

Navigation Committee

Minutes of the meeting held on 3 September 2015

Present:

Mr M Whitaker (Chairman)

Mr K Allen

Sir P Dixon

Mr J Knight

Mr J Ash

Mr A Goodchild

Mrs N Talbot

Ms L Aspland

Mr M Heron

Mr B Wilkins

Mr W Dickson

In Attendance:

Mr S Birtles – Head of Safety Management

Ms E Guds – Administrative Officer (Governance)

Mr T Hunter – River Engineer

Mr P Ionta – Solicitor and Monitoring Officer

Miss E Krelle – Head of Finance

Ms A Long – Director of Planning and Resources

Dr J Packman – Chief Executive

Mr R Rogers – Head of Construction, Maintenance and Environment

Ms C Smith – Head of Planning

Mr A Vernon – Head of Ranger Services

Mrs T Wakelin – Director of Operations

Also Present:

Prof J Burgess – Chairman of the Authority

Mrs L Hemsall – Vice Chairman of the Planning Committee

1/1 To receive apologies for absence

The Chairman welcomed everyone to the meeting including members of the public, Prof J Burgess, Chairman of the Broads Authority, and Mrs L Hemsall, Vice Chairman of the Planning Committee.

Apologies for absence were received from Mr P Durrant and Mr M Bradbury.

1/2 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda

No items had been proposed as matters of urgent business

1/3 To receive Declarations of Interest

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

1/4 Public Question Time

There were no public questions.

1/5 To Receive and Confirm the Minutes of the Meetings Held on 4 June 2015

The minutes of the meeting held on 4 June 2015 were confirmed as a correct record and signed by the Chairman.

1/6 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 Head of Planning updated the members on the procedures regarding Thorpe Island and informed them that the timing of seeking/serving of an Injunction would depend on the submission by the landowner of a challenge to the High Court decision - and its acceptance by the Court of Appeal.

Members noted the report.

1/7 Hickling Broad Enhancement Project Proposal

Members received a report which set out the details of a proposal for a master plan project for the enhancement of Hickling Broad. It set out the background and context to the project, as well as explaining the stakeholder involvement to date.

The views of the Committee were sought on the following matters:

- (i) the details of the proposal including the draft vision, and preference for the project elements as set out in Section 6.2 of the report; and
- (ii) the level of support for the project, and in particular the financial provision required as set out in Section 3 and Section 4, summarised in Section 7 of the report.

The Director of Operations indicated that members' views on the level of priority regarding dredging were also sought.

Brian Wilkins entered the meeting and expressed his declarations of interest as set out in Appendix 1 of these minutes.

The Director of Operations talked about how the project could result in potential beneficial reuse of sediment including land spreading, and a suggestion for an innovative solution for the installation of a groin or reef south of the Sailing Club. She said that this could potentially prevent sediment from

settling in the northernmost area but might interfere with the sailing club activities. However, she explained that there would first need to be more of an understanding of how sediment moved in the broad before this could be considered.

Although members in general supported the proposal there were some concerns expressed. One member was concerned whether failure of the project, or failure of some of its elements, would jeopardise the chances of raising external funding in the future and therefore believed the Authority would need to progress with caution.

The Director of Operations responded that this project, as any other new project, would be carried out after consultation with stakeholders and that the vision and in principle proposals would be taken to the full Authority for members to endorse. She said that a phased approach was preferred in order to give stakeholders confidence in the engineering solutions used and that a robust process was in place to respond to any issues that occurred as the project progressed.

She explained that with regard to previous external funding awards, funding bodies and the Authority had recognised that there was real value in learning from the process and whether a project was totally successful was not necessarily the most important factor. She added that the Authority had gained relevant knowledge and experience from previous projects like PRISMA.

One member suggested that the project shouldn't become fixated on to trying to restore the exact edge of the Broad to the 1946 line, because this was simply an arbitrary year from which we have an aerial photograph. Whilst the photograph was a useful guide, he said that he was content for other sediment disposal locations to be considered around the Broad, subject to consultation with stakeholders.

Another member pointed out that the Hickling project was as much a stakeholders plan as it was an Authority plan and said he was surprised that after 40 years of research there was still uncertainty around scientific research on Hickling which he believed might jeopardise funding. He went on to say that the dredging operation proposed for this winter was discussed at the last Prymnesium working group meeting and that no objections were expected from the anglers as they were comfortable that the works proposed were being risk managed. He also stressed that the problems facing Hickling were largely influenced by the catchment area beyond, and highlighted the particular problems caused by salt incursion and salinity.

