

## Navigation Committee

Minutes of the meeting held on 22 February 2018

### Present:

Mrs Nicky Talbot – in the Chair

Mr K Allen

Mr M Heron

Mr M Whitaker

Mr J Ash

Mr J Knight

Mr B Wilkins

Ms L Aspland

Mr S Sparrow

### In Attendance:

Ms N Beal – Planning Policy Officer (Minute 10)

Mr S Birtles – Head of Safety Management

Mrs L Burchnall – Head of Ranger Services

Ms M Hammond – Planning Officer (Minute 11)

Mr D Harris – Solicitor and Monitoring Officer

Dr D Hoare – Head of Construction, Maintenance and Environment

Ms E Krelle – Chief Financial Officer

Miss S Mullarney – Administrative Officer

Dr J Packman – Chief Executive

Mr G Papworth – Planning Assistant (Minute 12)

Mrs C Smith – Head of Planning (Minute 10-12,14)

Ms M-P Tighe – Director of Strategic Services

### Also Present:

Jacquie Burgess and Bill Dickson.

### 4/1 To receive apologies for absence

Apologies for absence were received from Peter Dixon, Alan Goodchild, and Greg Munford.

The Chair noted that this would have been Peter Dixon's last Navigation Committee meeting. She thanked Peter on behalf of the Committee for his work and diligent support.

### Recordings

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 declared that he would be making his own recording.

### Variation in the Order of the Agenda

The Chairman announced in accordance with Standing Order Item 5(1) (c) that she proposed to vary the order of the Agenda to take item 15 after agenda item 6.

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

No items had been proposed as matters of urgent business.

**4/3 To receive Declarations of Interest**

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

**4/4 Public Question Time**

No public questions were raised.

**4/5 To receive and confirm the minutes of the Navigation Committee meeting held on 14 December 2017**

The minutes of the meeting held on 14 December 2017 were signed by the Chairman as a correct record of the meeting.

**4/6 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.

***Agenda item 15 Current Issues was dealt with at this point.***

**4/7 Navigation Income and Expenditure: 1 April to 31 December 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 nine month period to 31 December 2017, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2018).

The Chief Financial Officer provided Members with a verbal update of the figures up to 31 January 2018. She said that the actual Navigation Income and Expenditure had a favourable variance, of £23,054. She added that the CANAPE reserve was set up at the end of January, resulting in a small decrease to the total reserve balance which is now £649,656.

Members noted the report.

**4/8 Powerboat Racing Review 2017**

Members received a report on the background to powerboat racing at Oulton Broad. The Head of Safety Management informed Members that at the Annual Power Boat Racing Review meeting the incidents reported for the previous year

were all considered normal racing incidents and the group were content with how they were handled.

Members were informed that the fixture list for the 2018 racing season included an extra Sunday, however this was still within the agreed total of 20 sessions.

Members noted the report.

#### **4/9 Broads Authority Safety Management System Audit Findings and Update**

Members were presented with the findings from the recent external audit of the Authority's Safety Management System and the proposed update to SMS.

The Chair thanked the Head of Safety Management for the comprehensive review and thorough report.

The Head of Safety said that the audit was carried out in September 2017 and that the recommendations and timescales set had been responded to.

One Member questioned the comments of the auditor on how safety was documented. The Head of Safety Management responded that this was in relation to Members receiving training for the hazard review about risk assessment. He said that he had taken the view to issue the training as part of the hazard review process when brought to the Navigation Committee in order to refresh Members on risk assessment.

Another Member asked what the timescale for further updates to the system was. The Head of Safety Management clarified that every 3 years the Broads Authority has to formally write to the Maritime and Coastguard Agency (MCA) to tell them that the Authority is complying with the Port Marine Safety Code; this is due at the end of March 2018. He added that the system has been updated to reflect the audit findings and that the updated SMS report would be presented at the 16 March Broads Authority meeting for Members to sign off

Members noted the report.

