

Navigation Committee

Minutes of the meeting held on 02 November 2023

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Present

Alan Goodchild – in the Chair, Peter Dixon, Harry Blathwayt (items 1 to 9), Stephen Bolt, Mark Collins, Leslie Mogford, Greg Munford, Bob Neate, Remus Sawyerr, Simon Sparrow, Daniel Thwaites.

In attendance

Natalie Beal, Planning Policy Officer (item 11), Jane Fox – Planning Officer (item 12), Dan Hoare – Head of Construction, Maintenance and Ecology, Bill Housden - Head of IT and Collector of Tolls, Emma Krelle – Director of Finance, John Packman - Chief Executive, Rob Rogers - Director of Operations, Cally Smith – Head of Planning (items 11 and 12), Lorraine Taylor, Governance Officer, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting, Senior Governance Officer.

Others in attendance

Bill Dickson – Chair of the Broads Authority, Estelle Culligan – Deputy Monitoring Officer (items 1 to 8)

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Michael Scott and Paul Thomas

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the formal record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest

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

Having declared a Disclosable Pecuniary Interest in agenda item 8, Greg Munford, Simon Sparrow and Daniel Thwaites advised that they had been granted a dispensation by the Monitoring Officer to participate/speak and vote on that item.

3. Matters of urgent business

No items were proposed as a matter of urgent business.

4. Public question time

No public questions were raised.

5. Minutes of last meeting

The minutes of the meeting held on 07 September 2023 were signed by the Chair as a correct record of the meeting.

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. The Chief Executive (CE) provided an update on the future of the hire boat industry and said that a meeting date had been agreed with the Hire Boat Federation and British Marine in December 2023.

A member asked whether there had been any progress in the bridge repairs in Norwich. The CE responded that the Authority was continuing to engage with Norwich City Council about the East Norwich Development Plan involved. Norfolk County Council have made repairs to the Carrow Bridge, so did not think that there were any immediate issues but will continue to watch the situation.

Members noted the report.

7. Chief Executive's report and current issues

The Chief Executive (CE) introduced the report and added that Autumn had been a good period both in terms of weather and use of the rivers and Broads. The decision that Members took to introduce charging at Ranworth had been a huge success. The income had been good, with only a very small number of people refusing to pay. The income received would contribute to the significant repairs needed to the corner of the staithe.

Members noted the report.

8. Proposed navigation charges for 2024/25 in the navigation area and adjacent waters

The Chair introduced the Deputy Monitoring Officer who was attending for this item remotely. He reported that correspondence had been received from BRAG and NSBA and this had been forwarded to Members. The Chair confirmed that he would acknowledge the correspondence and forward it to officers so that they could provide responses.

The Chief Executive (CE) introduced the report and added that there were a few key issues that were worth highlighting for the committee.

He said that the Broads Authority was fortunate in that it had an Act of Parliament which set out what its duties and powers were. One of the things it set out was how the Authority should consult in relation to the setting of charges and the Norfolk and Suffolk Broads Act 1988. The Navigation Committee was constituted to represent the different users and the Act required the Broads Authority to consult the Navigation Committee before determining the

level of any charges in the discharge of its functions for navigation and under the Harbours Act. One of the things that the Authority had instituted, and had worked well, was that before the Authority arrived at the decision-making part of the process, a briefing was held for all Members when the financial position was examined, and various options considered. This was done in October and the paper that the Members of the committee had received reflects what was discussed.

The CE referred to the letter circulated to the Members which provided an example of a large private motorboat and the charges that it had to pay since 2007. It specifically looked at one side of the equation, what a large private motorboat paid over those sixteen years. It had not looked at the expenditure of the Broads Authority in that period, which has roughly doubled. The Retail Price Index has gone up by 84% in the same period. In this time, the maintenance of the navigation and the waterways had been completely transformed, not only from income from toll payers but also with funding from Europe.

