

Navigation Committee

Minutes of the meeting held on 28 February 2013

Present:

Mr D A Broad (Chairman)

Mr L Betts	Mr P Frost	Mr J Knight
Miss S Blane	Mr P Greasley	Mr A S Mallett
Sir Peter Dixon	Mr M Heron	Mr P E Ollier

Also present: Prof J A Burgess

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr A Clarke – Senior Waterways and Recreation Officer
Mr R G Holman – Director of Change Management and Resources
Ms A Long – Director of Planning and Strategy
Ms A Macnab – Planning Officer
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction and Maintenance
Ms C Smith – Head of Development Management
Mr A Vernon – Head of Ranger Services

Also in attendance:

Mr P Mitchelmore – Environment Agency
Dr K Marsh – BESL
Mr E Gilder – Badger Builders (agent for Pegasus application)

4/1 To receive apologies for absence

Apologies for absence were received from Mr P Durrant, Mr A Goodchild and Mr M Whitaker.

The Chairman welcomed everyone to the meeting.

He announced that this would be Mr Peter Frost's last Navigation Committee meeting as his term of office with the Authority ended on 31 March 2013. On behalf of the Committee he thanked him for his contribution to its deliberations and wished him well for the future.

This would also be the Director of Change Management and Resources, Rob Holman's last Navigation Committee meeting before he left at the end of March after 26 years with the Authority. Members thanked him for his advice and dedicated service over the years.

4/2 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

4/3 To receive Declarations of Interest

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

4/4 Public Question Time

No public questions had been received.

4/5 To receive and confirm the minutes of the meeting held on 13 December 2012

The minutes of the meeting held on 13 December 2012 were approved as a correct record and signed by the Chairman.

4/6 Summary of Progress/Actions/Response Taken Following Discussions at Previous Meetings

A report detailing progress on various items was received.

Swing Bridges

Members were briefed on the meeting with Network Rail on 25 February 2013. Network Rail was implementing a Whole Life Management Strategy Study for Somerleyton and Reedham Swing Bridges which included carrying out a detailed monitoring programme in 2013 and the evaluation of five options relating to repair or replacement of the structures. The programme included the identification of a preferred option in the spring of 2014 but it was understood that the shortest time for any major works would be six years.

At the meeting it had been agreed that in the interim Network Rail intended to provide possible digital signs, similar to those used on motorways, to provide river users with the necessary information on the state of the bridges. It was intended that a comprehensive report would be provided for the April meeting and details published in Broadsheet, the costs of which Network Rail had indicated it was prepared to make a contribution.

It was understood that there were seven swing bridges in the UK, four of which were in the Broads, indicating their uniqueness and importance in the landscape and to the area's heritage. A member suggested that representatives from Network Rail should be encouraged to visit the area and present their proposals on the Swing Bridges to the Authority.

Members were assured that legal advice had been taken with regard to Network Rail's legal obligation for the Swing Bridges and the Authority was of

the view that it was in the best interests of the Broads to seek a solution through cooperation with Network Rail. The Chairman commented that the Authority remained determined to resolve the situation in cooperation with Network Rail.

Members welcomed the report, particularly the fact that the future of the Swing Bridges was being reconsidered by Network Rail in a constructive way.

Minute 3/22: Breydon Water Marker Posts

Members noted the action taken with regard to the contracts for marker posts and that a number of new measures and changes to the arrangements had been introduced in dealing with contracts and sub-contractors, which addressed the concerns previously raised within this committee.

Minute 3/21: Compartment 3 River Ant

It was confirmed that the erosion protection matting that had become loose from the bank in the area of the proposed BESL works in the River Ant were part of an original NRA scheme and would be programmed for removal as part of the BESL piling removal.

4/7 Planning Applications with Navigation Implications

(1) Planning Applications Consultation with Navigation Committee

Members received a report which outlined the process for consulting the Navigation Committee in respect of planning applications. The purpose of the consultation was to receive the benefit of the expertise of those members on navigation matters and to inform the deliberations of the Planning Committee. Members noted the Government requirements and expected targets for speed of determination of applications. They also noted the changes made by the Authority in March 2012 and the reasons for those changes to the Terms of Reference of the Planning Committee to ensure that the Committee only considered applications where there was a significant material planning issue raised.