When a member questioned the figures quoted for mud pumping, the Head of Construction, Maintenance and Environment responded that the figures might appear high because they were based on a worst case scenario and also because they were being cautious not to budget too low. The Director of Operations added that giving an accurate calculation was difficult as volumes

are uncertain at this stage dependant on the amount of slumping into the channel, which would require ongoing monitoring.

In response to a question it was clarified that the land around Hickling Broad, was owned variously by Norfolk Wildlife Trust, Major Mills Estate, Mr Tallwin and several other landowners.

Members were reminded that the Hickling Project was not a restoration project but an enhancement project and therefore changing things gradually was the best the Authority could hope to achieve.

A concern of one of the members was that work on such an ambitious project could delay the essential dredging work on the deep water channel which has already been agreed, and he sought confirmation that the project would be in addition to normal dredging and maintenance operations. He requested clarification on the current level of compliance of the deep water channel and the depth outside the channel. He further enquired how much of the project would be funded from the Navigation Budget.

The Director of Operations responded that the depth outside the channel was an average of 1.3 m at low water but emphasised that the aim for the Authority was not to deepen the broad beyond its historical depth but only to remove accumulated sediment. The Member queried the figure of 1.3m because the water is only waist deep in many parts of the Broad.

With regard to funding the Director of Operations responded that this would be addressed later on in the agenda but that she could confirm that £21K was required for 2015/16 for dredging the channel, and that £60K in future years was required for the wider project. She added that it was extremely difficult to separate the budget as the various elements of the project were so interdependent. For example it was not possible to carry out sediment removal without the habitat creation works as the sediment was being beneficially reused in the works and without them dredging couldn't take place. It is therefore proposed that these costs are split 50/50 between Navigation and National Park Grant.

When discussing the vision for Hickling Broad, members didn't believe this was reflected very clearly and suggested that a clearer vision be included in the strategy. The Director of Operations explained that the difficulty was to summarise different views in one vision but undertook that the vision element of the report would be reviewed prior to presentation to the main Authority.

One member wanted to know whether hydraulic modelling had taken place and what the outcome was. The Director of Operations answered that no recent hydraulic modelling had been undertaken but that hydrographic surveys had been carried out which showed the bed profile and consideration had been given to the effect of dredging on the movement of sediment. She said that the Authority had concentrated on the depth and the thickness of the sediment layer which needed to be removed, but previous modelling when the

Sediment Management Strategy was developed had confirmed no effect on water levels from undertaking dredging to the Waterways Specification

The Director of Operations continued that the next steps would involve looking at detailed design and costing work. She mentioned that the Authority would try to gain funding through MULTIPLE and would need consent from Natural England, the Environment Agency, landowners and the planning department for each element.

One member expressed his doubts about Natural England's commitment to the project but the Director of Operations reassured him that NE had been fully engaged throughout the process, and a verbal update regarding consent will be given to the Broads Authority. The Member suggested that if Natural England prove to be non-communicative at a regional level then we should take the matter to the national level, via Members of Parliament if necessary.

A member said that recent experience of mud pumping demonstrated the cost-effectiveness of this method and queried the figure of £800,000 which he said seemed high. The Head of Construction confirmed that this was a worst-case scenario, as he did not yet have a specific project to cost.

A member asked about the apparently enormous cost difference between the use of gabion baskets or geotubes and sought clarification on the benefits of each method. In regards to the use of gabion baskets at Duck Broad versus the use of geo tubes at Salhouse the Director of Operations explained that both procedures would allow for the same amount of reuse of dredged material. However, deciding which method was appropriate to use was a site specific decision and very often came down to visual amenity.

Members acknowledged that the issues around Hickling Broad were very complex and that looking after it had always been an issue. They were aware that the broad would be affected by management in the catchment, but they were in agreement that doing nothing to improve the broad was not an option.

The Director of Operations concluded by seeking overall support for the principle of the project and specifically proposals such as the extension to Pleasure Island. She commented that environmental factors play an enormous role at Hickling, many of which we have no control over.