Going back to 01 October 2007 when the May Gurney operation was transferred to the Broads Authority giving the Authority direct responsibility for the practical work throughout the system, on that date, the Dockyard was purchased, staff were transferred under TUPE regulations, and two wherries were purchased. In addition, May Gurney gave the Authority an amount of equipment which was nearing the end of its useful life. The Authority had therefore had to invest in new equipment over the last sixteen years, modernising the operation and using hydrographic surveys to make it the most efficient possible. In this period, the Authority had made huge steps forward in dredging and transformed the whole process, increased the number of moorings available, increased the riverside management of tree and scrub, and increased the amount of water plant cutting.

Another key date was 01 June 2012 which was the date when the responsibility of Breydon Water was transferred to the Broads Authority from the Port Authority. The replacement of missing posts had perhaps understandably not been a priority for the Port Authority as its main activities had moved downstream, and it was left to the Broads Authority to take on the replacement of the old wooden posts with modern steel ones. The Authority now had the Spirit of Breydon on the water throughout the summer months which was double-manned, and all tides covered. In addition, the Authority would be installing 32 posts in March 2024 and a further 20 in April 2024.

Overall, the navigation was well maintained, but this came at a cost. The additional charges referred to in the report would be necessary because of the impact of inflation: not only were staff costs going up, but fuel, materials and other costs such as audit fees had gone up a significant amount above inflation.

In relation to Tolls, the CE said that there were two main items that had been taken out of the analysis of figures. First, the charges for hire boats had not gone up as much as the private fleet through a deliberate policy by Members – the hire fleet charges had gone up broadly in line with the Authority's expenditure. Second, in November 2016, the Members of the Broads Authority took a strategic decision to make the tolls fairer for all because the toll system that the Authority had inherited from the Port Authority was deliberately slanted in favour of

bigger boats. While the charges for a 40 square metre private motorboat had increased over the last 16 years above inflation this was not the case for smaller private boats. A 5 square metre private motorboat paid £77.20 in 2007 and £85.10 in 2023, an increase of £7.40 (9.5%) in 17 years. A similar sized sailing dinghy paid £51.46 in 2007 and £52.00 in 2023, an increase of just £0.54 (+1.0%) over that period.

The CE reported that the Authority had restructured the organisation and continued to monitor and reduce costs where it could. Any further reduction in staffing levels would have a direct impact on the services provided by the Broads Authority.

The biggest change in 2024 would be the vacation of 60% of the office space at Yare House, the cost to be funded by the National Park Grant. However, navigation expenditure would benefit as a result in terms of the reduced rent, facilities maintenance and management costs, and reduced Business Rates.

Following the MAIB report into the accident in Gt Yarmouth in August 2020, Members decided to increase the level of patrolling by employing Assistant Seasonal Rangers, ensuring that the launches were out every day throughout the season. One option put forward in the paper was not to re-employ those Assistant Rangers next year and return to the level of patrolling prior to 2020.

Another option was to not add to the earmarked reserves. However, the auditors were keen that the Broads Authority maintained the earmarked reserves. Not adding to the reserves in one year would have implications for the future. The Authority's fleet of patrol vessels were ageing and needed to be replaced, therefore, there would be a need for the earmarked reserves to be available for when this needed to happen.

The Director of Finance (DOF) talked the Members through a PowerPoint presentation and said that there was some degree of uncertainty over inflation, public sector costs etc. She reported that in terms of the pay award, two of the three unions have agreed the pay award of £1,925. The figure in the budget was 5%, however, the award represented an actual figure of 6.45% for the Broads Authority.

The Authority was unable to introduce the charges at Reedham this year, due to the lease agreement not being completed and it was hoped that it would be in place for the start of the season in 2024.

In terms of audit fees, the Authority belonged to the PSAA scheme which appointed the auditors for 99% of English local authorities. Being a member of this scheme should save authorities money and meant they did not have to procure their own auditors. However, as part of the last procurement round, the fees would go up approximately 151%.

