

## **Broads Authority Boat Test Area Review**

Report by Head of Safety Management and Environment & Design Supervisor

<p><b>Summary:</b> This report sets out the background to the introduction of the Boat Test Areas and the findings and proposals from the recent review. It includes the responses from the Navigation Committee and Broads Forum consultations for member's information.</p> <p>Members' views are sought on the proposals as set out in Section 3.</p>
<p><b>Recommendation:</b> The Management Proposals set out in paragraph 8.2 be implemented including the development of a Code of Practice.</p>

### **1 Background**

- 1.1 Boat testing at speeds in excess of the speed limit has existed formally on the Broads for over 36 years and informally for much longer. By virtue of the Great Yarmouth Port and Haven Commissioners "Norfolk Broads Speed Limit" Byelaws 1978, areas within the Broads river network were formally set aside for the testing, demonstrating and trial of vessels by bona fide boatyard businesses at speeds exceeding the defined speed limit.
- 1.2 The Great Yarmouth Port and Haven Commissioners "Great Yarmouth Port and Haven (River Speed Limits)(Vessels) Byelaws 1989" further added conditions to the 1978 byelaws including times when the areas could be used for the activity, additionally requirements for log books and display of registration marks were included.
- 1.3 The Broads Authority Speed Limit Byelaws 1992 repealed the above byelaws and generally replicated the requirements of the 1989 byelaws. The 1992 Byelaws sets out an exemption to the speed limits under byelaw 5 (2) b which enables boatyard vessels to use certain areas at certain times for the purposes of trial, demonstration or testing after repair.
- 1.4 These designated areas and times are set out in Schedule 3 of the Byelaws which in summary details four areas on the river Yare, three areas on the river Waveney, three areas on the river Bure and one area on the river Thurne where this activity is permitted. See Appendix A
- 1.5 In accordance with the requirements of the Speed Limit Byelaws, boatyard operators are issued with registration marks and toll plaques on application known as "Trade Plates". A further requirement of this issue is that the

boatyard must complete a log book supplied by the Authority on each occasion the trade plates are used.

- 1.6 The Port Marine Safety Code Hazard Review Action Plan 2011 identified that a review was to be completed following the assessment of hazard no. 002 "Powered Craft speeding". This activity remains the only high speed activity on the Broads which has not to date been reviewed.
- 1.7 A complaint and petition was received on 12 July 2013, with 1,075 signatures to the statement:

*"We, the undersigned, are concerned citizens who urge our leaders to act now to stop the bye-law that allows boats to test their engines on the River Yare on the stretch of the RSPB nature reserve."*

The Broads Authority agreed that the review would be conducted and its findings reported to the consultative committees prior to determining its position.

## **2 Current Position**

- 2.1 In order to conduct the review, better data was required and so late in 2012 new log books were developed which allow for the recording of additional data which would assist the review. This new log book required the boatyard to additionally indicate which boat test area they had used, for what purpose and whether the speed limits were exceeded. The base data of who was at the helm, the owner, boat name date and time etc. were preserved. The log book also included records for activity on Breydon Water, which whilst not a formal boat test area, is also used for this purpose by local yards.
- 2.2 These new log books were distributed in March 2013 to boatyards ready for the new season. The boatyards were also required to log in with Broads Control when they were intending to use the test areas for high speed testing or demonstrating. In this way a full season of activity could be recorded.
- 2.3 During November and December 2013 Broads Authority rangers visited boatyards to collect logbooks and / or the data therein to assist this review.
- 2.4 There were 77 trade plates and logbooks issued to boatyards by the Authority in 2013/14. Not all of the boatyards would have intended to use the facility of testing/ demonstrating etc. at high speed as the trade plates have historically been used for moving boats around the system and to deliver boats to other areas.