Providing the Authority proceeded with caution in a staged approach, members agreed that doing nothing was not an option and supported the proposal for:

- dredging and beneficial reuse of sediment, giving priority to dredging of the deep water channel in 2015/16;
- bank restoration works;
- creation of refuge areas/island construction;
- research needs

1/8 **Boat Insurance Audit**

Members received a report which set out the results from a recent audit of a sample of private boat owner's third party insurance compliance.

Members discussed the level of risk to the Authority and whether evidence of valid boat insurance should be a requirement. There were opposing views - some members were in favour of requiring evidence of boat insurance and agreed that insurance certificates should be provided when making an application for tolls; other members were content with the current method of self-declaration.

One member suggested that there was little point in having spot checks if there was no awareness of them, and that the Authority should highlight this ranger activity in publications such as the Broadsheet. Another member believed that rather than the Authority taking on sole responsibility for boat insurance checks, it could work with marina owners who already require third party liability insurance to be in place as a condition of their mooring agreement.

Conversely, one member said that incidents in general only appeared to be minor and that therefore insisting on evidence of insurance at the time of toll paying would be excessive. Others agreed it was important to keep boating on the Broads as simple as possible without the need for too much red tape which might risk keeping visitors away. One member suggested that the declaration made at toll renewal and registration time should be altered to require that insurance should be in place for the entire period of the toll.

One Member pointed out that the Environment Agency ask for details of insurance on their toll application forms.

Another Member queried the insurance exemption for small boats.

Some Members were concerned that the cost of running spot checks and other enforcement activity was simply an additional cost to the navigation account which could not be justified, especially in view of the extremely low incident rate and lack of any evidence of personal injury claims on the Broads.

The Head of Safety Management explained to members that although the Authority had the powers under the 2009 Act to formally request information relating to insurance from boat owners, it had no power to require boat owners to have insurance when their boats were not in the navigation or adjacent waters i.e. stored ashore over the winter period. Therefore depending on the circumstances it may not be necessary to have insurance in place for the full term of the toll. The Chief Executive explained that the audit was carried out as the Authority believed it would be beneficial to the boat owners and said they could repeat an audit in approximately 2 years' time to see how things had progressed.

One member responded that if the Authority wanted to determine a way forward with the audit and members were interested in the outcome, it would

be useful to find out how statistically relevant the sample size was as a bigger sample may be required in order to get more accurate results.

To the proposal of re-running the survey with a larger sample to inform policy development, 5 members voted in favour, 4 against and 1 abstained.

To the proposal to continue with self-declaration of boat insurance, 6 to 1 members voted in favour.

1/9 St Olaves Marina, Beccles Road, St Olaves

Members received a report which outlined the fact that in 2001 a Section 106 Legal Agreement requiring the provision of demasting moorings was signed by the owners of St Olaves Marina, however the moorings were never provided. The views of the Navigation Committee are sought on how to progress this matter.

Members were shown a presentation which demonstrated the location and the current state of the mooring site. They were informed that piling was installed by BESL, and the presentation showed there were large voids to the rear of these and made it clear that considerable work would be required to provide demasting or any kind of moorings on this site.

The different options members were asked to consider were:

- to accept the offer of the landowner i.e. to provide the moorings through a partnership approach which would be cheap and quick although the moorings would not be to the Authority's best practice standards.
- to require the landowner to comply with the S106 agreement through the courts as it was a legally binding contract stating that mooring should be provided, but this would be expensive and time consuming.
- to include the mooring into the Demasting Strategy and for the Authority to carry out the work themselves.

One member suggested a fourth option, which was to negotiate with the landowner and compromise on the work required, i.e. the landowner providing decking while the Authority would deal with the landfill behind the piling.

Members were concerned not only that the S106 agreement had apparently been forgotten for so long, but that it contained no detail within it of the nature of the works required. This would make it very difficult to enforce the agreement using the Authority's best practice standards and therefore a lower (but still safe) standard might have to be accepted.

A Member questioned whether it was reasonable to expect the agreement to be implemented now as originally envisaged, having regard for the different ground conditions resulting from the subsequent BESL works, and suggested that the Authority should work together with the land owners to find an economically feasible solution.

Another member suggested the building of a walkway which would extend over the voids behind the piling and therefore avoid the need of back fill.

The Senior Waterways & Recreation Officer informed members that pilings of the specification installed by BESL often created large voids behind pilings which would be very costly to fill. He continued that in addition, for safety reasons, loop chains which wouldn't disappear under water would need to be installed. He highlighted that having all this work done at both mooring locations would be very costly and therefore would prefer the suggestion of a surfaced path covering the voids rather than decking as this would provide a safer solution.

