

**High Speed Boat Testing outside Strumpshaw Fen**  
Report by Dr Philip Pearson, RSPB Senior Conservation Officer

**Summary:** High speed boat testing has been permitted on the River Yare adjacent to Strumpshaw Fen for over 35 years. Some of the testing can generate a significant wake that results in waves overtopping the river bank. During the breeding season this has resulted in nests of great crested grebe, coot and moorhen being washed out. There are also safety implications, as visitors can be caught by the waves overtopping the bank. Staff undertaking routine maintenance on the river bank could also be washed into the river. The Boating Safety Management Group meeting notes from 9 December 2010 identified the need for all boat testing areas to be reviewed. A review was undertaken in 2011, but was unable to reach any conclusions due to poor logbook recording of testing by boatyards. A more comprehensive review is urgently required to determine if this activity is compatible with this stretch of the River Yare on biodiversity and safety grounds and if alternative options are available.

**1 Background to Concerns About Boat Testing Adjacent Strumpshaw Fen**

- 1.1 A boat testing zone is designated adjacent to the RSPB's Strumpshaw Fen reserve (see Appendix 1 for map of all zones). In recent months local residents have voiced their concerns about the zone. This has resulted in a petition being started, letters being written to local MPs and councillors, and the arrangement of a site visit for MPs and councillors. Concerns have been expressed for some time but have been made more public since two mute swans were killed (see Appendix 2) after colliding with a boat travelling at high speed. This raised concerns about the impact that this activity could be having on local wildlife. Given that swans are large, conspicuous birds and views of the river on this stretch are unimpeded, the incident also raised concerns about the competency of individuals helming the craft. The incident was reported by RSPB staff to the Broads Authority and the Wildlife Crime Officer, albeit 24-hours after the incident occurred. The incident was investigated, but due to insufficient information no further action was possible. Water users on this stretch such as fishermen and canoeists may be far less visible than the swans, and the consequences of a collision at high speed do not bear thinking about. Since this incident a local resident has also sent a letter to the Queen, with a response stating that the letter had been forwarded to Owen Patterson (Secretary of State for Environment, Food and Rural Affairs).
- 1.2 A letter from Simon Wright MP on 28 November 2012 to the RSPB highlighted the high level scrutiny being applied to the boat testing zone. Following discussions between the Broads Authority and RSPB, it was agreed that this

issue should be raised with Broads Forum members to review the concerns of local residents and identify actions to enable resolution of the situation.

## **2 RSPB Position Regarding the Boat Testing Zone Adjacent Strumpshaw Fen**

- 2.1 The RSPB has concerns about the permission for high speed boating; our concerns are principally over the potential safety of visitors using the footpath along the river bank (waves caused by the boats wash can overtop the river bank and cover the footpath), safety of reserve staff who may be cutting scrub or fixing sluices and could be knocked into the river by the boat wash, and the potential increase in river bank erosion caused by the wash from the boats. Some conflict to wildlife can occur in the area, with the nests of great crested grebes, coot and moorhens noted to have been destroyed following high speed testing. This activity can therefore effectively sterilise both river banks (which form part of the Yare Broads and Marshes SSSI) within the boat testing zone for 800-900m for breeding waterbirds despite suitable habitat being present. The death of two swans unfortunately demonstrated the potential for collisions by boats running at high speed in this area.
- 2.2 Whilst some craft that are not exempt are passing this section of river at speed, the RSPB is not aware of this happening at high frequency. In addition, smaller boats are noted to create a smaller wash, typically 30cm compared to the wash from boats engine testing where waves may reach up to one metre. On hitting the river banks water from engine testing boats can be thrown two to three metres into the air. The RSPB therefore considers that the main issue is whether high-speed boat testing is compatible with this section of the River Yare due to safety issues and impacts on breeding birds.

## **3 RSPB Position Regarding Boating and Wildlife**

- 3.1 It is the RSPB's view that boating and wildlife are not incompatible. Indeed there are significant benefits to enabling people to engage with the countryside, and the RSPB supports activities that enable people to enjoy views of wildlife from the Broads waterways. However, this must be carefully managed to ensure that visitors and staff can use the area safely, and wildlife is not harmed. Incidents such as the death of the swans in February are unacceptable and we do not wish to see a repeat of this.