#### **4/10 Broads Local Plan – update, comments received and residential moorings nominations for consideration**

The Committee was provided with an update on the progress of the Local Plan and the comments received on the policies that have navigation relevance.

The Planning Policy Officer informed Members that the pre submission consultation in January was the last stage before the Broads Local Plan was submitted to the Planning Inspector to assess. She also updated Members on some further comments that had been received, these would result in changes to the plan, however it was for the Inspector to agree these changes.

One Member said that he was surprised by the comments made by Norwich City Council. The Planning Policy Officer said that the Wensum Strategy had suggested

the river in the city was the ideal location for residential moorings which would suggest a change to policy.

Members discussed issues with anti-social behaviour and the links to residential moorings in particular at Loddon and Chedgrave. One Member stated that it couldn't be assumed that all residential boats were more anti-social than non-residential boats because of a few isolated incidents.

The Planning Policy Officer said that the comments received relating to this issue were also concerned with the upkeep of the boats and Members pointed out that not all residential boats are run down and that some non-residential boats are run-down. The Planning Policy Officer added that they couldn't legislate through planning applications to deal with anti-social behaviour or upkeep of boats, but only use conditions to limit the size, number and scale of the vessel.

Members of the committee also commented on the proposals by Norwich City Council. In response to the proposal that residential moorings be placed on main river channels in the city one Member queried the safety issues of this suggestion. They added that it would be an additional hazard if a boat was in a tidal area and moored to the quay heading rather than using floating pontoons which were safer for getting on and off boats in tidal waters. Members also stated that management practices would more likely be in place within a basin or boatyard which could be applied to residential moorings.

The Planning Policy Officer further asked Members for their views on the nominations for residential moorings. In regards to the suggestion that the current allocation of 10 residential moorings at Loddon Marina be reduced to 5 in an effort to reduce the potential for future anti-social behaviour incidents one Member said that unless it could be demonstrated that there was a link between the number of residential moorings and anti-social behaviour incidents then the number should stay as it is (10). Another Member commented that reducing the allocated residential moorings could reduce the moorings for short term stays but the Planning Policy Officer said that the moorings that would be replaced are private rented moorings.

In reference to the Horning nomination, one Member queried the suitability of the access road, [Ropes Hill off Lower Street] and highlighted that additional use of the track in winter would affect the use of the track in the summer.

A Member questioned why St Olaves was considered unacceptable whilst Somerleyton was acceptable for residential moorings as St Olaves was more accessible by road. The Planning Policy Officer explained that this was because of the impact on navigation and the lack of services and facilities at the site. She confirmed that the moorings were proposed to be on the New Cut. Regarding the St Olaves site, a member gave his view that from a navigation perspective, there is no difference between residential and non-residential moorings. He pointed out that boats have been moored on the New Cut at that location historically, and he understood that the only reason that this is not currently the case is the condition of the quay heading. In his view he considered St Olaves to be at least as suitable as Somerleyton for residential moorings, and possibly better. Another Member

questioned what parking facilities were available at both sites noting this would have an impact. The Planning Policy Officer informed Members that the site at Somerleyton would be reconfigured to accommodate parking and that there was an area under the bridge at St Olaves that would be suitable for additional parking.

Members were informed that the views of the Navigation Committee would be passed on to the Planning Committee at their meeting on 2 March 2018. The Plan was then to be considered at the March Broads Authority meeting. It was hoped the plan would be adopted this calendar year.

**4/11 Planning Application with Navigation Implications: Variation of condition 2: approved plans, and removal of conditions 7: ramp sections, and 9: archaeology of permission BA/2014/0407/FUL. Hoveton Marshes, Horning Road, Hoveton**

*Kelvin Allen declared an interest in this item and would not participate in the discussion.*

Members were presented with a variation to an application that had recently been considered at the 2 February Planning Committee. The application amendments included changes from a canoe trail to a guided boat trail, and the inclusion of an electric boat trip. The application also states a change to the method used to remove sediment by excavator and depositing on the banks adjacent rather than mud pumping. It has also been proposed to alter the structure that accesses the water to accommodate the electric boat. The Planning Committee voted to approve the application subject to the comments of the Navigation Committee.

