

## Navigation Committee

Minutes of the meeting held on 14 December 2017

### Present:

Nicky Talbot (Chairman)

Mr K Allen	Mr A Goodchild	Mr S Sparrow
Mr J Ash	Mr M Heron	Mr B Wilkins
Ms L Aspland	Mr J Knight	Mr M Whitaker
Sir P Dixon	Mr G Munford	

### In Attendance:

Mr S Birtles – Head of Safety Management  
Mrs L Burchnall – Head of Ranger Services  
Mr N Catherall – Planning Officer (Minute 3/12)  
Mr A Clarke – Senior Waterways and Recreation Officer  
Ms M Hammond – Planning Officer (Minute 3/11)  
Mr D Harris – Solicitor and Monitoring Officer  
Dr D Hoare – Head of Construction, Maintenance and Environment  
Ms E Krelle – Chief Financial Officer  
Mrs A Leeper – Asset Officer  
Miss S Mullarney – Administrative Officer (Governance)  
Dr J Packman – Chief Executive  
Mr T Risebrow – Planning Officer (Compliance and Implementation) (Minute 3/10)  
Mr R Rogers – Director of Operations  
Mrs C Smith – Head of Planning (Minute 3/10 – 3/12)  
Ms M-P Tighe – Director of Strategic Services

### Also Present:

Bill Dickson and Lana Hempsall.

### 3/1 To receive apologies for absence

Apologies for absence were received from Matthew Bradbury.

The Chair announced that the meeting would be recorded and that the copyright remains with the Authority, however a copy of the recording could be requested.

James Knight and the press correspondent declared that they would be making their own recordings.

### 3/2 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda

No items had been proposed as matters of urgent business.

### 3/3 To receive Declarations of Interest

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

#### **3/4 Public Question Time**

No public questions were raised.

#### **3/5 To receive and confirm the minutes of the Navigation Committee meeting held on 19 October 2017**

The minutes of the meeting held on 19 October 2017 were signed by the Chairman as a correct record of the meeting subject to the following amendment:

Minute 2/7 Items for future discussion:

‘A Member referred to the minutes of the 15 December 2016 meeting and the mention of a strategy for swing bridges.’

To be changed to:

‘A Member queried whether the Authority had been consulted about Greater Anglia’s new infrastructure plan particularly in regards to replacing Trowse Swing Bridge with a fixed bridge. He also referred to the minutes of the 15 December 2016 meeting and the mention of a Network Rail Whole Life Strategy for swing bridges.’

#### **3/6 Summary of Actions and Outstanding Issues following Discussions at Previous Meetings**

Members received a report summarising the progress of issues that had recently been presented to the Committee.

Following the cancelled meeting with Network Rail, the Chief Executive informed Members that he had written to the director of Network Rail regarding Somerleyton and Reedham bridges and has enquired about the status of the reports Network Rail had commissioned.

A Member’s comments enquiring of the progress with arrangements for making voice recordings available on the Authority’s web site were noted.

There were no further updates. Members noted the report.

#### **3/7 Navigation Budget 2018/19 and Financial Strategy 2020/21**

Members received a report which sought their views on the draft navigation income and expenditure budget for 2017/18, which has been prepared as part of a draft consolidated budget for the Authority. The draft budget is based on the overall 3% increase in navigation charges as formally adopted by the Full Authority on 24 November 2017 following the recommendations of the Navigation Committee.

The cost of the additional tree management equipment and speed signs following the approved toll increase had been incorporated into the budget. The Chief Financial Officer highlighted that in terms of the budget sensitivity analysis, the changes in boat numbers and the outcome of the pay negotiations could put pressure on the budget.

The Chief Financial Officer stressed that the 2019/2020 and 2020/2021 figures were draft at this stage.

The reported deficit of National Park income and expenditure forecast for the years until 2022 is considered to be appropriate and acceptable on account of the level of National Park reserves, which was above recommended levels.

Members noted the report.

### **3/8 Navigation Income and Expenditure: 1 April to 31 October 2017 Actual and 2017/18 Forecast Outturn**

Members received a report which provided the Committee with details of the actual navigation income and expenditure for the seven month period to 31 October 2017, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2018).

The Chief Financial Officer said that the report provided the most up to date figures available.

Members noted the report.

### **3/9 Boat Insurance Audit**

Members were presented with the results from a recent audit of a sample of private boat owner's third party insurance compliance.

The Head of Safety Management informed Members that they had received an additional response since the report; the total number of boat owners who had policies that were fully compliant was 265, and there were 16 boat owners who had not responded to the request.

A Member queried why the Insurance Declaration doesn't state that it is a legal requirement to have insurance. The Solicitor and Monitoring Officer commented that it would be good to review the form particularly in light of the changes to the General Data Protection Regulations.

Another Member asked what the cost of the audit was and expressed concerns with enforcement rather than using the audit as a data collection exercise. It was confirmed by the Head of Safety Management that the outstanding responses would be followed up; the 16 boat owners who had not responded would be sent S21 notices. The Head of Ranger Services confirmed that there were currently 3 prosecution cases in process. The Solicitor and Monitoring Officer added that there would be an article regarding insurance published in Broadsheet.