## **3 Usage Data**

- 3.1 14 of the 77 boatyards who were issued with trade plates and log books used the areas for demonstration, test and trial over the period of April 2013 to January 2014 but only 12 of these 14 boatyards exceeded the speed limit during the activity. Analysis of the log book data presented the following usage of the test areas:

3.2 Figure 1 shows the total usage including the zones and of that usage those that were conducted in excess of the speed limits

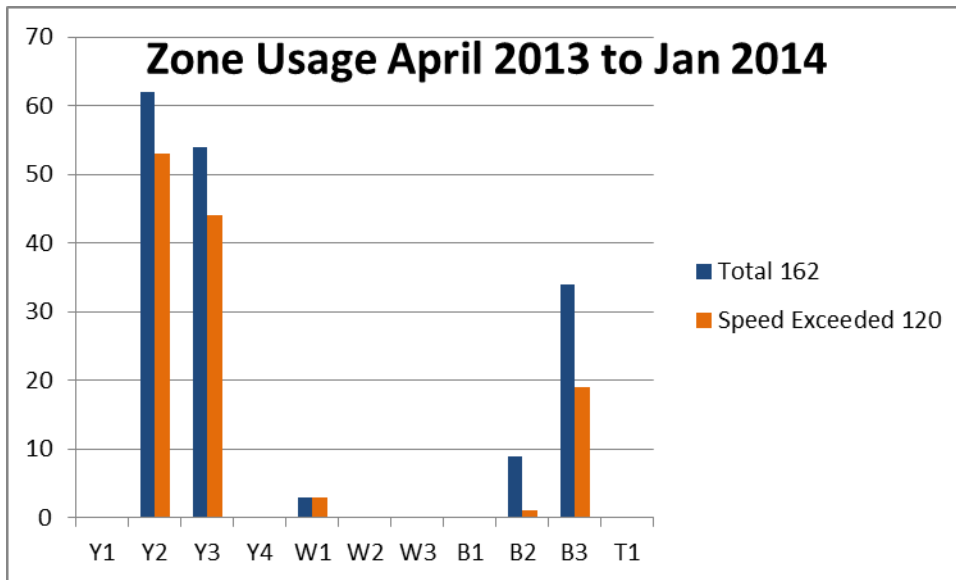


Figure 1

3.3 It is important to note that of the 120 journeys which included high speed activity 91% were undertaken by only two boatyards.

3.4 Distribution of usage throughout the year can be seen at Figure 2. There was no usage of Breydon Water reported for boat testing during this report period.

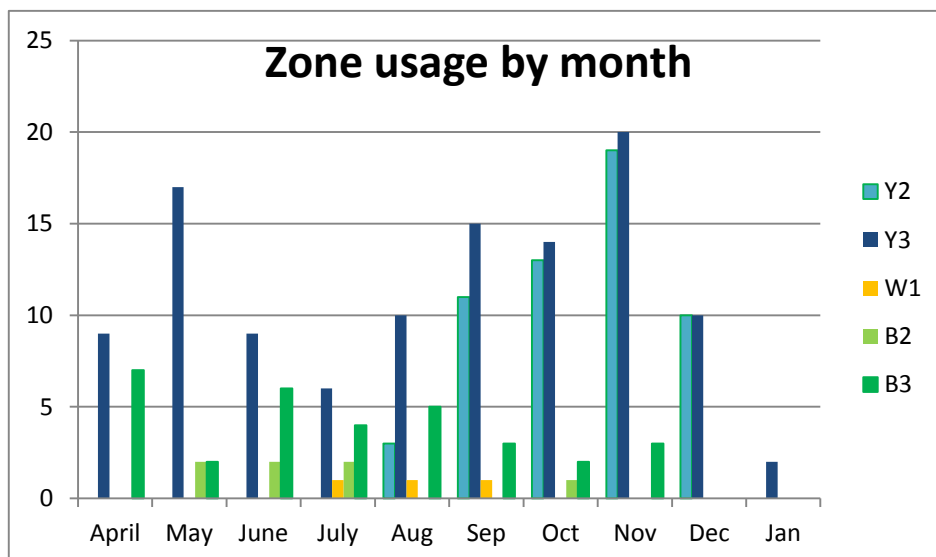


Figure 2

3.5 Where the test areas were used for high speed activity, these uses have been broken down by their purpose as shown in Figure 3.

