

Navigation Committee

Minutes of the meeting held on 23 October 2014

Please note these draft minutes will be reviewed by the Navigation Committee at its next meeting on 11 December 2014 and may be subject to amendments prior to being confirmed

Present:

Mr D A Broad (Chairman)

Mr K Allen
Mr L Betts
Miss S Blane
Mr P Durrant

Mr P Greasley
Mrs L Hempsall
Mr M Heron

Mr P Ollier
Mr M Whitaker

In Attendance:

Mr T Adam – Head of Finance
Mr F Bootman – Planning Officer
Mr A Clarke – Senior Waterways & Recreation Officer
Ms E Guds – Administrative Officer (Governance)
Mr B Housden – Head of ICT/Collector of Tolls
Ms A Long – Director of Planning and Resources
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction, Maintenance and Environment
Mr A Vernon – Head of Ranger Services
Mrs T Wakelin – Director of Operations

Also in attendance:

Prof J Burgess – Vice-Chairman of the Authority
Dr M Gray – Chairman of the Planning Committee
Dr S Johnson – Chairman of the Authority

2/1 To receive apologies for absence and welcome

The Chairman welcomed Dr Gray, Dr Johnson, Prof Burgess and members of the public to the meeting.

Apologies for absence were received from Sir P Dixon, Mr A Goodchild and Mr J Knight.

The Chairman referred to Item 2/15 stating that in accordance with the Openness of the Local Government Bodies Regulations 2014 which came into effect on 6 August 2014, members of the public would be able to take photographs, film and audio-record the proceedings, and report on all public meetings as long as they did not make oral commentary during the meeting. He requested that if someone wished to film the proceedings they let the Authority know and if there were members of the public who objected to being filmed if they could so indicate.

2/2 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 but, in view of the many concerned members of the public interested in the planning application under Item 14 of the Agenda, the Chairman proposed that this item be brought forward and taken immediately after Item 2/6 of the Agenda for the better convenience of the public.

2/3 To receive Declarations of Interest

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

2/4 Public Question Time

A public statement was read out by Mr Crowder concerning planning applications with navigation implications as set out in Appendix 2. The Chairman acknowledged the statement, thanked Mr Crowder for his interest, and assured him that these views would be considered fully by the committee when the relevant item was being dealt with under item 14 of the agenda .

A statement from Upton with Fishley Parish Council had been received but as no representative attended the meeting to present the statement, the statement would be referenced by a member of the committee during the agenda items 8 and 10 that it referred to.

The Committee recommended that the Authority reviewed the Public Question Time policy and consider whether a question, statement or petition could be addressed at a meeting, without the requirement for the member of the public providing the question, statement or petition to be present.

2/5 To Receive and Confirm the Minutes of the Meetings Held on 4 September 2014

The minutes of the meeting held on 4 September 2014 were confirmed as a correct record and signed by the Chairman.

2/6 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.

Members welcomed and noted the report.

2/7 Mooring Strategy Review Update

The members received a report which provided them with an update on the progress made on the review of the Mooring Strategy that is currently being undertaken. The report identifies a ten year Action plan for re-piling the Broads Authority's existing piled moorings which is informed by the Authority's Asset Management Strategy and takes account of the comments made at the stakeholder mooring workshop held on 22 July 2014.

The 2006 Mooring Strategy was updated in 2009 and developed in 2013 into an Integrated Access Strategy (IAS) for the Broads which resulted in an increased length of free moorings from 5969 to 7730 meters but subsequently also increased the Authority's asset management liabilities. It was also acknowledged that significant informal moorings had been lost to the BESL flood protection works and that more moorings were also being considered for adoption once they were no longer deemed necessary for this function.

Members were informed that £150k p.a. would cover the costs of replacing the piling at the Authority's existing moorings for the next ten years but would give no scope for taking on structural responsibility for additional sites or assets linked to mooring such as boardwalks.

The Chairman referred to written comments from Sir Peter Dixon who supported the strategy but highlighted concerns with dolphins at Ludham Bridge and also to a letter from Mr Paul Savage of the Broads Society referring to past concerns about the shortfall in moorings provision and raising the matter of the Paddy's Lane boardwalk; a concern also shared by a member.