## **4 Broads Authority review of boat testing areas in the Broads**

- 4.1 At the meeting of the Boating Safety Management Group on 10 November 2010, Boat testing areas were discussed. The following actions were identified:

### **"6 Boat Testing Areas"**

*The Speed Limit Byelaws sets out exemptions for boat yards for testing and trial demonstrations where the speed limits could be exceeded within certain areas and times. Boat yards and sales offices were issued with trade plates*

*and log books to record when the plates were being used although currently the log books did not include whether high speed testing was undertaken.*

*The PMSC Hazard Review had identified the requirement for Boat Testing areas to be reviewed following reports that signage was not clear. Consideration also needed to be given to the formal qualifications required by the helmsmen of these boats. The review had further identified this was the only remaining high speed activity which had not been reviewed.*

*Discussion ensued over the benefits of testing areas on the Broads and it was agreed that a formal process for checking logbooks needed to be established to enable the Authority to take an evidence based approach. It was recognised that there may be the requirement for amendments to be made to the logbooks to enable better information to be recorded.*

*Phase I (Research) would be undertaken throughout Spring with a questionnaire being sent to Trade Plate holders together with the request for the log books to be returned for analysis.*

*Phase II would be undertaken throughout the Summer concluding in October which would allow for any works to be completed prior to implementation of a new regime from April 2012.”*

- 4.2 Following this meeting a review was undertaken and reported to the Navigation committee on 20 October 2011 (see Appendix 3). The overall findings were that logbooks had not been completed accurately and that insufficient information had been collated to review the boat testing areas. The formal review was therefore deferred for two years.

## **5 Discussion points**

- 5.1 In order to address both our concerns, local residents and those of visitors to Strumpshaw Fen, the RSPB is raising this issue for discussion at the Broads Forum on 7 February 2013. This approach has been supported by the Broads Authority. There are significant concerns from the RSPB and local residents about the suitability of this zone for boat testing. In order to explore this fully the following points are suggested for discussion by the members and Broads Authority officers:
- (a) The need for high-speed boat testing on this stretch of the River Yare.
  - (b) Alternative options that may be more acceptable for high-speed testing.
  - (c) The effectiveness of monitoring of this activity and the current levels of activity.
  - (d) The effectiveness of enforcement of boat speeds on this section of the River Yare and throughout the Broads.
  - (e) Determination of the suitability of high-speed boat testing in this area.
  - (f) Actions required to resolve the conflict.

- 5.2 Given that two years will have passed since the last review an update from the Broads Authority on work that has been carried out to date and timeframe for completing the review is sought.
- 5.3 We hope the discussions with members will identify a suitable way forward to address this issue and ensure that responsible boating is encouraged in this part of the Broads.