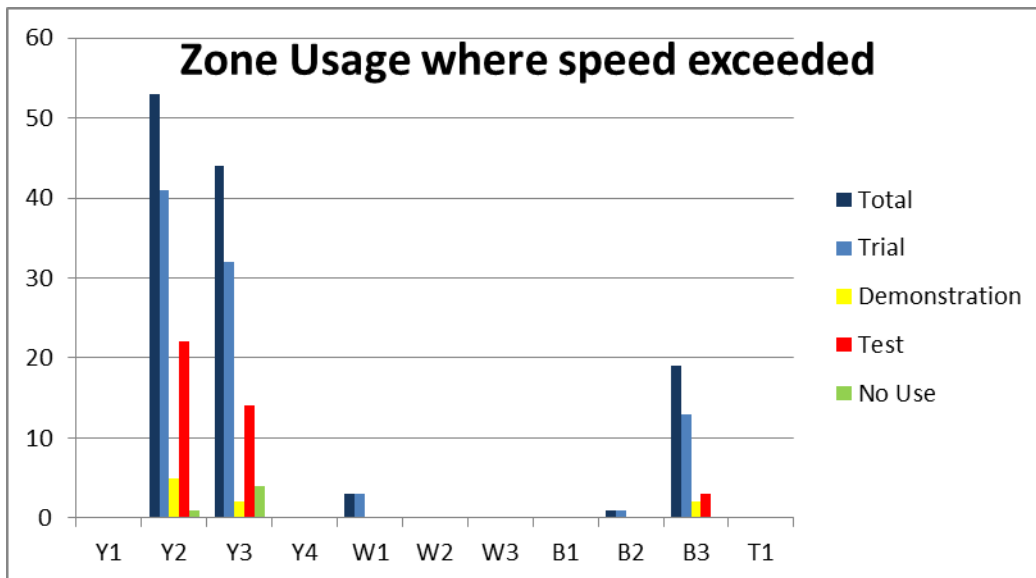


Figure 3

#### 4 Other Boat Movements

- 4.1 The usage of boats for high speed activity should be taken in context of overall boat movements in the relevant areas. The 2010 boat census which was conducted over a three day period in August 2010 delivered data for many areas of the Broads including Strumpshaw, the Yare 3 area, and at Horning in the vicinity of the Bure 3 test area.
- 4.2 Strumpshaw: The census indicated that in the area of Strumpshaw it could be estimated that approximately 3,647 boat movements could be expected during a normal August period; conversely during August 2013 only 10 high speed tests were conducted in the Y3 area. This suggests that boat testing is a very low level of activity compared to the overall boat movements in the area only 0.27% of the total boat movements for that month. In November, which records the highest number of movements (20) this equates to 0.6 movement per day.
- 4.3 Horning: The census indicated that in the area of Horning it could be estimated that approximately 20,646 boat movements could be expected during a normal August period; conversely during August 2013 only five high speed tests were conducted in the B3 area. This suggests that boat testing is a very low level of activity compared to the overall boat movements in the area only 0.024% of the total boat movements for that month. In April, which records the highest number of movements at 7, this equates to 0.23 movements per day.
- 4.4 Whilst it could be argued that the test areas around Brundall receive a disproportionate amount of boat test activity to other areas of the Broads these test areas are situated in an area of large boatyards involved in boat building, maintenance and brokerage and the facility provided by the boat test areas is valuable to the industry within immediate area.

## **5 Complaints**

- 5.1 There have been no complaints registered by Broads Control relating to the activity of boat testing, trial or demonstration during this period.

## **6 Safety**

- 6.1 Whilst the impact from a collision with a vessel travelling at high speed is likely to be significant the likelihood of such an instance is believed to be extremely remote.
- 6.2 Historically there have been no instances of collision of boats under test, trial or demonstration with other vessels.
- 6.3 Therefore given the low level of the high speed activity compared to the overall boat movements combined with the proposed management options set out below it is considered that the activity of boat testing would fall in the category of risk as low as is reasonably practicable provided the proposed management changes set out in Section xx below were implemented.