In paragraph 1.4 of the report, it listed where the additional pressures on the Authority were and the DOF highlighted some of these.

A Member asked for clarification on audit fees. The DOF replied that the scale fee was set at £10,736 in 2018/19 for five years but scale fee adjustments had been submitted annually since 2019/20. The Authority was currently in negotiation over the scale fees adjustments for

2022/23 where the auditors had requested £55,000. The new scale fee for 2023/24, under the new five-year contract would be published soon (30/11/23).

A Member asked whether having two sides of the business made the audit harder. The CE confirmed that it made it more complex. In addition, the auditors had to carry out additional testing under the regulations in respect of property, plant and equipment.

In response to Members' questions about the exploration of reducing staffing costs, such as support services, and reduction in activities such as dredging, the CE said that the Authority would have to severely cut back output and it was not easy to achieve as toll payers wanted more moorings, more water plant cutting, and more tree cutting. He added that the works plan had been adjusted by the Head of Construction, Maintenance and Ecology which would see less dredging but more water plant cutting as well as bringing more repairs in-house rather than using contractors.

A discussion was had on the possibility of a reduction of ranger patrols due to fewer boats being on the Broads, and whether the Authority would be still able to carry out its duty in respect of safety. The CE said that in terms of safety, the Authority would still be able to carry out that duty, however it was impossible to know how many boats would be on the Broads in 2024, however, with uncertainty around the world, people may wish to stay in the UK for their holidays. He added that in terms of a ranger's duties, it was much more than going up and down a river. They provided a crucial role in dealing with sunken vessels, giving advice and guidance to paddleboarders, as well as providing support for winter work such as vegetation management. A Member commented that the Authority must not cut down on safety at Great Yarmouth due to the unique nature of that part of the navigation.

A Member commented that the issue of safety had also been addressed in other ways, which included the QAB scheme, which all boatyards need to comply with, and the Broads Authority safety videos which help people prepare for boating on the Broads.

A Member asked whether it was possible to use volunteers to cover the extra patrols. The Director of Operations (DOO) replied that 150 volunteers complimented the service that the Authority provided in a number of roles.

A Member commented that the Broads was an integrated ecological landscape, and that climate change would make things more challenging and asked whether there would be any further opportunity to obtain any further capital funding. The CE replied that the capital funding received in the previous financial year was the first time the Authority had received any and was seen as a pilot for the other Protected Landscapes. He therefore believed that getting any further capital funding from DEFRA was unlikely. A Member then commented that he would like the Authority to look into other areas of income, given that its dredging operations improved land drainage.

Options analysis

The Members were then asked by the Chair for their opinions on the three options presented. Each Member in turn stated which was their preferred option.

A Member commented that he was worried about the cost-of-living impact on Broads users and if the tolls were too high, the boats were likely not to go on the water, however, his instinct was to go for Option A to maintain the level of service that the Authority provides. Two further Members commented that safety on the Broads was an important factor and were in favour of Option A or B.

A Member commented that he was in favour of Option C and added that there were concerns that tolls had risen over the cost of inflation since 2016. He added that dredging had decreased from approximately 20% of the Navigation income to 10%, and that finance and support services was 20% of the Navigation income. The CE replied that finance was 4% of the cost and total overheads were around 20%.

A Member commented that above inflation rises were not sustainable for the hire boat industry and with a 25-30% reduction in hire boats on the water, asked how extra rangers can be justified when there were fewer boats on the water.

There was a mix of views on the three options, however, a majority was in favour of Option C. Simon Sparrow proposed, and Daniel Thwaites seconded that the committee support Option C.

It was resolved by 6 votes in favour and 4 against (with one abstention) to support Option C – a reduction in patrolling, nil contributions to the earmarked reserves and a 6.9% increase in navigation charges across the board for 2024/2025.