Members were advised that the boardwalk leading from the mooring at Paddy's Lane to Barton Turf has not been prioritised for retention in the asset management strategy and that negotiations are underway to seek to transfer responsibility to the landowner. Due to reduction in National Park Grant there is no scope for continuing to maintain the structure from national park income as it doesn't score highly enough against the IAS criteria.

The view of the members was that the boardwalk at Paddy's Lane did provide a benefit for boaters and that they would therefore be prepared to consider some navigation funding being allocated to its future upkeep.

A member also felt that the question of moorings finance was far from resolved, consider the future demands on the navigation, and that it was worthy of further investigation and proposed that a 'Task and Finish' group be set up to see what funding was available. This was supported by another member who also indicated a willingness to take part.

The Committee recommended that

- (i) an increase in the re-piling budget for moorings to £150,000 per annum (index linked) for the next 10 years to maintain the Authority's existing moorings as set out in the report;
- (ii) an annual budget of £82,700 (index linked) for maintenance and repair of moorings (other than re-piling) for the next ten years;
- (iii) a reduction in the length of the Authority's Hoveton Viaduct mooring by 50%;
- (iv) that the Authority did not renew its lease for the Thorpe River Green mooring when it expires in 2017;
- (v) that further consideration be given to Paddy's Lane boardwalk to possibly be partly funded by navigation funds if the transfer is not successful; and
- (vi) the establishment of a working group to look at ideas in order to raise more capital for moorings and access to the broads and look into the possibility of obtaining EU funding.

2/8 Strategic Review of Waste Facilities

The members received a report which sets out the current position of local District Councils in relation to provision of waste facilities throughout the Broads area.

It was specified that boat waste, where the boat is used for self-catering accommodation, was now classified as commercial waste rather than before when it was classified as household waste and that the "polluter" has to pay for the cost of both the collection and disposal of the waste.

The members were reminded that a letter was received from Great Yarmouth Borough Council (GYBC) on 30 May regarding their intention to cease the provision of waste services at their ten locations from week commencing 16 June 2014 and that The Broads Authority had not been approached or consulted by the Council regarding this action prior to receiving this letter.

Members were informed that on Broads Authority land provision would be withdrawn from Wayford Bridge, Dilham Staithe and Ranworth Staithe so it

has been recommended that as landowner the Broads Authority should continue to provide waste collecting service for Ranworth Staithe.

It was also considered whether to support the continuation of services for Ludham Bridge which was on Environment Agency owned land, to prevent Ranworth from becoming more heavily used which would cost approximately £3k but it was agreed that this would set an untenable precedent.

Members were further advised of the increase in volume of refuse disposal at Great Yarmouth Yacht Station and Norwich Yacht station at an additional £1k per annum and recommended that the public should be informed of the location of waste disposal facilities by use of skipper's manuals, websites, Broad Authority publications and information signs.

A member mentioned that Upton with Fishley Parish Council had asked that the Broads Authority increase the toll prices to raise funding in order to provide more waste collection facilities in the Broads area.

Some members believed it was time to be proactive and take charge of the waste collecting situation, possibly by trying to have a boat waste collecting policy in place, even if this would involve some extra costs. The idea would be the availability of access keys for toll-payers as part of the navigation service

The Chief Executive agreed that having a clear policy in place would be a good idea but that if the Authority was to take a major role in waste collection and disposal that would require an increase in tolls.

Nevertheless, the committee agreed that the problem was not going to go away and wished to consider, for future years, potential options which might involve additional costs.

The Committee supported the principle of the Authority funding the collection of waste at Ranworth, and the Great Yarmouth and Norwich Yacht Stations for an additional £4k per annum and asked officers to look into the possibility of putting a boat waste collection policy in place for future years

2/9 Navigation Income and Expenditure: 1 April to 31 August 2014 and 2014/15 Forecast Outturn

Members received a report which provided them with details of the actual navigation income and expenditure for the five month period to 31 August 2014 and a forecast of the projected expenditure at the end of the financial year, 31 March 2015.