After a member expressed concern in relation to other S106 Agreements, the Head of Planning confirmed that they would be looking at S106 Agreements to prevent this from happening again.

Members agreed to support the fourth option of further negotiations between the Authority and the landowner but decided to leave the details of the compromise and the work required with the officers.

1/10 Mutford Lock Maintenance and Reserve

Members received a report which set out the current maintenance issues at Mutford Lock and recommended revised budget allocation and use of reserves to undertake essential maintenance and keep it serviceable both in the short and long term.

One member enquired whether the adjacent local authority would be able to fund the repairs or contribute towards it, to which the Chief Executive responded that this was unlikely as Waveney District Council were dealing with similar financial constraints and therefore would be highly unlikely to contribute to the maintenance of the lock.

The Director of Operations explained that the Authority was in the process of transferring ownership and therefore currently didn't own the Lock. Members were of the opinion that it was essential that the Lock was maintained as they believed it to be a strategic asset and an important piece of infrastructure which provides access and therefore attracts business to Oulton Broad and the other southern Broads. Several members suggested that increasing the fees might be necessary to contribute to the cost.

This was countered by another Member who believed that Mutford Lock was a strategic gateway to the southern Broads which was under-utilised often due to the total cost of entry which included the short visit toll in addition to the passage charges. This could mean that a 2 or 3 day visit from the salt side could easily cost £100 just to enter the Broads. With 10,000 potential visitors in Lake Lothing & Lowestoft, he felt that consideration should be given to reducing the cost of entry, to encourage significantly greater use. This could produce more income than currently generated, and provide a needed boost to Oulton Broad and the southern Broads generally.

Members agreed the proposals mentioned in the report and recommended:

- (i) Expenditure of an additional approximately £56,000 from the Mutford Lock reserve fund to undertake essential maintenance and repairs in the current financial year (2015/16).
- (ii) The proposed revised annual maintenance budget requirement for Mutford Lock of £18,000, an increase of £6,000 p.a., to allow for hydraulic control system servicing and routine underwater maintenance, which would be incorporated in the draft 2016/17 budget for consultation.
- (iii) The proposed appointment of a consultant in 2016/17 to investigate the costs of de-watering options for the lock, ahead of future major work. The cost was estimated to be between £5,000 and £10,000 for which authorisation for further expenditure from the reserve fund would be sought from Broads Authority in September.

In addition Members noted that the operating contract was due for renewal and the costs might rise further. A report on this will be brought to a future meeting.

1/11 Annual Income & Expenditure: 2014/15

Members received a report which set out a summary of the Authority's income and expenditure for the 2014/15 financial year, analysed between National Park and navigation funds. Original and Latest Available Budget information is provided for comparison.

The Head of Finance informed members that the total navigation deficit for 2014/15 was marginally higher than budgeted and higher than forecast. This was due to core income being behind budget. As a result the balance of the navigation reserve at the end of 2014/15 was slightly below the target balance of 10% of net expenditure.

Members welcomed the report.

1/12 Navigation Income & Expenditure: 1 April to 30 June 2015 Actual and 2015/16 Forecast Outturn

This report provides the Committee with details of the actual navigation income and expenditure for the three month period to 30 June 2015, and provides a forecast of the projected expenditure at the end of the financial year (31 March 2016).

The Head of Finance updated members that since the report was written the Tolls figures in table 2 had improved slightly.

She explained that the current forecast outturn position for the year would suggest that the Navigation Reserve be slightly below the recommended 10% at 9.8% of navigation expenditure. The additional repairs and maintenance for

Mutford Lock would be fully funded from the Property reserve and would not further affect the Navigation Reserve. However, if the additional budget of £20K for Hickling was agreed, it would further reduce the Navigation Reserves to 9.1%.

The Chief Executive gave a presentation questioning the scale of reserve needed. Some members believed that tampering with the percentage of the reserves was too risky, especially as most funding required match funding and so reserves were essential. Others believed that 100% provision against risk was unnecessary.

The presentation showed that income from the hire boat industry had dropped. The Chief Executive explained that this was because the bigger yards were investing in bigger vessels and selling off older boats that the growth in income from private boats and the reduction in income from hire boats was likely to continue in future years. The Chairman added that because many older hire boats moved into the private fleet, the reduction in income would be limited to the hire boat multiplier rather than the entire toll.