The views of the Navigation Committee would be reported to the Broads Authority at the 24 November 2023 meeting.

9. Construction, Maintenance and Ecology work programme – progress update

The Head of Construction, Maintenance and Ecology (HCME) highlighted some key areas of his report. He confirmed that dredging had now finished in Oulton Broad and that 42,500m³ of sediment had been collected and gone into Suffolk Wildlife Trust's (SWT) land at Peto's Marsh. The Authority would now work with the SWT using this material to create a reed bed. The next step in this project was a hydrographic survey across the whole of Oulton Broad so that the Authority can collect data on water depths achieved and to track sediment accumulation rates over time.

The Authority had planned to dredge Bargate Broad through the connecting dykes and across a nominal channel through the Broad in 2024. To enable the Authority to do that and define where the water plant cutting was planned for, there would be a series of buoys installed along that route to define where the marked channel will be.

In terms of the water plant cutting over 2023, the Authority had delivered a similar level of service as in 2022, but in a slightly less time. This was due to having the third water plant

cutting vessel which added efficiencies to the water plant cutting by having the vessels strategically located across the system.

In response to questions on where water plant cutting was needed more and if dredging reduced water plant growth, the HCME replied that it was in the upper reaches of rivers where cutting was required more. However, in the Upper Bure the water quality improvement had meant that water plants had progressively marched further down the river each year. In terms of dredging, it created a deeper channel and therefore water plants were less likely to have such an impact.

A Member commented about the installation of new posts at Breydon and that there was no reason that the Authority should not adopt the IALA's marine buoyage system of a cylinder on port marking posts and a cone on starboard marking posts. The HCME replied that he would feed this back.

In answer to questions relating to water plant cutting, the offloading of cut material and the removal of water plants, the HCME confirmed that the Authority was in conversation with Norfolk Wildlife Trust (NWT) in terms of using some of the area that they owned in the Hickling Staithe area as the NWT shared the Authority's thoughts on how to manage the problem long-term. He added that the Authority was not looking to remove water plants altogether as the plants helped stabilise the sediment and were valuable habitats and part of the ecosystem of the Broads. In addition, the Authority would struggle to get consent from Natural England or the Environment Agency.

The report was noted.

10. Integrated Access Strategy – Consultation feedback

Members received the report from the Head of Construction, Maintenance and Ecology (HCME). The HCME said that this was a joint report and introduced the new Waterways and Recreation Officer, Jo Thompson. The HCME confirmed that the next task was to complete the full strategy document with a five-year action plan, and it was planned for it to be presented at the Navigation Committee meeting in January 2024.

A Member asked whether the HCME would clarify whether there would be an opportunity for further engagement with Non-Government Organisations. The HCME responded that on 16 November 2023, draft strategy document would be issued and would be put out for public consultation on the Authority's website.

A Member asked whether it would be worth building into the strategy the growth of paddleboarding and the promotion of certain areas in the Broads suitable for this activity. The HCME responded that this was a more complex issue, however, it was included in the report.

The report was noted.

11. Local Plan – Replacement quay heading and the Local Plan and Navigation section

The Planning Policy Officer (PPO) introduced the report and explained in further detail about the Local Plan and the Navigation section of the Local Plan. The PPO highlighted the amendments to the text of the navigation section of the Local Plan, as well as new policy areas and residential moorings.

A Member asked about the policy DM33 requirements relating to schemes for new quay heading providing free visitor moorings and whether there would be a provision to deviate from the requirements under the Local Plan and deal with exceptions on a case-by-case basis. The PPO replied that potentially, yes as part of the planning application, but the policy tended to be quite successful. The Head of Planning (HOP) added that the Authority had this policy in place for the last eight or nine years and that the first objective would be to get the visitor moorings on the site of any new moorings proposed to meet demand. In the past, it had been asked whether the applicant would make a payment to provide moorings elsewhere, however, that approach had never been supported due to the size of the payment that would be required in order to purchase land and provide the moorings to the BA standard.