It was highlighted that expenditure was below the profile in April, but that this has been offset by spend in June, and that July and August had been broadly in line with the profiled Latest Available Budget (LAB).

It was noted that income of £2.857m remains slightly ahead of budget due to private tolls being ahead of profile. As the total net expenditure was £1.135m there was a larger surplus at this point (£51k) than budgeted, which represents a 3.05% underspend when compared against the latest budget.

Members were informed that although the LAB has not moved since the last report to the Committee, there had been some movements in the forecast outturn since the last Committee report and the previous positive forecast for Private Tolls variances had been revised down so that it was now at a level where it is expected to offset the negative Hire Toll variance at year end. Consequently income at year end is projected to be in line with budget and the forecast outturn is therefore for a small deficit of £11k which would leave reserves at year end at approximately £279k before year-end adjustments and the interest transfer.

Members were then advised of the navigation earmarked reserves which stood at £691k in August. It was reported that the planned spend from reserves includes payments for the second wherry (with a balance remaining of approximately £60k), and land purchases recently supported by the Committee. Members were informed that approximately £300k of the reserves were ring fenced for Mutford Lock and that further detail around planned use of earmarked reserves would be presented in December as part of the final draft annual Budget paper.

Members noted the report.

2/10 Navigation Charges 2015/16 and Draft Financial Strategy to 2017/18

Members received a report which sets out information for the Committee to consider its views on the shape of the Financial Strategy for navigation income and expenditure for 2015/16 to 2017/18 and options for the Committee to consider both for the Strategy and next year's navigation charges.

It was identified that an increase in navigation income of 1.7% annually for the next three years would allow the Authority to continue to deliver current "baseline" levels of service and make provisions for the necessary replacement of vehicles, vessels and equipment. However, if the Committee wished to progress the project to dredge Hickling Broad, an increase of 2.9% per year for the next three years would be required.

It was reported by the Collector of Tolls that there were changes occurring in boat numbers and dispositions with increased numbers of private motor cruiser, increases in the average size of private motor boats, and weekly hire craft numbers falling. Furthermore it was reiterated that a reduction in hire boat income was being offset in the current financial year by an increase in income for private craft of a similar magnitude.

The Head of Finance outlined the four key factors which formed the foundation of the baseline Financial Strategy, which were the ongoing and sustained pressure on National Park Grant, resourcing the asset management plan, the allocation of practical work, and the reduction in central costs.

It was reported to members that the strategy is highly sensitive to assumptions, in particular around pay awards. It was highlighted that a 1% movement in pay represents a cost of approximately £16,000 to navigation (or half a percent on tolls). Attention was also drawn to the significant impact of National Insurance changes in 2016/17.

Members were advised that 1.7% increase in tolls had been identified as the minimum level as this was the point which enabled a flat rate increase and avoided significant movements in the tolls from year to year. It was considered that a stable rate of increase was more appropriate for the Authority in budget planning terms, and crucially would be clearer and more predictable for toll-payers than volatile changes.

The Director of Operations outlined the options and likely costs associated with progressing dredging at Hickling Broads, which would require a toll increase of 2.9%. It was emphasised that because the remaining balance in the reserve from the Prisma Project was being used to pay for the replacement of essential vessels and equipment, funding from this source would not be available to develop the Hickling project, and so alternative budgets would need to be sought, including from external contributors.

The majority of the members felt that as the proposal for dredging Hickling Broads was still in its development phase and that it was too early to take into account the results of the Stakeholder Surveys that a significant toll increase of 2.9% would not be justified.

There was general support amongst the Committee for the aspiration to progress dredging of Hickling in future, and members proposed that in the event there was capacity within Operations budgets and/or work plans, consideration should be given to whether they could be allocated for this purpose.

Members welcomed the fact that both options of 1.7 % and 2.9% toll increase presented to the Committee were lower than the level included in the 2014/15 Financial Strategy, which had been based on a annual 3% increase.

The Committee recommended to the Authority by 7 votes to 1 and one abstention that tolls be increased by 1.7 % in 2015/16.

2/11 Legality of Closed Broads

The members received a report which sets out the current position in relation to the status of Broads water bodies.

