan <ul style="list-style-type: none"> Agree “scope” and process with users/partners by December 2013 Agree Draft “framework” document by March 2014 for consultation. 	Internal scoping session with staff taken place. Early dialogue with Breydon User group taking place. Full process plan being developed	

Rangers Exercise of Powers Analysis <i>(Bracketed figures are running totals, April 2013 to July 2013)</i>						Date: May to July 2013		
	Wroxham Launch	Irstead Launch	Ludham Launch	Ludham 2 Launch	Norwich Launch	Hardley Launch	B.St.Peter Launch	Breydon Launch
Launch Patrol Areas	Wroxham and Upper Bure	Ant	Hickling, P.Heigham, Upper Thurne & Womack	Lower Thurne, Lower Bure & South Walsham	Norwich and Upper Yare	Reedham, Chet & Middle Yare	Oulton Broad and Upper/Middle Waveney	Breydon Water, Lower Waveney and Yare
Verbal Warnings								
Care & Caution	30 (33)	23 (34)	11 (15)	48 (54)			13 (14)	15 (15)
Speed	1563 (1842)	87 (134)	118 (237)	243 (300)	67 (84)	55 (59)	110 (121)	121 (129)
Tolls offences	124 (164)	(28)	8 (23)	31 (38)	3 (7)	1 (1)	10 (10)	3 (3)
Other	48 (62)		13 (14)	17 (25)	10 (10)	2 (2)	10 (14)	13 (16)
Blue Book Warnings								
Care & Caution	5 (5)			1 (1)				6 (6)
Speed	54 (60)	6 (6)	3 (5)	16 (24)	5 (7)	4 (5)	5 (5)	6 (9)
Other	6 (7)	1 (1)		1 (1)	1 (3)		12 (12)	2 (2)
Reports for Prosecutions	2 (3)							2 (3)
Special Directions						20 (25)	199 (202)	51 (51)
Toll Compliance Reports								
Non Payment	143 (152)	28 (29)	31 (100)	16 (35)	78 (84)	10 (14)	74 (76)	10 (11)
Non Display	110 (111)		2 (4)	4 (5)	16 (16)	7 (8)	36 (36)	1 (7)
28 Day request for information	3 (3)		14 (25)	2 (6)			7 (7)	
BSS Hazardous Boat Inspections	4 (4)	1 (1)						
Enter Vessels Under BSS								
Launch Staffed	99 (124)	52 (62)	60 (77)	76 (93)	53 (67)	42 (58)	60 (75)	109 (136)
Best Value Patrol Targets Percentage Compliance	149% (147%)	69% (66%)	118% (113%)	113% (112%)	90% (92%)	139% (134%)	83% (78%)	81% (80%)
Volunteer Patrols	7 (12)	5 (7)	2 (2)	4 (6)	1 (5)	1 (1)	1 (3)	19 (26)
IRIS Reports	63 (74)	23 (25)	11 (16)	27 (35)	24 (32)	22 (28)	13 (19)	49 (60)
Broads Control Total Calls	TOTAL 13,157 (17,175)			Telephone 9,353 (12,188) VHF 3,804 (4,987)				

RANGER TEAM ACTIVITY

	Navigation Activity								Countryside Activity					
	Nav Patrol Launch	Nav Patrol Foot/Road	Incident Working	Admin - Navigation	Training (Navigation)	Escort	Moorings	Bank work	Country Site Tasks	Admin - Country	Training (Countryside)	Tree/Ground work	Group Activities	Education Visit
April														
Percentage Total	35.00%	1.14%	0.88%	2.55%	6.30%	1.02%	1.09%	0.03%	14.73%	1.97%	0.17%	1.29%	0.60%	1.10%
Wroxham team	#REF!	49%	20%	10%	29%	22%	59%	33%	25%	39%	27%	10%	42%	
Thurne team	#REF!	35%	45%	16%	21%	36%	14%	67%	23%	34%	27%	17%		17%
Yare team	#REF!	3%	11%	43%		12%	14%		40%	18%		73%		47%
Waveney team	#REF!	3%	9%	2%	29%		13%		8%	9%	23%		58%	
Breydon team	#REF!	10%	15%	30%	21%	30%			4%	1%	23%			36%
Control Officer	#REF!													
	#REF!								#REF!					