Members were mindful of Section 9(6)(a)(iv) of the Norfolk and Suffolk Broads Act 1988 as substituted by Schedule 7 as a prefix to Section 4(1) to the Broads Act 2009 requiring the Authority to consult the Navigation Committee on planning applications which significantly affected the use or enjoyment of any aspect of the navigation area and which materially conflicted with any policy plan, strategy, or procedure of the Authority. It was noted that both tests ie the effect on the navigation area and on Authority policy, needed to be satisfied.

A member commented that it would have been more helpful if the Act had specified either of those criteria to apply and not both; which was seen as better reflecting the current custom and practise. The

Chairman explained that this was the wording of the Act although, in his experience, the committee was consulted whenever the timescales allowed. It was explained that the Authority had to be mindful of meeting the very strict government guidelines on timescales, non-adherence to which would have serious consequences for the Authority's independence. It was also understood that given the timescales, sufficient notice was required for any application to be referred to the Navigation Committee, should this be considered necessary.

It was noted that the Chairman and Vice-Chairman and other members of the Navigation Committee as well as the Broads Society and Norfolk and Suffolk Boating Association received copies of the weekly validated list of planning applications and if they felt that an application met the criteria set out in the Act, they could bring this to the attention of the Case Officer at an early stage. It was agreed that all members of the Navigation Committee be added to the circulation list to receive the weekly validated list of planning applications. The advice of members of the Committee with their expertise on navigation matters was important and to be welcomed. Where there were concerns, the Planning Committee could be advised of these and would consider and where appropriate impose conditions and legal agreements in accordance with the necessary regulations criteria.

Members noted the report and considered that satisfactory arrangements were in place.

(2) Future Planning Application with Navigation Implications: Redevelopment of Former Pegasus Boatyard to provide 76 Dwellings, New Boatyard Buildings, Office, Moorings and New Access Road

Members received a report concerning a planning application for the redevelopment of the former Pegasus yacht factory and Hampton Boatyard site at the north eastern end of Oulton Broad covering an area of 1.6ha. The proposals included 76 residential units and an office building together with the construction of a new boatyard, associated car parking, an arrangement of jetties and pontoons providing up to a maximum of 50 moorings, possibly 40 mooring for private use and 10 for public use, and the creation of a new reedbed. Members noted the history of the site, the production of the Development Brief emphasising the importance of retaining boatyard facilities as part of the development to maintain the cultural and economic vitality of the area, as well as the lengthy and detailed pre-application discussions.

Members gave particular attention to the key navigation issues: the overall size and layout of the proposed boatyard, public access to the Broad, effect on navigation arising from the new moorings, arrangements for future management of the public moorings, dredging and reed bed creation.

In order to provide a better insight into the applicant's plans, the Chairman used his discretion to invite Mr E Gilder of Badger Builders (agent for Pegasus application) to answer members' questions

A member expressed concerns about the number of boats that the proposed moorings could accommodate as well as the viability of retaining a boatyard facility and the ability to find a tenant. However, it was understood from the agent for the developer that there had been definite expressions of interest to operate such a facility. It was clarified that the layout of the scheme had been dictated by the Environment Agency's Flood Risk requirements and therefore it would not be possible to build houses on the eastern part of the application site proposed for boatyard use.

With regard to the concerns relating to moorings, when the site had last been occupied as a boatyard, there had been the ability to moor 52 boats. The developer was confident that it would be possible to achieve 50 mooring places.

In conclusion, the Committee welcomed the scheme and was satisfied that the proposals would not encroach on the navigation of Oulton Broad. They welcomed the provision of the slipway and viewing point to meet the needs of public access and the maintenance of a boatyard function on the site. Although having some concerns over the capacity of the moorings for the number proposed, the Committee welcomed these in association with the Authority's Mooring Strategy and recommended that the layout of the pontoons should not encroach beyond the previous mooring layout.

Subject to the points made above, the Committee supported the approval of the application.

(3) Planning Application at Deal Ground, Trowse for a Bridge over the River Yare

Members received a report concerning an outline planning application for an opening bridge with a 14 ft soffit height over the River Wensum as part of the redevelopment of the Deal Ground site at Trowse. It was noted that due to the history of the site and the way in which the site boundary had been drawn, Norwich City Council would determine the larger part of the application but the Authority would deal with that aspect covering the bridge over the River Wensum. The bridge would be 4.1m wide and accommodate pedestrians and cyclists but there would be no vehicular access. It was noted that the proposed soffit height was 4 feet higher than earlier pre-application consultations had suggested.. However, the design of the bridge was not yet finalised and there were no details on the regime for its opening, although the applicants were preparing to adhere to the requirements of Section 25(4) of the Trowse Bridge Act. The views of the Navigation Committee

were requested and would be taken into account in the determination of the application and/or forwarded to Norwich City Council as appropriate.