The report highlighted that generally speaking there was a public right of navigation over all rivers which were tidal but this did not automatically extend to artificially created inland waters such as the Broads, even though they may be tidal.

Appendix 1 in the report demonstrated that there were 12 Broads accepted as public and five identified as private (with the largest being Hoveton Great/Hudsons Bay) where no access is permitted as these were either in private ownership or owned by conservation organisations.

It was explained to the members that any further investigation into the potential public access to the five private broads by legal action, would be time consuming and expensive as significant costs would be involved.

The Chairman reported comments received from James Knight concerning the legal background as he understood it which was that there was a widely-held view that there was a public right to navigate on all tidal waters, and that this included the Broads which were currently closed but which were previously open to navigation; he also asked about the situation with regard to Cockshoot Broad, where it was contended that access was planned to be restored after the project was completed.

There was no information available to the meeting on this latter point and the Chairman suggested an officer response to this after the meeting.

Although some members did not believe legal actions would be as involved as had been assumed, the majority of the members decided that rather than the Broads Authority spending money on legal advice it would be preferable to achieve a positive outcome by negotiations and engaging in open discussions with the landowners. It was suggested that contact be made with land-owners emphasising the benefits of better engagement with the Authority to allow greater access in the interests of the land-owner and public alike.

The Committee recommended that further engagement was needed by the Authority to encourage greater public access to private broads.

2/12 Geldeston Landholdings

The members received a report which summarises the current landholdings of the Broads Authority in regard to the Geldeston area which breaks down into three parcels (moorings, woodland and marshes) and identifies reasons for the retention or disposal for each parcel.

Members were informed that Asset Management Strategy requires that assets are reviewed annually to ensure all functions are still being fulfilled.

Following on from this review the Authority suggested that the 24 hour moorings should be retained as they still fulfil a statutory function, however it

is suggested that the woodland would be disposed of and sold whereby the Authority would place a restriction on the sale that allows the continuation of public access to this area.

Members were informed that apart from being used for dredging disposal, the marsh is also being used by a third party for sporting activities and part of the site is used as an informal car park. Furthermore the marsh is also being managed for conservation benefit so therefore it is suggested that the Authority agree to the marsh being retained.

The Committee supported the suggested approach of retaining the 24 hour moorings and the marsh and the disposal of the woodland by selling it with a restriction in place that allowed the continuation of public access to this area.

2/13 Broadland Flood Alleviation Project: Planning application for piling removal in Compartment 9 – Thurne Mouth to Acle Bridge

The members were provided with a report which offered them a summary of Broadland Environmental Services Ltd (BESLs) planning application proposals for piling removal in Compartment 9 on the true left bank of the River Bure.

In response to a question as to whether there was a proposal of putting netting to prevent erosion after piling removal, officers replied that the planning application included re-profiling of the banks but that BESL would adopt an erosion monitoring protocol which means that should excessive erosion occur and the intervention trigger level defined in the erosion monitoring protocol were exceeded, BESL would restore the agreed waterways specifications defined in the Authority's Sediment Management Strategy by undertaking the required dredging or making a contribution to the Authority's dredging costs.

Members welcomed the report and supported the planning application provided that appropriate planning conditions were attached to any permission granted for the works as recommended in the report.

2/14 Planning Application with Navigation Implications: Proposed Mooring Pontoons along River Waveney Frontage to St Olaves Marina Ltd

his agenda item was addressed earlier after agenda item 2/6 Summary of Progress and before item 2/7 Mooring Strategy Review update.

The members received a report outlining the planning application for the installation of 164m of mooring pontoons and three angling platforms at St Olaves Marina, Haddiscoe, Great Yarmouth.

Members were informed that the moorings would be private moorings as defined by policy DP16 and that 10% of the new moorings created will be dedicated as short stay visitor moorings.

Two principle areas of concern were highlighted which were the width of the river and the right of mooring on the opposite site of the proposed planning application area.

As there was doubt about the accurate width of the river the applicant submitted a survey undertaken by an independent surveyor. This survey confirmed that the original bank to bank measurement sufficiently accurate, with a discrepancy of less than one meter.