Members noted that the application had no navigation implications and questioned why the committee was being asked to consider it. The Chair informed Members that the report was presented in order to keep the Committee informed of changes, as the application was considered at a previous Navigation Committee meeting.

One Member queried why the landowner was making a change from canoe to electric boats. The Planning Officer said that it would make the boat trips more accessible to the public as well as being easier to manage.

Members disagreed with the use of public money on a private estate and the failure in the application to reconnect the public staithe on Hudsons Bay. It was added that the part of the scheme to improve Wroxham Island was withdrawn by the applicant.

The Head of Planning informed Members that the Committee's comments would be reported to the Planning Committee but said that if they wished for the application to be reconsidered by the Planning Committee there would need to be clear justification for review. She added that some Members of the Planning Committee shared the views of the Navigation Committee.

The Chief Executive said that the views of the Navigation Committee would be recorded but as there were no navigation implications regarding the site it would be inappropriate for the committee to request that the application be reconsidered.

It was RECOMMENDED by,  
8 votes for, 0 against, and 1 abstention that,

The Navigation Committee is disappointed that the revised application still fails to meet with the Broads Authority's primary purposes. The long term aspiration of the Navigation Committee is for Hoveton Great Broad to be reopened to the navigation in an appropriate manner and at the earliest convenient opportunity. The proposals have no adverse impact on the existing maintained navigation.

The Committee was informed that it was Maria Hammond's last day with the Authority; the Chairman, on behalf of the Navigation Committee, thanked Maria for her help.

**4/12 Planning Application with Navigation Implications: Floating pontoon with access ramp/walkway and removal of 3 mooring posts; BA/2017/0491/HOUSEH; Clearwater, Broadview Road, Lowestoft**

Members were presented with an application with navigation implications at Clearwater, Broadview Road, to remove the existing mooring posts and replace them with a floating pontoon. Members were informed that the furthest point of the pontoon would be 4.2 metres; a reduction from the existing 6 metres for the mooring posts.

One Member enquired if the mooring configuration proposed in the application would affect the total encroachment into the navigation area if boats moored side on. The Planning Officer confirmed that this had not been specified but that it a condition could be added.

Another Member questioned the use of the moorings adding that it would be more detrimental if longer boats used the moorings causing a significant intrusion into the navigation area. He further asked how this would be controlled. The Planning Officer reiterated that a condition could be included specifying side on moorings. Another Member stated that this condition would only be needed during times of racing so suggested the application specify no stern on mooring at certain times. The Head of Ranger Services reminded Members that management of specific conditions needed to be considered.

Members agreed that the Committee's comments to the Planning committee on the proposal should be, that no stern on moorings should be included as a condition to the planning application, but agreed that double side-on mooring would be acceptable.

**4/13 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 end January 2018)

The Head of Construction, Maintenance, and Environment provided an update to the report, he said that it had been difficult to acquire tree shears on a short hire basis for trial purposes for this financial year so the trial had been deferred until September 2018.

He further added that the Electric Eel dyke route at How Hill has been cleared out with an excavator.

Members were also updated on fendering problems at Ludham Bridge. It was explained that the temporary repairs carried out by Norfolk County Council had narrowed the opening. The Head of Construction, Maintenance, and Environment said that the work to get the bridge open again was a priority and that the proposed contractors were due to start next week. Members thanked officers for their vigilance in prioritising the work at Ludham Bridge.

Members were made aware that a concrete pump was being used to remove the sediment at Herringby, in a similar procedure to that at Hickling. One Member praised the Authority in the great achievement of the work at Hickling and was encouraged that the dredging work involving spreading the sediment back into the surrounding farmland could be utilised.

Members noted the report.

#### **4/14 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 the committee on Acle Bridge, reporting that the working group had their first meeting on 14 February to look at possible services for the site.

