

Navigation Committee

Minutes of the meeting held on 19 April 2018

Present:

Mrs Nicky Talbot – in the Chair

Mr K Allen

Mr A Goodchild

Mr S Sparrow

Mr J Ash

Mr M Heron

Mr M Whitaker

Ms L Aspland

Mr J Knight

Mr B Wilkins

Mr M Bradbury

In Attendance:

Mr S Birtles – Head of Safety Management

Mrs L Burchnall – Head of Ranger Services

Mr A Clarke – Senior Waterways and Recreation Officer

Mr D Harris – Solicitor and Monitoring Officer

Dr D Hoare – Head of Construction, Maintenance and Environment

Miss S Mullarney – Administrative Officer

Dr J Packman – Chief Executive

Ms M-P Tighe – Director of Strategic Services

Also Present:

Jacquie Burgess and Lana Hemsall

1/1 To receive apologies for absence

Apologies for absence were received from Greg Munford.

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.

1/2 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

1/3 Appointment of Chair

The Chief Executive invited nominations for the appointment of the Chair to the Committee.

Brian Wilkins proposed, seconded by Kelvin Allen that Nicky Talbot be appointed as Chair until 11 April 2019. As there were no other nominations forthcoming, it was

RESOLVED

That Nicky Talbot be appointed Chair of the Navigation Committee.

Nicky Talbot in the Chair

1/4 Appointment of Vice-Chair

The Chair invited nominations for the appointment of the Vice Chair to the Committee.

The only nomination was proposed by Nicky Talbot, seconded by Alan Goodchild that Brian Wilkins be appointed as Vice Chair until 11 April 2019 and accordingly it was

RESOLVED

that Brian Wilkins be appointed as Vice Chair of the Navigation Committee until 11 April 2019.

1/5 To receive Declarations of Interest

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

1/6 Public Question Time

No public questions were raised.

1/7 To receive and confirm the minutes of the Navigation Committee meeting held on 22 February 2018

The minutes of the meeting held on 22 February were signed by the Chairman as a correct record of the meeting.

1/8 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.

The Chief Executive informed Members that a meeting had been arranged for 25 April with Professor Tom Williamson regarding the Staithes report.

In relation to the swing bridges Members were notified that the Broads Authority concurred with the Navigation Committees preference for replacement bridges.

The Chief Executive told Members that Network Rail had initially informed the Broads Authority that the swing bridges would not open between 9am and 4pm today (19 April 2018) due to the predicted hot temperature however they had since

said they would open. The Chief Executive said that a better system was needed to notify boat owners of any closures.

The Chief Executive thanked Simon Sparrow and the Solicitor and Monitoring Officer for their efforts in pursuing the reopening of Trowse Bridge, it was reported that Network Rail would be spending £100,000 to open the swing bridge. However it was added that Network Rail didn't have the available funds this year to install a sprinkler system at Reedham and Somerleyton swing bridges. Members were informed that feedback from the Environment Agency was that they had no issue with using sprinklers to cool the bridges; the Chief Executive said that the Authority needed to continue to press Network Rail to make this provision to open the bridges.

One Member asked if there was an update regarding the enforcement at Barnes Brinkcraft. The Head of Ranger Services told Members that the Head of Planning had written to the landowners following the recommendations of the Navigation Committee at the 14 December 2017 meeting, she said the landowners had responded saying that they didn't find the recommendations acceptable. The Head of Planning has since replied to the landowners advising them that the Navigation Committee would be consulted on any planning application they submitted. Officers are continuing to negotiate to find an ongoing mutually acceptable solution. There has been no further correspondence from the landowner.

The Head of Ranger Services informed Members that Rangers were monitoring the site daily, and noted that there was a problem with lack of signage; she confirmed that it was the responsibility of the boatyard to supply this. She further added that the Authority was working with the Broads Hire Boat Federation regarding the restriction on the length of boats using the moorings but that Rangers were acting quickly in response to any longer boats mooring at the site. It was explained that navigation byelaws could be enforced if there was an issue with restrictions of the width of the navigation area.