Members accepted that the redevelopment of the Deal Ground offered the potential for significant levels of growth and that a bridge was required to provide a link to the site from the north. They gave consideration to the location of the bridge, the opening arrangements and the facilities for rivers users. They welcomed the proposed extra height for the bridge but regretted the removal of a slipway in order to provide public access to the river.

Members considered that the application was acceptable on navigation grounds subject to conditions to include a requirement for satisfactory details on the operation including the opening of the bridge bearing in mind the proximity to the rail bridge. They also required:

- the provision of moorings upstream and downstream of the bridge along the riverbank so as not to impede navigation and in accordance with the Authority's general policy for moorings especially to provide facilities for demasting; and
- the provision of a slipway in order to provide public access to the river.

4/8 Broadland Flood Alleviation Project BFAP

(1) Flood Risk Management Proposals for Compartment 22 (Nogdam End to Loddon, River Chet)

The Committee received a report which provided a summary of officer comments on Broadland Environmental Services (BESL's) proposals for flood risk management works in Compartment 22 on the true right bank of the River Chet between Pyes Mill, Loddon and Nogdam End. It was noted that the ground conditions were very poor, and therefore an alternative more effective solution than the standard used was required. Since the report had been written, a full planning application had been submitted taking account of the detailed assessment carried out by BESL. This provided further clarification relating to the reuse of the material to be dredged and stockpiling as well as the precise specification for bank re-profiling, details of which were presented. There would be a new rollback bank, not set back and this would be allowed to stabilise. Following this, rather than removing the piling altogether, the cappings would be removed and the remaining piling would be driven into the river bed to help stabilise the river banks.

Officers were of the view that the application should be supported in principle and approved subject to the satisfactory outcome of a trial to ensure that the methodology proposed for driving the piles into the bed would not result in navigation hazards, the terms of which should be agreed with Broads Authority officers. A satisfactory mitigation

statement detailing what would happen if the trial was unsuccessful and conditions covering submission of a method statement, erosion monitoring and appropriate channel markings as with other applications would also be required. Once complete, it should be possible to carry out full dredging of the whole river channel of the River Chet in line with the appropriate specifications and this was to be welcomed.

The Chairman provided members with the comments from the Authority's Lead Member on BFAP emphasising that this area had been the subject of long term plans for flood defence and there was significant local pressure for the works to take place. There was particular concern relating to the piling at the Pyes Mill picnic area and due to previous failures in this area, tried and tested solutions were required.

Dr K Marsh of BESL was also invited to answer members' questions and it was clarified that following the construction works, the riverbanks and the scheme would be maintained by BESL for the life time of the BFAP until 2020, and following that the responsibility would revert to the Environment Agency. Mr Mitchelmore confirmed that following this it would be difficult for the Environment Agency to confirm finances for maintenance since the organisation was currently under review but the Agency remained responsible for flood protection as one of its statutory purposes.

Members welcomed the proposals for the increased level of flood protection as well as the fact that there would not be any more onerous requirements on the landowner than those of others whose properties had been subjected to the drainage schemes. The Committee concurred with the officer comments and considered that the proposals should be supported provided appropriate conditions as proposed were attached to any planning consent.

(2) Planning Application for Compartment 19 (Claxton Marshes)

The Committee received a report providing a summary of BESL's planning application proposals together with officers comments for Compartment 19 (Claxton Marshes) on the true right bank of the River Yare between the Carleton Beck near the Beauchamp Arms public house and Langleys Dyke.

Members endorsed the officer comments and concurred that the proposed scheme would have a minimal effect on the navigation. They welcomed the fact that the floodbank crest would be significantly improved as a result of the proposed works and supported the possibility of diverting the Wherryman's Way from the road to part of the improved floodwall, in accordance with the Broads Integrated Access Strategy. They also welcomed the proposals for the rebuilding

and enhancement of the slipway in the Buckenham Sailing Club area and requested that the timing and methods of working did not interfere with the Sailing Club's activities over the summer.

Members supported the proposals subject to appropriate conditions relating to erosion protection, piling removal, new piling, erosion protection, erosion monitoring, channel marking and timing of works being attached to any planning permission granted.