When discussing ways to increase income one member suggested that BA should use its assets like vehicles and wherries for advertising. The Chief Executive responded that the Authority had had discussions with a local company regarding advertising at Norwich Yacht Station which had not come to anything, and the experience from other National Parks was that revenue from this was marginal and to make it lucrative the Authority would have to look at approaching the larger multinationals. Nevertheless it was agreed that this option should be explored.

Members suggested an exercise where expenditure would be reviewed on a regular basis to see where savings could be made. The Head of Finance responded that it would be very difficult to make a saving of £20K within this financial year due to the majority of expenditure having been committed.

Alan Goodchild left the meeting

Members noted the position in respect of Hickling and Mutford Lock in regards to the 2015/16 and recommended the additional budget request as set out in paragraph 6.2 and 7.1 of the report.

1/13 Construction, Maintenance and Environment Work Programme Progress Update

Members received a report which set out the progress made in the delivery of the 2015/16 Construction, Maintenance and Environment Section work programme.

Members welcomed the report.

1/14 Chief Executive's Report

The Committee received a report which summarised the current position in respect of a number of projects and events, including decisions taken during the recent cycle of committee meetings.

The Chair reminded members to make a note of the dates of the Finance, Tolls and Broads Plan workshops which are coming up in September and October.

Head of Ranger Services updated members in relation to the Launch Fit Out Contract that they would need to re-advertise in case they would be challenged due to change in Government tendering regulations.

Members noted the report.

1/15 Current Issues

A Member raised his concern in relation to the continuing encroachment of trees along the River Ant, making it almost impossible for 2 vessels to pass safely in places, and on the Bure particularly near Salhouse & Hoveton Great Broads. In relation to the River Ant, the Head of Construction, Maintenance and Environment said that the CM&E team in combination with the Rangers had identified priority areas for winter 2015/16 where a comprehensive programme of tree work would be carried out. These areas are South side of Neatishead Arms, Tylers Cut, downstream of Hunsett Mill & How Hill.

In response to a question about fish barriers at Hoveton Great Broad, the Head of Planning responded that Natural England had said they were confident that they were able to remove the gabion baskets if these were used.

The Director of Planning & Resources confirmed that a report on the Generation Park application would come back to the Navigation Committee in the October meeting 2015.

In response to a question regarding additional funding of the Hoveton Great Broad Restoration Project, the Director of Planning & Resources said that in addition to the HLF funding the project an application had been made for LIFE funding as well.

1/16 Items for future discussion

There were no items for future discussion.

1/17 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 22 October 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

1/18 Exclusion of the Public

The Committee was 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 left the meeting

Summary of minutes excluded from public deposit

1/19 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 4 June 2015.

The exempt minute of the meeting held on 4 June 2015 was confirmed as correct and signed by the Chairman.

1/20 Leasehold Moorings

Members received a report which detailed the increasing issue of landowners expecting commercial rate rental income in respect of leased land for the provision of free Broads Authority 24hr moorings and sought members' views on the way forward.

Given the budgetary constraints members recommended that the Authority would continue negotiations with landowners in respect of current Broads Authority moorings and potential new moorings and agree not to pay any rents in excess of the Authority's property consultant's advice.

1/21 Pre-Application Discussions on Land East of Norwich

Members were informed about informal discussions which had commenced about the principle of the construction of two fixed bridges at Trowse and the construction of a 30 berth marina as compensation for the impact on navigation upstream.

Members noted the report.

The meeting concluded at 5.20 pm.

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 3 September 2015

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mr K Allen		Member of the Broads Angling Strategy Group and WRT
Mr J Ash		Toll Payer, WYCCT
Ms L Aspland		Member of the MBYC, Hunter Fleet Committee
Mr B Dickson		toll payer and landowner
Mr P Dixon	7	Hickling Resident, Boat House owner
Mr A Goodchild	6-21	MD Goodchild Marine, Chair of BMFCM, toll payer and landowner
Mr M Heron	6-15	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NSBA, RCC, Chair Whitlingham Boathouses
Mr J Knight		Hire Boat Operator, Toll Payer, Company Director x2, Yacht Club Member
Mrs N Talbot		Toll Payer, NSBA Member and Member of NBYC
Mr M Whitaker	6-21	Toll payer, Hire Boat Operator, BHBF Chairman
Mr B Wilkins		Toll Payer, HBSC, NSBA, RCC