132.24% incl grey
 122.52% not incl grey
 2,985.00 Available Rang
 #REF! Actual Ranger

	General Support												
	Broads Control	Activity Undefined	Admin - Split	Admin - Volunteer	Training - Split	Meeting - Staff	Meeting - Public	Public Relations Even	Site Visit third party	Other Task	Time Off In Lieu (not very accurate)	Annual Leave	Sick
Percentage Total	8.08%	7.41%	5.33%	0.03%	1.37%	5.96%	0.71%	1.36%	0.10%	1.41%	0.86%	3.52%	5.34%
Wroxham team		21%	24%		10%	24%		16%			29%	14%	
Thurne team	2%	32%	26%	100%		31%	21%	19%		5%		29%	5%
Yare team	34%	16%	16%			14%	6%	55%	100%	6%		14%	
Waveney team		16%	14%			7%		11%		63%		7%	
Breydon team		11%	18%		70%	23%	72%			26%	42%		95%
Control Officer	64%	2%			20%								
	#REF!	#REF!									#REF!		

One Hundred percent equals
 Ranger team x 7.5 hour working
 day.

Percentage Total figure equals
 100% + hours worked above
 working day.

Navigation function
 = 44 + 18 = 62.5%

Countryside function
 = 19 + 18 = 37.5%

The 18.5 figure is General
 Support (37) divided by 2

Team percentages equal team contribution to activity

APPENDIX 3**Report of Prosecutions dealt with in court during May/July 2013**

Place	Offence	Magistrates Court	Result
River Bure	(1)Speed	Great Yarmouth	(1) £200 Fine £50 costs
River Bure	(1) Overstaying on 24 hour mooring	Norwich	(1) £165 Fine £100 costs

APPENDIX 4

Sunken and Abandoned Vessels

Description	Location found	Action	Abandoned /Sunken Notice Affixed	Result
Abandoned/Sunken small cabin cruiser	Upstream end of Thorpe New Cut.	No known owner. Abandoned vessel notice issued	yes	Liaison with Network Rail engineers continues.

Enforcement Update

This table shows the updates on enforcement matters relating to Navigation matters currently under consideration since the last Navigation Committee on 6 June 2013.

Committee Date	Location	Infringement	Action taken and current situation
7 December 2007 23 April 2010	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices and take enforcement action following legal advice • Network Rail wrote directly to those concerned and set in train procedures for notices to quit land • Network Rail procedures underway • Trespass Notices and Injunctions served • Prosecution underway with trial May/June 2013 • Trial date postponed to 18 July 2013 • Trial not completed, adjourned to September 2013
5 December 2008 5 March 2010 16 July 2010	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenner’s Basin)	Unauthorised development	<ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12 November 2008 with compliance required by 11 January 2009 • Authorisation granted to initiate prosecution proceedings should compliance not be achieved • Landowner served with Section 330 Notice on 11 August 2011 • Enforcement Notices served on 7 November 2011 on landowner, third party with legal interest and all occupiers • Various compliance dates from 12 December 2011 • Appeal lodged on 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012

Committee Date	Location	Infringement	Action taken and current situation
1 March 2013		Further unauthorised development	<ul style="list-style-type: none"> • Decision received on 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings • Challenge to decision filed in High Court 12 July 2012 • High Court date set for 26 June 2013 • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order” has been lodged with the Courts by Inspectorate • Appeal to be reconsidered • Planning Contravention Notices and S330 Notices served 21 February 2013. Responses being received • Injunction to be issued, subject to legal advice. • Trespass Notices served by Norwich City Council on 4 boats on 3 May in respect of riverside moorings • Site being monitored – 2 boats remain
4 November 2011	Plots 37 and 38 Crabbetts Marsh, Horning	Unauthorised development of piling	<ul style="list-style-type: none"> • Authority given for enforcement notices to be served • Enforcement Notice served on 18 November 2011 • 19 December 2011 meeting with landowner • Appeal submitted. Start date 3 February 2012 • Appeal dismissed and enforcement notice upheld with corrections. Planning permission refused - 24 July 2012 • Period for compliance 2 calendar months - by 13 October 2012 • Compliance not achieved

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Authority given for prosecution 9 November 2012 • Prosecution papers filed • Court hearing scheduled for 8 May 2013 • Court hearing adjourned to 26 June 2013 for landowner to take legal advice • Landowner pleaded guilty, receiving conditional discharge and £2,000 costs. Site clearance checked • Compliance achieved. Case to be closed
28 March 2013	Former drainage dye adjacent to Newlands Caravan Site	Unauthorised installation of mooring platform	<ul style="list-style-type: none"> • Authority given for the serving of an Enforcement Notice for the removal of the platform and restoration of the site, with a period of compliance of three months; and that in the event of non-compliance, authority be given for prosecution(in consultation with the Solicitor) • Enforcement Notices being prepared