4/9 Construction and Maintenance Work Programme Progress Report

Members received a report which set out the progress on the delivery of the Construction and Maintenance Work Programme for 2012/13, including progress on the development of the Dockyard workshop. In particular, Members noted that up to the end of January 2013, 38,816m³ of sediment had been removed from the rivers and broads, which represented 78% of the programmed target of 50,000m³, the details of the quantities and costs for which were set out in Appendix 1 of the report. The Head of Construction and Maintenance further informed the Committee that up to the end of February 2013, the amount of sediment removed was now 43,233m³, which represented 86% of the programmed target. It was noted that it had been a particularly busy year for the Construction and Maintenance team and as well as dredging, good progress on other projects with targets being met were being achieved including the building of Duck Island, restoration of Salhouse Spit, clearance of trees to provide safe navigable width, replacement of capping, waling and mooring posts at various locations.

With regard to the employment of contractors for specific projects, members were given reassurances that the correct procedures were being followed and were satisfactorily in accordance with audit requirements. A report would be submitted to the next Broads Authority meeting on 22 March 2013 to confirm the approved tender list for contractors meeting Authority criteria for delivering piling works.

Members also noted that there would be a workshop on the morning of 18 April 2013 prior to the next Committee meeting, to consider the options for navigation channel management in Breydon Water.

It was noted that officers were examining the utilisation of the Asset Management Strategy with the potential to increase dredge volumes, to options of 60,000 or 100,000 m³ per annum. This would be evaluated in terms of the feasibility of delivering all the other navigation management work in-house given current staff resources. It was intended to bring a report to the next Navigation Committee with details of the requirements and implications of increasing the amount to be dredged per year. A review was also being undertaken on the utilisation of physical assets to provide more guidance on priorities planning for renewal/disposal.

The Committee noted the report and welcomed the progress being made.

4/10 Navigation Income and Expenditure: 1 April 2012 to 31 December 2012

Members received a report which summarised actual income and expenditure for the nine month period to 31 December 2012, and provided a forecast of the projected expenditure at the end of the financial year. In addition, the report provided details of and the reasons for the major variances expected at the end of the year.

The Forecast Outturn indicated that total income was expected to be slightly lower than the original budget with total forecast income of £2,834,375, mainly as a result of lower than forecast short visit tolls, and total expenditure was forecast to be £3,467,741. This would result in a total deficit of £633,366 and reduce navigation general reserves to £293,107 as at 31 March 2012.

The Director of Change Management and Resources reported that the total income for the period up to the end of January 2013 was £2,804,885 whilst the total net expenditure was £2,513,390.

It was noted that the forecast out-turn represented a planned drawing down of reserves to fund one-off, mainly capital expenditure in 2012/13 and continued to anticipate a significant deficit position by the end of the year, as agreed by the Authority. It was noted that the Financial Scrutiny and Audit Committee (FSAC) at its meeting on February 2013 had considered consolidating the earmarked reserve accounts, under the three main headings of: Premises; Plant, Vessels and Equipment; and Property. Reported information would continue to separate reserves funded from the navigation income from those funded by the National Park Grant.

In response to the concerns expressed about the need to allocate reserves for specific purposes, assurances were given that this had been recognised by the FSAC and would be accommodated.

It was explained that the anomalies and differentials relating to the profiled budget for premises was due to the budget having been drawn up prior to any anticipated move from Dragonfly House and before the Authority had agreed to construct a new workshop at the Dockyard.

The Committee noted the report.

4/11 Power Boat Racing

The Committee received a report outlining the background to power boat racing on Oulton Broad together with the fixture list for the 2013/14 Lowestoft, Oulton Broad Motor Boat Club (LOBMBC) Power Boat Racing Season fixture list.

Members noted and were content with the management of the Power Boat racing on Oulton Broad and the fixture list.

4/12 Chief Executive's Report

Members received a report which summarised the current position in respect of a number of important projects and events, including decisions taken during the recent cycle of committee meetings. Attention was drawn to the progress on the Strategic Priorities for 2012/13 (Appendix 1) and the updated Draft Strategic Priorities for 2013/14 (Appendix 2) details of which would be submitted to the Authority on 22 March 2013 for approval. It was noted that the revised set of priorities contained three major projects which would run over more than one year namely: the development of Whitlingham Country Park; the Breydon Water Space Management Plan due to the complexity of the various interests involved and the European legislation requirements; and the long term commitment of acquiring National Park status for the benefit of the local economy and establishing a consensus and agreement to achieve that status.