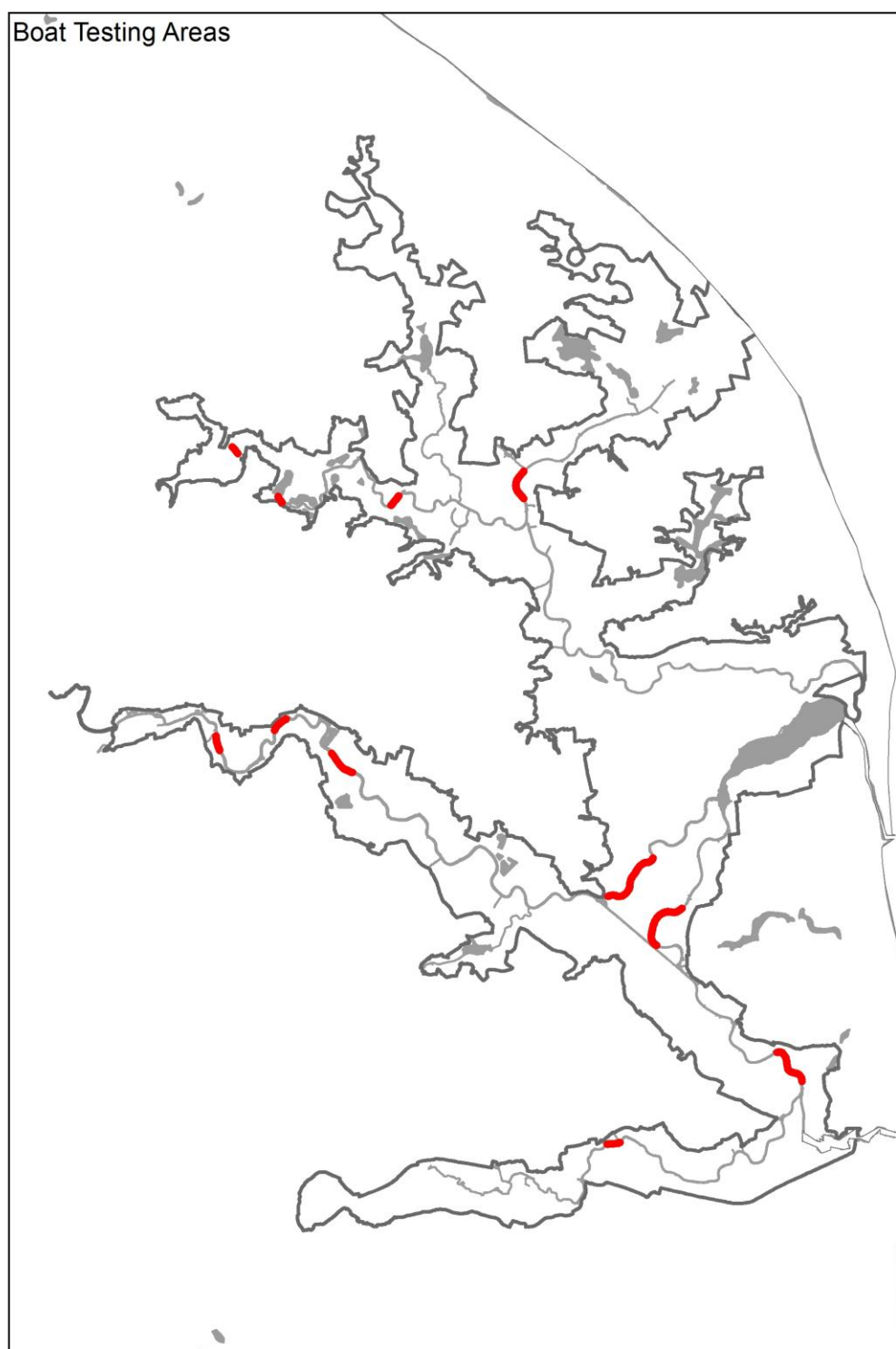
## **6 Update from Broads Authority**

- 6.1 Revised log books have been developed and published and are currently being distributed to all the relevant yards by Rangers, who are reminding users of the conditions which apply. It is intended that the log books will be recalled and the data collated Nov/ Dec 2013 to allow a paper to be developed for consideration by the Boating Safety Management Group at its March meeting in 2014.
- 6.2 Members should also be aware that the provision of a trade plate and the ability to navigate within the Boat Test Areas does not exempt the helm from the Navigation byelaws which covers such matters as safe speed, vessels to be navigated with care, risk of collisions and action to avoid collision. During the 2012 season, 256 verbal warnings were given on the Upper Yare as well as 13 blue book warnings and two prosecutions pending. The patrolling level achieved 95% of the target for the summer period last year.
- 6.3 The Broads Authority operates Broads Control which is manned 9am to 6pm 7 days per week during the summer season, and 9am to 5pm in the winter. The telephone number (01603 756056) is widely published for members of the public to contact the Authority and make any complaints for further investigation. Two complaints were received by Broads Control during the last two years, of which one was the incident involving swans which is noted above. These complaints are taken extremely seriously and the Broads Authority will prosecute offenders where the circumstances warrant. The Rangers are keen to work with Broads Beat and the RSPB to investigate offences and prevent any recurrence. We have not received any reports of swamping nests or danger to staff working on the bank from either the public or the RSPB. The main section is a long straight stretch and anyone working would see and or hear a vessel approaching.
- 6.4 Broads Authority staff also attend the The Yare Users Group, which has not received complaints from other boaters or anglers of abuse of the boat testing area.
- 6.5 The Waterski Panel reviewed a number of issues such as noise, disturbance and safety matters of all the ski zones during the 2005 and more recent reviews. In each case, once investigated no evidence was found to support the allegations. It is suggested that these concerns should be similarly researched to determine the level of any impact/ risk, to be conducted as part of the ongoing Boat test review.