## **7 Environmental Impact**

- 7.1 The range of likely environmental impacts from boats exceeding the speed restrictions includes, increased wash reaching the banks impacting water and habitat quality; noise disturbance to wildlife and people; and physical and visual disturbance to wildlife. The level of significance of these impacts on the receptors (i.e. people and/or wildlife) can only be assessed in simple terms without appropriate monitoring and evidence. Factors to consider in the assessment of impact includes the spatial extent of the effect; the duration of the impact; and the cumulative effect of multiple similar impacts. For the purposes of this report, the recommended process to gain sufficient information to evaluate the identified impacts will be outlined.
- 7.2 The likelihood of there being valuable wildlife features where negative impacts could arise from boat testing can be shown through comparing test locations with designated conservation sites. Table 1 gives the range of conservation designations adjacent to the individual boat test areas. The Conservation Regulations (2010) list habitat features and sites within the Broads that contain significant proportions of European populations of birds or habitat types. These sites are important for birds (Special Protection Area, SPA) and habitat quality (Special Area for Conservation, SAC). There are also National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) areas that occupy the same boundaries as the European features. The main rivers are not usually included within the boundaries of the European or national conservation designations. However, the River Waveney to St Olaves is locally designated as a County Wildlife Site. As the test zones are adjacent to designated conservation sites, the regulations still require consideration of impacts to the features, due to this proximity.

Table 1 Designated conservation sites adjacent to boat test areas.

Test zone	Y1	Y2	Y3	Y4	W1	W2	W3	B1	B2	B3	T1
SPA	-	✓	✓	✓	✓	-	-	-	✓	✓	✓
SAC	-	✓	✓	-	✓	-	-	-	✓	✓	✓
NNR	-	✓	✓	-	✓	-	-	-	✓	✓	-
SSSI	-	✓	✓	✓	✓	-	-	-	✓	✓	✓
CWS	-	-	-	-	✓ <sup>a</sup>	✓ <sup>a</sup>	-	-	-	-	-

<sup>a</sup> – The River Waveney to St Olaves is itself a CWS

- 7.3 Wash reaching the banks can act to erode fine sediments into the watercourse and destabilise bankside plants. The type of vegetation growth determines the rate of sediment loss, with dense reeded margins extending into the open water affording better wave dissipation than shaded, tree-lined banks. Noise impacts directly scare birds and wildlife away from the immediate area of the source noise. The range of sensitivities to noise between species is a factor to consider. Noise disturbance to human visitors/users of the areas can be generalised in terms of what the individual is expecting to experience when in the area. Other motorboat users in the zones may not experience such a variation in noise level with a passing boat test, compared to someone angling or bird-watching, particularly if they are stationary in a boat or on land. Physical disturbance to wildlife is most likely during the bird breeding season to waterfowl that nest amongst riverbank vegetation, often on floating nests that are susceptible to excessive boat wash. Visual disturbance to wildlife can occur through the boat passing at speed and scaring the creature away from the area.
- 7.4 Assessment of the significance of the impacts on wildlife, either that feature under the European/ national conservation designations, or are present as individually protected species, requires evaluation to a known or modelled baseline. This baseline should represent the likely conditions or population numbers that would be present without the impact, in this case boat testing being present. As each boat test area has a different range of species/habitat types that could be impacted, individual assessments would be required. A compounding factor that would make evaluation to a no-impact baseline difficult, in some boat test areas, is that other high speed boat activities take place there too, making separation of impacts a more challenging task. The monitoring methodologies and suitable identification of impact responses, e.g. breeding bird numbers, density of reed growth, water quality parameters, would therefore need to be carefully selected. The duration of impact and magnitude of response by wildlife also plays a part in shaping the length and frequency of any environmental monitoring.
- 7.5 The current situation is that no specific test against any conservation regulations are required for boat testing, as no major changes to the current policy are planned. With the current level of information available, officer thoughts are that a screening test against the Conservation (Habitats) Regulations would show that boat testing in these zones would not have a significant impact on any of the European features listed. There is however room for best practice and wider mitigation work that would aim to reduce any identified impacts in the boat test zones. Without specific and targeted monitoring it is difficult to identify appropriate mitigation yet, but options are available. For example, the BA continues to work in partnership with the

RSPB on riverbank tree clearance in the Mid-Yare, to help promote reed fringes, which are effective in absorbing wash and providing valuable habitat.