Members noted the report.

1/9 Appointment of Two Co-opted Members

Members received a report which sought the views and the recommendations of the Navigation Committee on the appointment of two co-opted members to serve on the full Authority until 17 May 2019 as set out in Section 1(3)(c) of the Norfolk and Suffolk Broads Act 1988 as amended.

Schedule 4, paragraph 4(3) of the Norfolk and Suffolk Broads Act 1988 further states that the Committee shall elect a chairman from among those of its members who are members of the Authority and may, if it thinks fit, appoint one of its members to be vice-chairman. With this in mind, given that Nicky Talbot had been elected Chair of the Committee, she would need to take up one of the seats on the Authority.

Nicky Talbot proposed, seconded by Max Heron that Brian Wilkins be appointed as a Member of the Broads Authority until 17 May 2019. There were no other nominations, therefore it was

RESOLVED

That Nicky Talbot and Brian Wilkins be recommended to the Broads Authority for appointment as the co-opted Members to the Broads Authority until 17 May 2019.

1/10 Current Issues

Members asked for information on the process involved for an upcoming swimming event on the river Waveney.

The Senior Waterways and Recreation Officer explained that officers were aware of an increase in the number of events and have since taken steps to make a formal process for this. An event organiser package has been created and is issued to those who contact the Broads Authority about events; it sets out clearly what is expected of the event organisers before the Authority agrees to the event.

Concerning the specific event on the river Waveney, the Senior Waterways and Recreation Officer stated that the organiser had been extremely co-operative and has supplied all of the information required. The event is running from Burgh St Peter to Beccles on Sunday 1 July and the organisers have been advised to liaise with others in the area to ensure there is minimal conflict. He said that he is very confident the organisers can support the event plan provided and noted that they are still being advised in terms of safety elements for the event.

Members were also informed that there were no other water based events using that stretch of the river planned for the date of the swimming event and that the organisers had been in contact with clubs that fish on the Waveney; swimmers were aware to avoid the angling platforms. It was added that Beccles Amateur Sailing Club has no formal regattas for the event date.

The Head of Ranger Services stated that other users of the river had been consulted and mentioned that the organisers were working with the Beccles Charter Weekend organising team. She said that as part of the process the Rangers are able to provide information on the traffic in the area and any affect the event may have on the navigation; she added that they don't anticipate closing the river. She said 50 swimmers were expected and a staggered start would be implemented and that signage would be used to advise boaters on how to proceed. As a matter of process a Notice to Mariners would be issued.

The Head of Ranger Services stressed that the event had not yet been officially approved. The Senior Waterways and Recreation Officer added that the event was well organised and he was confident that it would be supported. He said that the Broads Authority would attend the safety and event plan workshop that is being held for the swimmers.

The race was expected to start at 8.15am with swimmers entering the water at 8.10am. The first swimmers were expected to finish at Beccles Quay at 11.15am. James Knight declared an interest at this point as he said the race would be starting at the Waveney River Centre.

In response to a Member sharing concerns from anglers that it would be dangerous for swimmers in streamer weed, the Head of Ranger Services confirmed that a cut of the area has been coordinated before the race takes place. She added that Rangers would be patrolling the event.

Another Member asked that the Navigation Committee receive a report on how the event goes. The Head of Ranger Services said that the event would be reviewed as standard practice but agreed to notify the Committee of the outcome of the event.

1/11 Hoveton Great Broad

As proposed at the last Navigation meeting on 22 February 2018, Hoveton Great Broad was presented as an item for discussion. Brian Wilkins presented Members with a history of the Broad and outlined the legal position. The presentation included photographs of the Broadland landscape including Hoveton Great Broad, history of Hoveton Great Broad, water transport on the Broads and existing access arrangements to Hoveton Great Broad. A synopsis of activity to re-open Black Horse Broad was also shared with the Committee. The Committee was presented with a series of questions to consider if the Broad was reopened. He added that there was a strong case for reopening the broad, and mentioned that it was the largest of the closed broads and provided sailing opportunities.