Members suggested that within Priority 3(b)1 Objective TR1, relating to the examining of opportunities to extend or expand navigable water space for recreation, consideration be given to include a target to examine these opportunities for Hoveton Great Broad.

The Committee noted the report.

4/13 Current Issues

Breydon Water

Members were informed that every effort was being made to ensure that users of Breydon Water were fully aware of the new management arrangements, including the provision of appropriate signs which were currently awaiting final permission to erect. All the boatyards had been informed, new marker posts had been installed and the improvements were being recognised.

It was confirmed that the new launch to patrol Breydon, "The Spirit of Breydon" was able to clear the Lower Bure Bridge and given the inbuilt facilities on board, had greater capacity and capability of dealing with extreme emergency situations than the Authority's other launches. There would be a modest celebration to officially launch the "Spirit of Breydon" on 13 March 2013 to which all members would be invited. This would coincide with an article in Anglia Afloat.

Speed Testing of Boats

Members were informed that the Broads Forum had considered the issue of speed testing of boats and the matter would be considered by the Boat Safety Management Group and this Committee before consideration by the Authority.

Petos Marsh

Members were informed that the Environment Agency was in dialogue with the Internal Drainage Board and was currently anticipating resubmitting a

planning application for the cross wall at Peto's Marsh in the near future with the aim of starting works within 2013.

Operations Update

A member expressed disappointment and regret that the Operations Update that had been provided by River Control, was no longer circulated to members of the Navigation Committee and several other members agreed. This was considered to be an informative document. Members were informed that key matters were now incorporated into the monthly Bulletin circulated to all members of the Authority. Members expressed regret and some requested that the Operations Update be reinstated.

4/14 Items for Future Discussion

Use of Local Businesses and Process of Awarding Contracts including Publication of Invitations to Tender

In response to a question, members were informed that the Authority would commission local businesses to carry out major works and or construction wherever possible as it was part of the Authority's overall objectives to support and promote the local economy. Any invitations to tender would be advertised and contracts awarded in accordance with the appropriate regulations for public bodies. However, depending on the task, it was important that the Authority sought to achieve the best value and price available and there would be occasions when the employment of local businesses might not be appropriate or possible.

4/15 To note the date of the next meeting

The Chairman asked for members' views on the timing of the meeting with the suggestion of commencement at 1.00pm possibly on a trial basis. Some members expressed a preference for having the meetings in the mornings rather than the afternoons. In light of the member workshop to be held in the morning of the next scheduled meeting, which made that suggestion impracticable next time, it was agreed that the meeting would start at 1.00pm and the question of an earlier start be reviewed at the end of that meeting.

The next meeting of the Committee would be therefore be held on Thursday 18 April at Yare House, 62-64 Thorpe Road, Norwich commencing **at the earlier starting time of 1.00pm.**

4/16 Exclusion of the Public

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the following item on the grounds that it involved 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 outweighed the public benefit in disclosing the information.

Minutes excluded from Public Deposit

4/17 To receive and confirm the exempt minute of the Navigation Committee meeting held on 13 December 2012

The exempt minutes of the meeting held on 13 December 2012 were approved as a correct record and signed by the Chairman.

With reference to Minute 3/20, Purchase of Moorings, the landowner had accepted the Authority's offer price and it was anticipated that the purchase of the moorings would be satisfactorily secured.

The meeting concluded at 5.00pm

Chairman

APPENDIX 1**Code of Conduct for Members****Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 28 February 2013

Name <i>Please Print</i>	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mr J Knight	4/7 – 4/12	Toll Payer, Boat Hire Operator
Mr P Greasley	4/7 – 4/12	Boat Operator, Toll Payer and BHSF Member
Mr L Betts		Toll Payer and Land Owner
Miss S Blane	4/7(i),(ii),(iii)	Planning Committee member
Sir Peter Dixon	General	Toll Payer
Mr A S Mallett	4/5 4/7(i),(ii),(iii) 4/8(i) 4/5-4/17	Regurgitation of previous declarations Member of Planning Committee Toll Payer
Mr M Heron	4/7 – 4/13	Toll Payer, Land Owner, Member of British Rowing, NRC, NSBA, NBYC, RCC and Chair of Whitlingham Boathouses
Mr D A Broad	4/7 – 4/13	Toll Payer and member of Great Yarmouth Port Consultative Committee
Mr P E Ollier	General	Toll Payer, Broads Authority Planning Committee, NSBA Committee Member, RYA and various sailing clubs