

Navigation Committee

Minutes of the meeting held on 21 April 2016

Present:

Mr M Whitaker (Chairman)

Mr K Allen

Mr W Dickson

Mr M Heron

Mr J Ash

Sir P Dixon

Mr J Knight

Ms L Aspland

Mr A Goodchild

Mrs N Talbot

Mr B Wilkins

In Attendance:

Mr S Birtles – Head of Safety Management

Mrs L Burchnall – Head of Ranger Services

Mr N Catherall – Planning Officer

Mr A Clarke – Senior Waterways and Recreation Officer

Ms E Guds – Administrative Officer (Governance)

Ms 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

4/1 To receive apologies for absence

Apologies for absence were received from Matt Bradbury.

The Chairman welcomed Lana Hempsall, Vice Chair of the Planning Committee; Prof Jacquie Burgess, Chairman of the Broads Authority and Tony Howes as a member of the public to the meeting.

4/2 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

4/3 Appointment of Chairman

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

Kelvin Allen proposed, seconded by Bill Dickson that Michael Whitaker be appointed as Chairman until 20 April 2017. No other nominations were forthcoming.

RESOLVED

that Michael Whitaker be appointed as Chairman of the Navigation Committee.

Michael Whitaker in the Chair

4/4 Appointment of Vice-Chairman

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

Brian Wilkins proposed, seconded by Bill Dickson that Nicky Talbot be appointed as Vice Chairman until the 20 April 2017. No other nominations were forthcoming.

RESOLVED

that Nicky Talbot be appointed as Vice Chairman of the Navigation Committee until 20 April 2017.

4/5 To receive Declarations of Interest

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

4/6 Public Question Time

There were no public questions.

4/7 To receive and confirm the minutes of the meetings held on 25 February 2016

The minutes of the meeting held on 25 February 2016 were confirmed as a correct record and signed by the Chairman.

4/8 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 fed back to Members that the Tolls Review Group (TRG) felt that the Workshop earlier that morning went well and that the few points raised would be addressed at the next TRG meeting on 6 May.

Members were informed that the next step for the TRG proposal would be consultation with key stakeholders including the Norfolk and Suffolk Boating Association (NSBA) and the Broads Hire Boat Federation (BHBF) before the Navigation Committee was formally consulted on the proposals.

Members noted the report.

4/9 Appointment of two Co-Opted Members of the Broads Authority

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 19 May 2017 as set out in Section 1(3)(c) of the Norfolk and Suffolk Broads Act 1988 as amended.

The Chair invited nominations for the appointment of a co-opted Member to the Broads Authority.

Brian Wilkins proposed, seconded by Bill Dickson that Nicky Talbot be appointed as co-opted Member to the Broads Authority until the 19 May 2017. No other nominations were forthcoming.

Schedule 4, paragraph 4(3) of the Norfolk and Suffolk Broads Act 1988 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. Therefore it is

RESOLVED

that Michael Whitaker and Nicky Talbot be recommended to the Broads Authority for appointment as the co-opted Members to the Broads Authority until 19 May 2017.

4/10 The Port Marine Safety Code Safety Management System: Stakeholder Hazard Review

Members received a report which detailed the outcome of the Safety Management System Stakeholder Hazard Review.

The Committee supported the recommendations in Section 6 and that the hazard log to remain under continual review and to be subject to a formal Stakeholder Review in spring 2019 and then every three years from the date of publication of the report.

Members further agreed that the Hazard Review Action Plan would be implemented.

4/11 Safety Audit 2015 Report

Members received a report which provided details of the incidents reported from April 2015 to March 2016, including an analysis of deaths and personal injury since 1993.

Members noted the report.

4/12 Variation of Permission BA/2013/0138/FUL to allow change from Timber Jetty to Timber Piling of New Boat Dyke

A planning application (BA/2016/0095/COND) had been submitted to the Broads Authority in respect of a variation of an existing permission relating to a new boat dyke. The approved plans showed quay heading along one side of the dyke, with the remaining three sides comprising a timber jetty. The current proposal was for quay heading to all sides of the dyke.

It was made clear that the policy requirement for 10% of the moorings to be made available for public mooring was included in this application but the additional moorings would be provided on the river frontage and not in the dyke as the landowner did not feel comfortable with inexperienced navigators using the very narrow dyke.

The Planning Officer clarified that the landowner's intention was to provide the visitor mooring by transferring title of 40 metres of the downstream end of the previous Boundary Farm moorings to the Broads Authority. The remainder of the Boundary Farm mooring would then be leased to the Authority plus an additional 40 metres beyond the upstream end of the previous mooring. The Senior Waterways and Recreation Officer confirmed that, depending on the lease being successfully concluded, the Authority would gain an additional 40 metres of mooring space at the southern end.

It was further clarified that the S106 was for mooring access only and that access from the highway was only permitted for maintenance of the moorings.

Members supported the application.