The Chair thanked Brian for his time and opened the discussion up to the Committee.

Kelvin Allen declared an interest in the item as he has angling colleagues who fish on the Broad with express permission of the landowner with boats that are owned and provided by the landowner, that do not affect the rights of navigation. The Member further described the great ecological importance of the Broad and said opening it could affect the tranquil environment it provided for nature to thrive. He added that there was evidence that it was a significant area for certain fish species in the Bure and reopening it could have ramifications on breeding.

Another Member challenged this claim because he said evidence suggests that areas that thrive with ecological diversity do so with access to the navigation. He further added that it wasn't known that it was considered an artificial waterway when it was closed; he said he considered the closure of the Broad to be unlawful at the time.

A Member reiterated the importance of the biodiversity of the Broad and said it was important to understand some of the unique habitats that were in the Broad. The Head of Construction, Maintenance and Environment replied that the vegetation communities developed on the deep peat of the middle Bure were of national significance and said that any proposals in this area would need a test of the environmental impacts. Following a question about the Broad being considered an

artificial water body, the Head of Construction, Maintenance and Environment said that it was classified under the Water Framework Directive as a heavily modified water body. He said the Environment Agency had a very specific definition of artificial water body.

Another Member commented that if boats were sailing through the broads they didn't think it would make much of a difference based on their experience of Wroxham Broad. They further asked how much public money had been spent on the Broad. Officers confirmed that just over £4 million was due to be spent; this included funding from LIFE, a European funding source, and the Heritage Lottery Fund.

One Member questioned if the Broad was considered to be in adjacent waters; after reading the Act they considered it was and asked if this would change anything. The Chief Executive said that having discussed the matter with the Collector of Tolls their view was that it didn't meet the criteria for adjacent waters and did not think such a designation would make a difference. The Member then read the section of the act relating to the definition of adjacent water for the information of the Committee.

The Chair concluded that this had been a helpful information session for Members and she thanked Brian Wilkins for his presentation.

1/12 Navigation Income and Expenditure: 1 April 2017 to 28 February 2018 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 eleven month period to 28 February 2018, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2018).

There were no further updates following the report. However the Chief Executive noted that the income from tolls and the Tourist Information Centres and Yacht Stations was above that budgeted for and that expenditure was as predicted.

One Member commented that the Chief Financial Officer does a stunning job with the reports and asked that this comment be fed back.

Members noted the report.

1/13 Boating Safety Management Group

Members received the notes of the Boating Safety Management Group meeting held on 12 March 2018.

One Member referred to a particular rowing incident and said that a boat representative for rowing interests would be attending the next BSMG meeting to discuss this.

Another Member commented that the incident report appeared gender biased and noted the high number of mooring incidents involving women. The Head of Ranger Services replied that this was because they weren't typically helming the vessels. It was commented that the training was directed at the helm and the lead hirer and that more information was needed to be directed at the rest of the crew. One Member discussed the possibility of the Broads Hire Boat Federation publishing an interactive guide on mooring which could be directed at crews.

One Member raised the issue of including understanding tidal flows and the obvious tell-tale signs to spot in the training. The Head of Safety Management said that guidance had been issued in the past about using the most able bodied person in the mooring role; he added that this and information on tidal flows could be incorporated into the interactive package. The Chief Executive added that Acle Bridge would be a good place to alert people of the tidal flows if they were going further downstream.

Another Member applauded the initiative of the Waterside Safety Training Day with the RNLi and staff at riverside pubs, he said that providing people on the bank who understand what they should be doing would help reduce accidents.

The Chair updated Members of the Committee of the Boat Safety Scheme Advisory Committee meeting she attended in March. She reported that there was a concern about the increase in tenanted boats particularly in London and that they needed to be represented in forums like the BSS Advisory Committee.