## **8 Future Management Proposals**

- 8.1 It is clear that this facility is essential for the local boating industry and whilst there is a small potential for conflict with other users of the river and adjacent land this needs to be balanced with the potential impact on the local economy if these test areas were to disappear.
- 8.2 To formally amend the Speed Limit byelaws would require a legal process, which would be costly and time consuming. It would also carry a risk that further challenges and objections would be received leading to the need for a public enquiry. Officer's view is that this issue does not warrant this approach at this time, and an alternative voluntary option has been investigated.
- 8.3 It is therefore proposed not to change any of the geographic limits of the boat test areas nor the times when the activity can take place, as this would require changing the byelaws. However, to help to ensure minimal impact on other river users the following management arrangements are proposed;
- (a) To erect signage to warn other river users of the potential for high speed activity occurring in the prime use areas. The detailed wording of the signage would require further consultation and agreement with the Boating Safety Management Group.
  - (b) To develop a consistent industry-wide code of conduct with stakeholders applicable to the boat test areas and Breydon Water to encompass:
    - (i) skipper qualifications and minimum experience;
    - (ii) procedures prior to the high speed run eg. Agreed timing to minimise impacts ( to be discussed with industry), initial slow speed run through for risk assessment, log on to Broads Control;
    - (iii) improved communications with other stakeholders eg. Rowers, RSPB, with liaison arranged via Yare Users Group; and
    - (iv) reminders given re maximum wash height and the application of the Care and Caution byelaw when completing these runs, to respond to concern and risks of erosion and safety.
  - (c) Rangers to continue to monitor both the use of the areas and the completion of log books via spot checks.

## **9 Boat Safety Management Group (BSMG) comments**

- 9.1 The Group considered that the level of activity from boat testing at high speed was very small compared to other boat movements and that control measures should be proportionate to the risk. That the activity was not an issue that required regulation but best practice should be promoted.
- 9.2 The Group also recognised that any proposed signage would need to be precise in its message as not to encourage other “non-authorized” vessels using the areas at high speed.
- 9.3 The Group welcomed the development of a code of conduct but thought that a robust code may negate the need for signage.
- 9.4 The group felt that the issue of wash from large boat under test was difficult to regulate although it was noted that whilst the activity was exempted from speed regulation the skipper was not exempt from other byelaws such as navigation with care and caution and safe speed.
- 9.5 It was reported to the BSMG that it was intended to discuss the proposal for a Code of Conduct with the industry, and an initial meeting with the two major users of the boat test areas has been arranged. A positive meeting was held, and the attitude of the industry was very supportive, with a willingness to sign up to a voluntary Code of Conduct subject to the details being developed, and agreed that signage would be beneficial.

## **10 Navigation Committee**

- 10.1 The Navigation Committee considered a report on this matter at its meeting on 24 April 2014. Following debate, the conclusion of the committee was that they welcomed the findings of the review and noted the conclusions of the BSMG. The economic importance of the zones were recognised and therefore they supported the proposals, subject to further work on signage details and communication issues, and continuing monitoring of the zones and implementation of the Code of Conduct, which should also cover commercial use of Breydon Water, by the Ranger team.
- 10.2 The potential environmental impact was also queried by the committee, with members asking for the report to the Broads Authority to be expanded to cover this aspect, which has now been done in Section 7.

## **11 Broads Forum**

- 11.1 Members of the Broads Forum welcomed the report and the work that had been carried out recognising that the boating industry, part of which included the requirement for speed trials, was a vital element to the economy of the area. Members were particularly supportive of the proposal for a Code of Practice and that this involved liaison with the boatyards. It was also suggested that the RSPB be involved in the discussions given the areas involved. There was particular support for the low speed run through prior to speed trials.



Background papers: None

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Broads Plan Objectives: NA4.2 Implement Safety Management System and Hazard Review/Action Plan

Appendices: APPENDIX A- Maps of the Boat Test areas