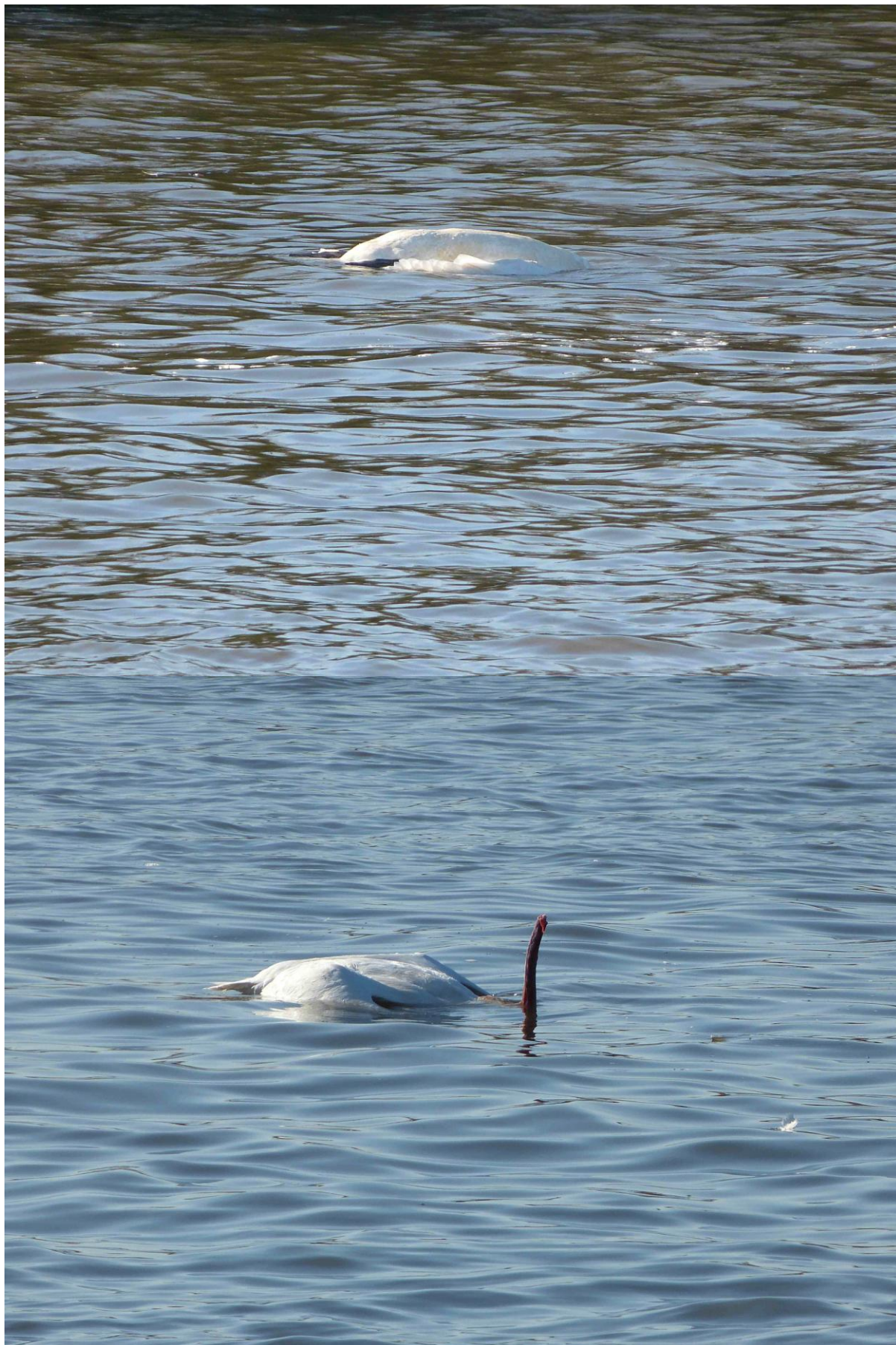
Author: Philip Pearson/Trudi Wakelin

Date of report: 10 January 2013

Appendices: APPENDIX 1 - Map of boat testing areas in the Broads  
APPENDIX 2 - Photographs of dead swans  
APPENDIX 3 - Agenda item 12 – Navigation Committee 20 October 2011  
APPENDIX 4 - Letter to Keith Simpson MP



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**Broads Authority Boat Test Area Review**  
Report by Head of Safety Management

**Summary:** This report sets out the background to the introduction of the Boat Test Areas and the findings and proposals from the recent review.

Members' views are sought on the proposals as set out in Section 3.

## **1 Background**

- 1.1 The Broads Authority Speed Limit Byelaws 1992 sets out an exemption from the designated speed limits for "Boatyard Vessels" when being used for the purpose of trial or demonstration or testing after repair, the use of this exemption is limited to certain areas and times around the Broads system as set out in Schedule 3 of the aforementioned Byelaws. See Appendix A.
- 1.2 In accordance with the requirements of the Speed Limit Byelaws boatyard operators are issued with registration marks and toll plaques on application known as "Trade Plates" a further requirement of this issue is that the boatyard must complete a log book supplied by the Authority on each occasion the trades plates are used.
- 1.3 The Port Marine Safety Code Hazard Review Action Plan 2011 identified that a review was to be completed following the assessment of hazard no. 002 "Powered Craft speeding". This activity remains the only high speed activity on the Broads which has not to date been reviewed.

## **2 Current Position**

- 2.1 Letters were sent to all 68 boatyards, 34 in the South and 34 in the North, who had been issued "Trade Plates" requesting their log books to be returned to the Authority in order that data could be gathered on usage of the test areas and the nature of the usage.
- 2.2 Response was sketchy but more importantly of those log books which were presented the nature of the data recorded in the logbooks did not give sufficient clarity to enable a review to be completed as there was no reference to which area had been used nor if a high speed activity had taken place.