She added that the Committee was concerned with and debated the liability of BSS examiners. She said it was agreed to promote better information on the website about what the requirements were for boat safety. It was reported that boat accidents were down nationally, however there was some concerns with boaters potentially blocking access to the boats, particularly narrow boats.

The Head of Safety Management added in relation to the Boat Safety Scheme that there was a new risk review on carbon monoxide and the potential risk to 3rd parties.

A Member explained that there was some concern in the industry regarding the Hire Boat Code as it had not yet been seen. The Head of Safety Management responded that he was pushing to get the code out for consultation. The Senior Waterways and Recreation Officer explained that following attending the Association of Inland Navigation Authorities Committee he anticipated that this was imminent.

The Member added that they were committed to fitting carbon monoxide detectors and urged that this was made compulsory. The Head of Safety Management said that this would be looked at in the next meeting but stressed that there must be evidence to support in order to implement.

Members noted the report.

1/14 Safety Audit 2017 Report

The Committee received a report providing details of the incidents reported from April 2017 to January 2018.

The Head of Safety Management noted that deaths and fires were down. He said the Authority was continuing to deliver the water safety messages and had been working closely with partners to promote the free RNLI community responder programme to pubs and businesses.

A Member queried the increase in cases requiring hospital treatment. The Head of Safety Management noted the rise and believed it was due to precautions.

The Chair explained that the statistics involving anti-social behaviour incidents would be accumulated throughout the year. The Head of Safety Management confirmed that this would be presented to the Navigation Committee in the next annual safety audit report as well as at the Boat Safety Management Group.

Members noted the report.

1/15 Broads Authority Safety Management System Internal Audit Findings

The Head of Safety Management said that the hydrographic survey had been completed last year and the only recommendation was to review the sediment management strategy. He proposed to provide the Navigation Committee with a summary of results for the schedule of audits at the end of the year but said he would raise any particular issue with the Chair.

Members noted the report

1/16 Construction, Maintenance and Environment Work Programme Progress Update

The Committee received a report which set out the progress made in the delivery of the 2018/19 Construction, Maintenance and Environment Section work programme.

The report included the dredging progress for 2017/18 April 2017 to end of February 2018. In addition to the report the Head of Construction, Maintenance and Environment updated Members with the planned dredging work for the next 3 to 4 months. He reminded Members that the delivery for the 2018/2019 programme was part of the ongoing 5 year plan.

Members were informed that the team was currently preparing for work on the River Waveney downstream of Beccles. He added that the dredging team was working with BESL again to top up the flood banks in this area. There was also planned work on the mid Bure near Horning; it was mentioned that the area was targeted this year as it was popular with sailors. It was further explained that there was an opportunity to fill in a setback area at Oby Mill later in the year.

The Head of Construction, Maintenance and Environment described the rake dredging on the lower Bure at Bure Mouth. He said that this had removed the large shoals that had built up on the true right bank downstream of the old railway bridge.

The Head of Construction, Maintenance and Environment discussed in more detail the timelines, dredge volume and the choice for the dredging work planned for the coming year. In regards to table 1 in the report he said that a variation from the original programme reported in October 2017 was required with a revised annual volume of 40,000m³ to be removed in 2018/19. With the inclusion of the CANAPE funded work at Hickling, the Authority were at the point in the current 5 year plan where harder to achieve projects were being tackled, hence the need to reduce volume for just this one year. With a finite number of staff days, budget and fixed time windows for carrying out specific dredging projects, the quality of projects had to be favoured over simple bulk quantity. He explained that a sizeable amount of resources was required to restore the sites where mud had already been removed. It was further explained that at Postwick tip 15,000m³ of sediment needed to be moved within the site before more dredging could take place.

Furthermore, in regards to Hickling, Members were informed that there wouldn't be a lot of sediment moved this coming year as time and labour was required in setting up the CANAPE project; however this would facilitate the removal of sediment over the next 3 years as part of the project. The total volume of sediment capacity to be created within the restored reedbed area at Hickling will be 19,000m³. This would enable the Authority to bring all the marked channel area into the waterways specification of 1.5m.