It was noted that the audit required significant staff resources for chasing the responses. The cost of the Insurance Audit would be provided to Members at the next meeting.

One Member queried why a distinction was made between the way a boat was measured for consideration in the audit, the Head of Safety Management confirmed that this was the most practical way to assess the boats.

Members supported the audit being repeated again, the Chair concluded that 3 years was a sensible interval before repeating the exercise.

### **3/10 Unauthorised Development with Navigation Implications**

*Having declared an interest Mr Munford left for this item.*

The Committee received a report regarding an unauthorised development at Barnes Brinkcraft in Hoveton. The Planning Officer (Compliance & Implementation) presented to Members maps and the plans submitted with the original application for the site. It was noted that the position of the pontoons had moved further into the river than illustrated from the original drawings.

Members discussed why the landowner had deviated from the original plan, and expressed concerns for safety particularly at busier times on the river. The Chairman asked if there had been any evidence or observations since the development that highlight the potential for an incident. The Head of Ranger Services said that the pontoon itself wasn't a hazard however explained that it was likely that it would have a knock on effect if there were larger boats on the outside of the pontoons. She added that there was an increased risk to canoes and day boats in this area when this section of river was busy.

One Member noted that there wasn't a restriction on the length of boats that could be moored at the site and said the focus for action should be on the effect the position of the pontoons would have on the navigation. He suggested using the byelaws to enforce movement of boats. It was confirmed that byelaws could be used but this would be heavily dependent on a Ranger being in the area, and therefore it would not be a sustainable approach for dealing with this high risk for encroachment into navigation. A Member said that they needed to find a way to manage the restriction, either by side on moorings or by setting a maximum length for boats mooring at the site.

Members discussed issues for smaller boats and the impact on the different types of vessels navigating the river at the same time, especially when the river is busy and the weather windy. Members agreed that the width of the river couldn't afford to get any narrower and stated that it was important that the encroachment into the navigation area be removed.

The impact on other local businesses was also discussed. Another Member said that they had had an informal discussion with a member of staff of Broads Tours who was very concerned. One Member inquired if there had been any discussions

with local businesses about the issue. The Head of Ranger Services said that there was a documented history about the impact of narrowing in the area on trip boats which was consistent throughout the 14 year period documented, however due to timescales they wanted to approach the Navigation Committee first.

The Chief Executive asked what the experience of managing mooring in this location in terms of enforcement was. The Head of Ranger Services said that while enforcement could be undertaken it is not operationally possible for a Ranger to be on site all the time. She added that it wouldn't take long for larger boats moored on this site to cause a hazard. To prevent this, she suggested making the moorings private with permanent berth moorings; side on only moorings; or suggested that the landowner have someone available to assist with moorings.

The Head of Planning informed Members that officers had been to the site and seen the pontoons from the river; they had also met with the landowner. She advised Members that the case would be presented to the next Planning Committee and the report would include the recommendation from this Navigation Committee. She added that there were different ways to address the issue from a planning perspective.

It was summarised that the Navigation Committee welcomes investment to provide improved mooring provision but has grave reservations about any encroachment on the navigation of the river and that the Planning Committee take this into account when seeking to resolve the matter with the landowner.

*Mr Munford returned to the meeting.*

### **3/11 Planning matter with Navigation Implications: Article 4 Directions restricting permitted development rights**

The Planning Officer presented Members with the history and background of Article 4 Directions restricting permitted development rights for retail sales from moorings.

Following a question about licencing and the frequency of use of the Article 4 direction, the Asset Officer explained that there was a different toll required for business boats, however she stated that apart from Article 4 there was nothing to prevent business' using moorings for sales. The Asset Officer said that they receive a great number of enquiries in the first instance, but not all were written applications. The Head of Ranger Services informed Members that during the summer the Article 4 direction is used on a weekly basis.

The Committee collectively agreed to show support in retaining the Article 4 direction concerning retail sales from moorings subject to another review when appropriate.

### **3/12 Planning Application with Navigation Implications: BA/2017/0369/FUL, Mooring pontoons with bank cutback on the River Waveney frontage together with demasting, visitor and service moorings**

*Having declared an interest Mr Munford left for this item.*

Members were presented with details of an application for the installation of 115m of floating pontoons along the River Waveney. Members were told that the site had had a previous planning application in 2014.

One Member asked what guarantee there would be for provisions for demasting moorings, he commented that this was absent from the original application. The Planning Officer said that should planning permission be granted there would be a specific condition covering this as well as a requirement for public signage. Another Member suggested securing the demasting mooring through an s106 agreement. The Member further asked about provisions for demasting berths on the other side of Haddiscoe Bridge, the Senior Waterways and Recreation Officer confirmed that these had been installed and they were operational.

Members welcomed the mooring and the provision for demasting moorings, with one Member stating that the NSBA were inclined to support the application. It was noted that the concerns with the previous application had been met and Members were encouraged by the benefits of the new development. The committee supported the development.