Members were also provided with a verbal update on the unauthorised development at Barnes Brinkcraft which was discussed at the previous Navigation Committee meeting. The Head of Ranger Services confirmed that she had since met with the land owner at the site to understand the operational needs of the business. Several proposals for the site had been developed using comments from Norfolk Broads Direct, and the skippers of the trip boats.

The Chair noted the positive line of communication with the boatyard but commented that there were still safety concerns.

Members discussed the issues with the area and the impact the encroachment into the river the pontoons were having. One Member commented on the issues with implementing conditions as the initial application was already deviated from. Members welcomed any proposals that would reduce the river restriction.

The option favoured by the Navigation Committee involved removing the third finger pontoon, creating space whilst keeping within the existing encroachment line.

The Head of Planning told Members that planning permission was required to remove land and install a pontoon. In order to put the pontoon in a different place the applicant would need to apply to vary the permission.

In response to a question about monitoring the arrangements, the Head of Ranger Services said that signage would need to be used to enforce no moorings as larger boats would be hazardous to the area but noted that the business owner didn't have shorter boats.

Members discussed the risks of stern on moorings and the damage this would cause to other boats. The Chair said that the committee would like to see the revised proposal that is presented to Planning Committee.

Members were advised that officers would report the recommendation of the Committee to Barnes Brinkcraft advising them to submit an application. This would then be considered by the Planning Committee. The Navigation Committee would also be formally consulted.

Members discussed the benefits of a trial that included a third pontoon, to be done through the use of temporary permission. If the trial proved there were no problems the applicant would be invited to make the permission permanent. The Chair asked for this to be monitored over the summer period. The Head of Planning said the committee needed to consider how to resolve the problem if the trial evidenced continuing problems.

The Committee agreed that its views were that the land owner should be presented with the second option, removing the third pontoon, but because of the safety concerns advised it be used on a trial basis with temporary permission given; if no problems occurred then the applicant could be advised to submit a further application making the revised scheme permanent.

The Head of Planning concluded that they could start monitoring now but advised that a 1 year temporary permission would be considered at the 27 April Planning Committee meeting at the earliest. The Navigation Committee requested to be kept informed over the course of the year and asked that the Head of Ranger Services report back over the season what measures were in place.

#### **4/15 Current Issues**

***This item was discussed after item 6.***

Due to the confidential nature of the item to be discussed it was

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for further consideration of the item on the grounds that it

involved the likely disclosure of exempt information as defined by Paragraphs 3 and 5 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 left the meeting. The audio recording was suspended and those Members making their own recordings were also asked to stop recording.

Members received reports from Network Rail containing exempt information. They discussed the different options presented in these reports.

The reports would be further discussed at the 16 March Broads Authority meeting when the views of the Committee would be considered.

The public were invited back into the meeting and the audio recording resumed.

The Chair informed the Committee that she had been invited to attend the Boat Safety Scheme Committee meeting on 5 March 2018. Members were asked to let the Chair know of any issues to be reported at the BSS meeting. The Chair said she would feedback to the Committee at the next meeting.

#### **4/16 Items for future discussion**

One Member asked for the reopening of Hoveton Broad to be considered for future discussion.

Whether Hoveton Broad constitutes adjacent waters if only used by the landowner was suggested by another Member as a topic of discussion.

#### **4/17 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 19 April 2018 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2pm.

#### **4/18 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.*

#### **4/19 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 14 December 2017**

The exempt minutes from the Navigation Committee meeting held on 14 December 2017 were signed by the Chairman as a correct record of the meeting.

The meeting concluded at 4.38 pm

Chairman

## Code of Conduct for Members

**Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 22 February 2018

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
M Whitaker	6-18	As previous declarations	
J Knight	6-18	As previous declarations	
S Sparrow	6-18	As previous declarations	
M Heron	6-14	Landowner, toll payer, Member BR/NRC/NSBA/RCE	
J Ash		As previously declared	
K Allen	6-18	As previous	
B Wilkins		As previous	
L Aspland		As previous	
N Talbot	6-18	As previous	