The Head of Construction, Maintenance and Environment gave Members an update on other areas in the work programme. He said that the work at Ludham Bridge to replace the fendering had been completed by the County Council and there was a range of mooring refurbishments. New stainless steel mooring sign frames had been installed with more planned for later in the year.

Members were invited to ask questions relating to the report. One Member queried the status of the 24 hour moorings at Burgh Castle and suggested that there was an opportunity to include the landowner of the piece of land next to Burgh Castle Marina in the discussions and suggested pontoons could go in there. The Head of Construction, Maintenance and Environment noted that the mooring was a high priority but had unsafe conditions; he said that currently negotiations had only been with the landowner of the moorings and the Environment Agency. The Chief Executive added that he was pursuing re-piling of Burgh Castle with the Environment Agency and that this had been positive.

A Member commented on siltation and said more strategic effort was needed to look into a long term solution. He mentioned silt traps at the Upper Wensum. Another Member discussed the concerns of the NSBA and the down turn in the total cubic metre output of silt in the coming year. He said he understood the complexities involved, including the additional complexities of Hickling, but noted that 50,000m³ remained the target for the Authority to achieve and he looked forward to the Authority's best efforts in achieving this when and where possible.

One Member said that he had been in communication with the Environment Agency and confirmed they had committed to reinstating the Prymnesium Working Group to establish management practices to support the project.

Members noted the report.

1/17 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 provided Members with an update on Acle Bridge. He thanked members for their feedback and help and said that an agreement had been reached with the mobile operator Madisons; they are due to start on site on 12 May. He added that the brief for the architectural design competition would go out on 20 April 2018.

The Chief Executive said that following feedback, it was proposed that £1,000 +VAT would be paid to each shortlisted designer. He added that he was also incorporating the suggestion that more time was needed between the shortlisting and the stage 2 presentation. Following a Member's suggestion he said the brief make it clear that the £750,000 would be the total cost of the project. The brief would also include information on sustainability and demonstrate to the public the issues around water management. He said that the document would be circulated to Members.

Members noted the report.

1/18 Items for future discussion

One Member suggested investigating the potential for an additional voluntary toll payment. Another Member responded that this was attempted last year with Love the Broads however commented that it wasn't successful. The Chief Executive said that this idea had previously been discussed with the toll review group. He added that if an option was included on toll accounts for an additional contribution it would need to specify what project the additional income would fund. The Chief Executive suggested a discussion paper on the practical issues and suggestions relating to this item could be brought to the Committee.

Agenda item 21 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 22 February 2018 was dealt with at this point.

1/19 GDPR Implementation

This item was discussed after item 21.

The Solicitor and Monitoring Officer presented Members with awareness training on the General Data Protection Regulations.

Members in attendance for the briefing: Mat Bradbury, Linda Aspland, Simon Sparrow, Kelvin Allen, Max Heron, John Ash, Alan Goodchild, Brian Wilkins, Nicky Talbot.

1/20 Exclusion of the Public

It was resolved that the public be excluded 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

1/21 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 22 February 2018

The exempt minutes from the Navigation Committee meeting held on 22 February 2018 were signed by the Chairman as a correct record of the meeting.

The Chair informed Members that the next scheduled Navigation Committee meeting on Thursday 14 June 2018 may be replaced with a site visit.

The meeting concluded at 4.30 pm

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 19 April 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	8-17	As previous declarations	
B Wilkins		As previous declarations	
J Knight	8-7	As previous declarations	
M Bradbury		As previous declarations	
L Aspland		As previous declarations	
S Sparrow	8-17	As previous declarations	
K Allen	8-17	As previous	
Max Heron	8-17	As previous declarations	
John Ash		As previously declared	
A Goodchild	8-17	As previously declared	
N Talbot	8-17	As previously declared	