### **3 Proposals**

- 3.1 As the information currently recorded in log books is insufficient it is proposed that the review be deferred for two years to enable qualitative data to be collected regarding the use and nature of use of the specific areas.
- 3.2 Additionally, it is proposed to review the conditions of use of Trade Plates and also design a new log book which will allow for the required data to be recorded and to reiterate to the boatyards that when the trade plates are used there must be a corresponding entry in the log book. Data will be collected over the forthcoming two years to feed into the review in summer 2014. Rangers will be tasked to complete spot checks on boatyards if they see trade plates in use and the Hire Boat enforcement officer will also conduct spot check when completing annual hire boat licensing audits.

Background papers: None

Author: Steve Birtles

Date of report: 9 September 2011

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

Appendices: APPENDIX A- Schedule 3 of the Speed Limit Byelaws 1992

**Byelaw 8 (Boatyards) Schedule 3 Boatyard Vessels****River Yare**

- 1 From a point 800 metres (875 yards) downstream of the outfall of the Norwich sewage treatment works at Whitlingham to the jetty at Postwick Hall Farm between sunrise and 1600 hours on any day excluding Saturdays, Sundays and public holidays.
- 2 From a point 90 metres (98 yards) downstream of the site of Surlingham Ferry to a point 275 metres (301 yards) upstream of Riverside House at Brundall Gardens between 0900 hours and 1500 hours on Saturdays and between 0900 hours and 1700 hours on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.
- 3 From a point 400 metres (437 yards) downstream of Hobro's Dyke to a point 460 metres (500 yards) upstream of Rockland Fleet Dyke between sunrise and 1500 hours on Saturdays and between sunrise and sunset on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.
- 4 From a point 400 metres (437 yards) downstream of the confluence of the Haddiscoe New Cut and the River Yare to a point 400 metres (437 yards) upstream of Upper Seven Mile House between sunrise and 1500 hours on Saturdays and between sunrise and sunset on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.