*Mr Munford re-joined the meeting.*

### **3/13 Construction, Maintenance and Environment Work Programme Progress Update**

The Committee received a report which set out the progress made in the delivery of the 2017/18 Construction, Maintenance and Environment Section work programme. The report included the dredging progress for 2017/18 (April 2017 to October 2017).

A presentation outlined the work carried out by the Construction team over the course of the year including dredging work and the removal of marker posts from the river Chet which had been completed satisfactorily.

The Head of Construction, Maintenance and Environment reported the work of the Maintenance team, and the development of a 5 year plan for the management of trees along river edges. The Chairman added that she was pleased that the maps of prioritised sites for riverside tree and scrub management were available online as they could be used by Members to demonstrate the work that the authority is doing.

One Member asked if Natural England was responsible for riverbank tree maintenance, specifically at Woodbastwick and Hoveton Hall estates. The Head of Construction, Maintenance and Environment clarified that the Broads Authority was managing prioritised sections of riverbank on land leased by Natural England, particularly where Natural England had no drivers for doing such work. He added that Natural England actively manages trees in the open fen of the Woodbastwick estate, but not the protected wet woodland features on the Hoveton side. The Authority has had to negotiate with Natural England to manage the wet woodland areas.

The Member further enquired about the work at Hickling, he commented that the Environment Agency hadn't yet issued the Environment Permit for sediment work and asked what the timescale for this was and how it would impact the programme. The Head of Construction, Maintenance and Environment said that this had delayed work and they expected to start at the end of January. He explained that the mud pump contractor was out for tender and ends on 4 January 2018, with the final consultation for the Environment Agency set for 15 January 2018.

The Head of Construction, Maintenance and Environment informed Members that the Rivers Engineer, Tom Hunter, was leaving the Broads Authority. Members thanked Tom for his work with the Authority and said they would be sad to see him go.

The report was noted.

### **3/14 Chief Executive's Report**

This report summarised the current position in respect of a number of important projects and events, including decisions taken during the recent cycle of committee meetings.

The Chief Executive updated Members on the prosecutions for failure to pay tolls, he highlighted that more recent prosecutions had issued fines of £440 and £600, higher amounts than noted in appendix 3. One Member queried the deterrent for non-payment of tolls given the sum of the fines. The Chief Executive said the prospect of legal proceedings was a deterrent for some individuals.

Member's noted the report.

### **3/15 Current Issues**

One Member asked what had been learnt from the cutting of the aquatic plants at Hickling this year and if the Authority was prepared for lots of growth next year. The Head of Construction, Maintenance and Environment commented that the current models of Aquatic Plant Cutters (Berkenheger 6520) are capable of cutting all of the plants at Hickling and said that the trials had been very effective. It was noted that in 2017 185 days of actual cutting, the highest number of days in terms of Operation Technician time, was spent cutting aquatic plants on the public navigation.

It was noted that whilst the experimental aquatic plant cutting trial had gone to plan and the weed cutter proved completely suitable for the operation, the trial cutting did not give relief to the immediate problems, but would inform the decision making on plant maintenance cutting in subsequent years. The Chief Executive said Natural England had allowed the Authority to selectively cut rare plants for the first time.

### **3/16 Items for future discussion**

A Member informed the Committee that he was aware that DEFRA was planning for serious drought if there was a dry winter. He asked what the navigation impact of a dry winter would be and what it would mean for the Broads, specifically Hickling.

### **3/17 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 22 February 2018 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2pm.

### **3/18 Exclusion of the Public**

The Committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information

*Members of the public leave the meeting.*

### **3/19 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 19 October 2017**

The exempt minutes from the Navigation Committee meeting held on 19 October 2017 were signed by the Chairman as a correct record of the meeting.

### **3/20 Review of legal position concerning Mutford Lock**

Following the request at the previous meeting, Members were presented with the legal advice obtained by the Solicitor and Monitoring Officer regarding the Harbour Revision Order for Mutford Lock.

It was unanimously agreed by Members that these matters and the views of this Committee be submitted to the full Authority meeting in January.

The meeting concluded at 4:30pm

Chairman



## Code of Conduct for Members

**Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 14 December 2017

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest
B Wilkins		No additional declarations of interest over those already recorded.	
M Whitaker	6-14	Toll payer, hire boat operator, BHBF Chair, resident.	
J Knight	6-14	Toll payer, Hire boat operator, land owner, resident	
S Sparrow	6-14	Hire boat operator, toll payer, resident, landowner	
M Heron	6-14	Toll payer, landowner, Member British Rowing/Norwich RC/NSBA	
K Allen	6-14	Director BASG	
G Munford	10, 12	Fellow director of Broads Tourism. Customer of Norfolk Boat Sails.	✓
P Dixon	10-12	Chair of Planning Committee	
J Ash		Trustee director of WYCCT	
A Goodchild	6-14	Toll payer, land owner, chair BM commercial, director GMS	
L Aspland		Toll payer, local resident, NBYC committee, hunter fleet	
N Talbot		Toll payer, NBYC, NSBA	