4/13 Norfolk County Council Proposals for True Left Bank of River Chet at Harley Flood

Members received a report which provided them with details of an issue that had arisen during a consultation being undertaken by Norfolk County Council on a proposal to stop up the section of the Wherryman's Way Trail which runs on the true left bank of the River Chet immediately adjacent to Hardley Flood. The report considered the reasons for the proposal, its implications regarding the future management of the river bank and drew members' attention to the fact that the Authority had been made aware of concerns regarding the potential for the proposal to result in deterioration in the condition of the navigation on the River Chet.

Members were reminded that although the Authority recognised the economic importance for the local communities of the Wherryman's Way, its main interest was maintaining the River Chet open for navigation.

It was explained to Members that resolving the fundamental problem of the deteriorating condition of the underlying bank would be extremely expensive taking account of the works that would be required.

Members were informed that Norfolk County Council is responsible for the surface of the path but not the underlying issues with the bank structure. The Council was of the opinion that diverting the public right of way was an appropriate solution.

The Environment Agency had stated that the river bank was not part of the flood defence and therefore its maintenance was not its responsibility.

Local boatyard owners had recently informed the Authority that a breach in the bank was causing depth problems at Chedgrave and Loddon, particularly with regard to the use of the slipways. This view was not apparently supported by the available hydrographic survey which showed that the Chet was deep enough for navigation. The Senior Waterways and Recreation Officer indicated that water levels and velocity would be monitored in the next few months which would test whether there was any significant impact upstream of the Hardley Flood. He continued that a meeting between the landowner and Norfolk County Council had been set up to discuss the issues regarding Wherryman's Way. Norfolk County Council had also confirmed that it would approach the Environment Agency and BESL to ask if they would carry out hydraulic modelling on the current functioning of the system and how it would be affected by a number of potential future scenarios in order to add to the available scientific data.

One member responded that about 26 years ago he, as an employee of the National Rivers Authority, was responsible for the construction of a weir in one of the breaches in the bank because of concerns about how uncontrolled flows through the breach were affecting channel velocity and the opposite bank. He emphasised that it was not so much water levels but the increasing velocities which could have implications on navigation.

One Member suggested boatyards could be invited to maintain a diary of water levels at their moorings which could be compared with the observations made by the Authority.

In general members were of the opinion that the underlying issues of the bank should be addressed as they believed that leaving it unresolved would cost more money and cause more harm in the long run, especially as silt from the flood would end up in the river. Also, as the Stakeholders' Survey revealed, walking is one of the main activities in the Broads and Members believed it was in the Authority's interest to work with other public authorities to ensure that the route of the Wherryman's Way is maintained.

Although it was suggested that the Authority could consider applying for European funding to repair the bank or use funds from its navigation reserves, concern was expressed about taking on a project of such a large scale with the associated long term responsibilities.

It was further pointed out to Members that while the Authority had a general duty to manage the Broads for the purpose of promoting the enjoyment of its

special qualities, the statutory duty for the maintenance of public rights of way in this case rested with Norfolk County Council.

Another option highlighted was to allow nature to run its course and see what would happen. The breaching of the bank in the 1940s and the creation of Hardley Flood was likely to be replicated elsewhere in the Broads and could be a more sustainable approach.

The Committee accepted the need to obtain scientific evidence to inform decision making and supported the proposed monitoring of water levels and velocity and to encourage Norfolk County Council to ask the EA/BESL to carry out hydraulic modelling of the system as soon as possible. It was noted that results would be brought back to the Committee later in the year.

4/14 St Olaves Marina: Demasting Moorings

Members received a report which indicated that the landowners at St Olaves Marina had offered a contribution towards provision of demasting moorings at Haddiscoe Bridge. Although this fell short of all that was required, pursuing the undertakings in the S106 Agreement would not necessarily lead to a better outcome. The views of the Navigation Committee were sought on how to proceed with the matter.

It was highlighted that the requirements for a Broads Authority mooring were different to those of a private mooring and if the Authority was to take on responsibility for the site it would have to meet the higher standards.

It was RESOLVED to recommend to the Authority

- (i) not to pursue the S106 Agreement but accept the contribution offered by the landowner; and
- (ii) to agree the proposed package of improvements:
 - (a) Demasting moorings to be provided by the landowner in accordance with the 2001 agreement, comprising 2 x 20m demasting moorings either side of Haddiscoe Bridge, to be constructed to the Broads Authority's agreed specification;
 - (b) The Broads Authority to undertake the work and cover the cost of this, including plant and labour;
 - (c) St Olaves Marina to cover the costs of the materials for the works as comprising Mooring posts – Geotextile – Type 1 – safety chains and ladders to the Waveney side - Path edging boards – additional crushed backfill if required – fender and riding spar – all fixings to be supplied by the Broads Authority;
 - (d) Following construction the Broads Authority would take on responsibility for maintenance.