**River Waveney**

- 1 From a point 500 metres (547 yards) upstream of Carpenter's Dyke at Gillingham to that dyke between 0800 hours and sunset on any day excluding Sundays and public holidays between 1st May and 30th September in any year.
- 2 From a point 400 metres (437 yards) downstream of the confluence of Oulton Dyke and the River Waveney to a point 1610 metres (1761 yards) downstream of that confluence between sunrise and 1500 hours on Saturdays and between sunrise and sunset on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.
- 3 From a point 1210 metres (1323 yards) downstream of the road bridge spanning the River Waveney at St Olaves to a point 400 metres (437 yards) upstream of Seven Mile House (Pettingill's Mill) between sunrise and 1500 hours on Saturdays and between sunrise and sunset on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.

**River Bure**

- 1 From a point 595 metres (651 yards) downstream of Wroxham Castle Staithe to a point 920 metres (1006 yards) downstream of that staithe between sunrise and 1500 hours on Saturdays and between sunrise and sunset on any other day excluding Sundays and public holidays between 1st May and 30th September in any year.
- 2 From a point 275 metres (301 yards) downstream of the southern entrance to Wroxham Broad to a point 550 metres (601 yards) downstream of the said entrance between 0900 hours and 1500 hours on Saturdays and between 0900 hours and 1700 hours on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.
- 3 From a point 550 metres (601 yards) downstream of Cockshoot Dyke to a point 1000 metres (1094 yards) downstream of the said dyke between 0900 hours and 1500 hours on Saturdays and between 0900 hours and 1700 hours on any other day excluding Sundays and public holidays between the 25th March and the 24th October in any year.

**River Thurne**

- 1 From Womack Dyke to a point 920 metres (1006 yards) upstream of the confluence of the River Bure and the River Thurne between sunrise and 1600 hours on any day excluding Sundays and public holidays between 25th March and 24th October in any year.

Keith Simpson MP  
House of Commons  
London  
SW1A 0AA

6 December 2012

JP/SB/RE

KSMP061212

Dear Keith

Thank you for your letter dated 21<sup>st</sup> November 2012 regarding a query from your constituent, Mr Peter Allen. The query related to the speed of boat testing on the River Yare at Strumpshaw.

The Broads Authority Speed Limit Byelaw 1992 sets out a number of areas on the Broads - Strumpshaw being one - where boatyards may test their boats for specific purposes; such as following a refit or to demonstrate boats to potential customers. These activities can be carried out at speeds above the designated speed limit as the boatyards are exempt from compliance for these distinct purposes under the Byelaw. The designated test and demonstration areas are a very important facility for the marine industry in Norfolk and Suffolk.

However, The Authority permits this activity under very strict conditions including the completion of a log, which must be completed on every occasion these activities take place. The boatyards are also required to exercise extreme care and caution with respect to all river users and wild life. The boatyard log books are regularly spot check by the Authority's rangers and boatyards not complying with these requirements face losing permission to carry out such activities.

The particular event referred to in Mr Allen's email related to an incident in which it was alleged that a boatyard vessel under test had hit two swans and killed them. The Authority has thoroughly investigated this incident but a witness could not be identified and the report did not definitively identify the vessel concerned. Therefore it could not be confirmed that the vessel was a boatyard vessel under test or a private vessel speeding. Rangers were also unable to locate any remains or bodies of any swans at the alleged site.

I am sure that you can appreciate that these are very complicated issues but unfortunately at this point the Authority has no evidence that this activity creates sufficient issues to warrant a Byelaw review. However the Authority has recently changed the way data is recorded in the log books to improve the collection of specific data relating to the use of the test areas. This new data will contribute to a review of the boatyard test areas, which will be completed toward the early part of 2014 as part of the final element of our safety review of high speed activities in The Broads.

I would like to reassure you that the Authority robustly investigates any complaints they receive and will prosecute offenders when sufficient evidence is found. The police also work closely with the Authority when investigating crimes against wildlife.

If you would like any further information please do not hesitate to contact me.

With regards

John Packman  
**Chief Executive**  
**Broads Authority**