

# Navigation Committee

14 April 2022

Agenda item number 12

## Barton Turf Staithe

Report by Director of Operations

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### Purpose

Navigation Members' views are sought on the suggested compromise offered by Barton Turf and Irstead Parish Council in relation to the renegotiated lease of moorings at Barton Turf Staithe.

### Broads Plan context

6.1 Improved and new small craft launch facilities in place, linked to craft hire points and published trails; existing BA 24-hour free mooring network maintained and new moorings/stopping points (incl. wild/quiet moorings and commercial moorings) in place at priority locations.

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## 1. Introduction

- 1.1. Barton Turf staithe mooring was created under an agreement with the Great Yarmouth Port & Haven Commissioners, 50 years ago. The agreement was that the Port & Haven Commissioners would pile and develop the staithe and it would be available as a free mooring for those using the broads. Under the Norfolk & Suffolk Broads Act 1989, this agreement transferred to the Broads Authority.
- 1.2. In 2017 we carried out a review of Broads Authority assets and identified the lease renewal date at Barton Turf Staithe (Sept 2022) and the Asset Officer contacted the Parish Council to start preliminary discussion as we are aware that lease negotiations can be protracted and have costly legal fees.
- 1.3. There is a Clause attached to Barton Turf Staithe: the registered title to the property contains a restriction in respect of the Charities Act and the lease needs to include a certificate to comply with the restriction (Local Government Act 1972 and Trustees Act 2000). Without this certification the landowner is unable to agree a long-term lease.

## 2. Barton Turf & Irstead Parish Council's previous position

- 2.1. At the 13 January 2022 Navigation Committee, members were updated on the current position; that the landowners, Barton Turf & Irstead Parish Council, were requesting a commercial rent (£1,350 per year), the Broads Authority accept the full maintenance and liability for the site and a lease duration of seven (7) years.

- 2.2. Members' views in January 2022 were that negotiations were to be continued, the mooring is small but provides a useful water point, but a commercial rent was unacceptable when included with full maintenance and liabilities for the site.

### 3. Current offer

- 3.1. As advised by the Navigation Committee, discussions with the Parish Council Chairman have continued and an understanding of the requirements from both sides has been established. The current offer from Barton Turf & Irstead Parish Council is:

- The Parish Council to retain the majority of the moorings (A to F on enclosed sketched map) site and change the use of that part of the site to a Parish mooring rather than a public mooring.
- The mooring ladder be moved to a position near to the water point.
- The Parish Council has requested that the Broads Authority applies for planning permission, on its behalf, for the change of use of the section of the moorings A to F to Parish moorings.
- A short section of approximately 18m (F to G on enclosed sketch) is leased to the Broads Authority, this section contains the water point, to remain as a free 24-hour mooring.
- The small 5m (G to H) return (adjacent to Cox's Boat Yard) also be leased to the Authority and reserved for the launching of kayaks, canoes and paddle boards. (This cannot be used as a mooring location as it would obstruct access and egress from the boat yard).
- The mooring lease duration would be for the seven (7) years (see 1.3 for reasoning).
- The Broads Authority to meet the legal costs for the final agreement.
- In return for the Broads Authority taking full maintenance and liability for the area under the proposed lease (F to H), the Parish Council would agree to charge no rental fees.

- 3.2. The section being offered under this proposal is in poor repair, the piles remain sound with a healthy estimated life of around 10 years, but new capping and waling, mooring posts, safety ladder and chain are required, along with path materials and geotextile membrane, plus fixings which is estimated to cost £5,000 (in-house costs).

- 3.3. The legal fees to draw up the lease agreement are between £800 - £1,000.

### 4. Risk implications

- 4.1. The main risk of this proposal relates to the need to apply for planning permission to change the use of the public moorings to parish moorings (i.e. private) as the development plan (which is the document which sets out the planning policies) has

strong policies to protect public moorings. The requirement for the Broads Authority to apply for planning permission to change the use on behalf of the Parish Council would put us in conflict with our own policies.

## 5. Conclusion

- 5.1. Navigation Committee members can see that negotiations have progressed with each side making compromises. This latest proposal does look to protect some public mooring spaces, preserve access to the water point and provide an access option for paddlesport launching. The issue around commercial rent has been removed and the shorter section on offer would not require capital sums to maintain/replace over the course of the seven (7) year lease.
- 5.2. The risks of this proposal are related to the change of use, from public to private mooring and the conflict with existing Broads Authority policies. There is a risk that planning permission would be refused.
- 5.3. The second issue is around the length of lease. The Authority could spend navigation money bringing the offered section up to a high Broads Authority 24-hour free mooring standard only for the lease to be terminated by the Landowner after seven years.

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Background papers: [Navigation Committee agenda item 7, 13 January 2022](#)

[Broads Plan](#) strategic actions: 6.1

Appendix 1 – Sketch drawing provided by Barton Turf and Irstead Parish Council

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