4/15 Navigation Income and Expenditure 1 April to 29 February 2016 Actual and 2015/16 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 29 February 2016, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2016).

Members received a verbal update on the March figures and were informed that although the majority of the year end had been made the stock adjustment had not yet been calculated and could have an impact on the figures. The draft figures were a favourable variance of £31,758.

It was further clarified that the accounts were close to what was originally expected however due to a number of small underspends and additional income there was a small surplus of income over expenditure.

The Head of Finance agreed that moving to an accrual system would present a more accurate picture and this was an idea the Authority was moving to, however this took time and the system would need to be tested first.

It was clarified that Yacht Stations (including Tourist Information Centres) were currently funded 75% from navigation income and 25% from National Park Grant.

One member said he would like to take up the offer of a meeting with the Head of Finance so that he could gain a greater understanding of the budgets.

Members noted the report.

4/16 Construction, Maintenance and Environment Work Programme Progress Update

Members received a presentation on the work so far completed in regards to Hickling Broad, Mutford Lock, Cockshoot Boardwalk and Tree Clearance. It was explained that in regards to Tree Clearance the Authority had pooled all of its resource and cash budgets in order to deliver a concentrated tree clearance effort on the River Ant, an area identified as being of number 1 priority. In 2015/16 over 4km of bank side tree and scrub was cleared.

Members welcomed the presentation and commended the CME Team on its achievements.

It was clarified that the low volume figure for the dredging program at Belaugh to Coltishall reflected the technique that was required. It was explained that due to limited access to the site, the distance from dredge site to disposal land was considerable and the narrowness of the channel at this location all meant that we needed to use our conservation mud pump, which with the consents for land re-use pushed the costs of this dredging scheme up.

It was further explained that total dredging volumes were calculated using data from the number of wherry loads, the specific density of the material and amount of material carried in each wherry.

Concerns were expressed in regards to progress and cost of dredging carried out in 2015/16 and it was suggested to consider whether projects were affordable and whether a different approach was needed. The Head of CME explained that the Draft dredging programme was brought to the Members' attention in October (for the following year's dredging) and this was their opportunity to discuss the areas and value for money as each project was given an estimated cost.

Another concern raised was the reduction of water sampling. It was explained that the Broads Authority would continue sampling for Pymnesium at Hickling, but at a reduced sample rate. The sampling would allow background data to be kept and would assist when asking for consents to dredge in future years.

It was confirmed that dredging work had been carried out between Hardley Flood and the Chet and that the location could be suitable for side casting, although not all areas along the Wherryman's Way are suitable for dredged material.

Members noted the report.

4/17 Boat Safety Management Group

Members noted the received minutes of the Boating Safety Management Group held on 7 March 2016.

4/18 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.

On the issue of toll plaque the Chief Executive commented that the income from private boats was in line with the budget but that currently there was a shortfall of between £70,000 and £80,000 from hired boats which the Collector of Tolls was investigating.

The Chief Executive updated Members about the Norfolk Show and invited them to put themselves forward if they were interested in helping out on the day.

Members noted the report.

4/19 Current Issues

It was asked whether it was possible for the latest hydrographic mapping to be made available on the website. The Chief Executive agreed that this was important information but there were heavy demands on the GIS Officer and great care was taken in prioritising her workload. The priority accorded to the hydrographic surveys would be reviewed.

It was noted that Mrs Aitkin Clark, had expressed her gratitude that the Authority's new launch would be named after her late husband and she was looking forward to coming to see her.

4/20 Items for future discussion

No items for future discussion.

4/21 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 2 June 2016 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2pm.

Following this meeting it had been decided that instead of a Committee meeting, there would be a site visit to Hickling Broad on Thursday 2 June 2016 commencing at 2 pm.

4/22 Exclusion of the Public

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

4/23 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 25 February 2016

The Exempt minutes of the meeting held on 25 February 2016 were confirmed as a correct record and signed by the Chairman.

The meeting concluded at 4.30pm.

Chairman

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 25 February 2016

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
James Knight	7-23	Hire Boat Operator, Toll Payer, member of Boating Associations	
Brian Wilkins	7-23	NSBA Chairman, Toll Payer, various boating associations	
Kelvin Allen		Member of the Broads Angling Strategy Group and the River Waveney Trust.	
Nicky Talbot		Toll Payer, NSBA Member and Member of NBYC	
Linda Aspland		Member of NBYC , Toll Payer , Hunter Fleet Committee , Local Resident	
Max Heron	7-18	Toll Payer, Landowner, Member of British Rowing, NRC, NSBA, RCC, Chair Whitlingham Boathouses	
Peter Dixon		As before	
A Goodchild	7-23	BM CM Chairman, Land owner, GMS	
Bill Dickson		Coopted Member, toll payer, property owner, president local owner area	
John Ash		Toll Payer, Chairman and Director of WYCCT	
Michael Whitaker	7-18	Toll payer, Hire Boat Operator, Herbert Woods, BHBF Chairman	