A Member asked whether the Moorings Design Guide was consulted on regularly because some moorings and quay headings that had been delivered recently were not usable by all types of vessels. The PPO responded that it had not been reviewed since 2016 due to the Local Plan being a priority. The review of that and other Design Guides would follow on from the adoption of the Local Plan. The PPO added that the Moorings Design Guide would be sent to Members following the meeting, for information. A Member asked whether this should be included in the Integrated Access Strategy and the HCME confirmed that this would be considered. The PPO highlighted that the Mooring and Riverbank Stabilisation Design Guides do not go into the type of detail such as heights and widths, but instead talk about the various types of moorings and stabilisation methods.

The PPO continued with section 2 of the report regarding replacement quay headings and piling. The PPO said that the concern was that with quay headings being replaced over time, the width of the navigation would be reduced. The suggestion would be to introduce policy and processes for areas less than 30m in width and would look at applications for replacement quay heading on a case-by-case basis as to whether those lengths of replacement quay heading need to be provided in line or behind the existing.

The Chair commented that he was happy for it to be on a case-by-case basis. He added that he would encourage the use of steel piling.

A discussion was had about the use of materials and quality of engineering in replacement quay heading. There was a general concern about pulling out old quay heading and land destabilisation. A Member commented that if timber was used, the quay heading would need to be replaced every ten years, whereas galvanised steel would be 40 years before any replacement would be needed.

The PPO moved on to section 3 of the report. The 2016 Planning Act stated that the Authority needed to consider meeting the need for those living on boats and the Local Plan for the Broads does this through identifying the need for residential moorings and then allocating sites for residential moorings. The need was currently 48 residential moorings, and the Authority had planned to allocate 53.

Members' comments were noted.

12. Planning application with implications for navigation – BA/2023/0349 FUL Ribs of Beef, Extension of decked area

Members received the report from the Planning Officer (PO), supplemented by a PowerPoint presentation showing maps and photographs of the replacement and extension of decked area which was subject to the retrospective planning application. Members' views on any matters of relevance to navigation were sought and would be considered as part of the planning process.

The Members discussed the decked area and agreed that the waling was not suitable for small boats. The consensus was that the vertical posts needed to go below the water level and then horizontal planks be put across for safety so that small vessels could not hook up under the posts.

Members' comments were noted.

13. Date of next meeting

The next meeting of the Navigation Committee would be held on Thursday 11 January 2024 at The King's Centre, 63-75 King Street, Norwich, NR1 1PH, commencing at 10am.

14. Exclusion of the public

Stephen Bolt proposed, and Simon Sparrow seconded.

It was resolved unanimously that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Order 2006, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

The public left the meeting, and the recording was suspended.

15. Exempt minutes of last meeting

The exempt minutes of the meeting held on 07 September 2023 were signed by the Chair as a correct record of the meeting.

The meeting ended at 12:35pm.

Signed

Chairman

DRAFT

Appendix 1 – Declaration of interests: Navigation Committee, 02 November 2023

| Member | Agenda/ minute | Nature of interest |
|---|-------------------|---|
| Bob Neate, Mark Collins, Stephen Bolt, Leslie Mogford, Simon Sparrow (see below), Harry Blathwayt, Alan Goodchild and Peter Dixon | 8 | Private toll payer. The Member Code of Conduct allowed for these Members to participate and vote. |
| Greg Munford, Simon Sparrow and Daniel Thwaites | 8 | Commercial hire boat operators. Disclosable pecuniary interest. Granted a dispensation by MO to participate and vote. |
| Peter Dixon, Greg Munford, Bob Neate, Leslie Mogford, Simon Sparrow, Daniel Thwaites | 11 | Owner of quay heading. Non-registerable interest affecting own well-being but not to a greater extent than majority of inhabitants or reasonable member of the public would not consider it would affect view of wider public interest. |