The second concern was regarding the right to moor at the opposite bank. The members were informed there were three reasons which would allow right of moorings:

Firstly there is expressed planning permission and officers couldn't find any consent granted.

Secondly is Right to Deed but land registration searches showed that there were no indications of a right to moor in the deeds being found.

Finally there is Established Use. Officers searched historical images from 1945 to 2012 and have consulted the relevant Broads Authority Ranger but have found no proof of boats mooring at the site in question.

Residents were asked to submit details of use by 5th November 2014 but nothing has been received so far and it was emphasised that any party knowing of such evidence should supply it by then.

The application was considered by members of the Planning Committee on 10 October and as the proposed pontoons will reduce the width of navigable channel at the River Waveney, there will potentially be an impact on the navigation. Members of the Planning Committee therefore highlighted three specific questions on which input from the Navigation Committee would be welcomed and would assist them in their determination of the application.

The questions the views of the members were sought on are the following:

1. To what extent would the proposed moorings contribute to the network of facilities within the Broads?
2. What comment does the Navigation Committee have regarding the location, quality and type of proposed moorings?
3. Would the moorings be located where they would not have a negative impact on navigation?

After the officer's presentation, the Chairman allowed a member of the public to make a brief response to the case presented, during which time the main points of contention were the supposed 'rights of Riparian Owners' to moor boats and the perceived inaccuracies in the assessment of river width at the site.

It was clarified that there are no absolute rights of moorings arising from Riparian ownership and that the survey had been an independent one and not undertaken by officers. There remained the issue of what part of the tidal range the measures were taken at and the member of the public still believed that it might be less at Spring Low Water.

Members decided that the proposed mooring would contribute very little to the Broads, especially as the application didn't include de-masting moorings and as it was also unclear whether additional mooring is necessary as it is too early for results from the Stakeholder Surveys to be available.

Members noted that the only mention of St Olaves in the Mooring Strategy referred to the provision of de-masting moorings.

Regarding the quality and design of the pontoons, the Committee recognised that they were of industry-standard quality and of a robust nature but the rise and fall of that tidal section would require a much longer and better access ramp than that shown in the application.

Members expressed concerns about the location of the proposed moorings being set off 1 meter from the bank and were advised that the applicant had stated that the reason for this was an ecological and not a financial one, in order to protect the reed beds.

Members remained concerned however that this design would be saving a considerable level of construction costs at the expense of river width for navigation.

The members also stressed their reservation about the application extending beyond the wider section towards the bend and towards the narrower section of the river, where increased tidal currents would make manoeuvres more difficult.

The Navigation Committee unanimously recommended that the planning application for installation of 164 m of mooring pontoons along the River Waveney should be refused as it would have a negative impact on navigation for the following reasons:

1. It restricted the extent of river width for navigation required for the safe turning and mooring of boats in established nearby mooring cuts and for their waiting alongside for tidal access in very strong tidal conditions
2. The proposed pontoons, extending beyond the dog-leg in the river, encroached into a narrower and more restricted part of the navigation that exacerbated these factors
3. The pontoons, by being set out from the bank and not set back by recess within it, further restricted the width of the navigation and hence its safety unnecessarily as further vegetation zones could be located there.
4. There were no significant mitigating factors that would provide any necessary or desirable improvements to the navigation that would in any way ameliorate these safety issues or compensate for them.

2/15 Construction, Maintenance and Environment Work Programme Progress Update

Members received a report which sets out the progress made in the delivery of the 2014/15 Construction, Maintenance and Environment Section work programme.

Early views and comments from the members were sought for a small scale dredging re-use scheme where the proposal aims to capitalise on an opportunity to re-use dredged sediment in the upper navigable reaches of the River Bure, where options for other forms of sediment re-use are limited.

Members welcomed and noted the report.

2/16 Broads Safety Management Group: Update

Members received the minutes and an update of the Boating Safety Management Group meeting held on 23 September 2014.

Members noted the report.

2/17 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.

As key issues the Chief Executive highlighted Hoveton Great Broad, Branding the Broads and Hire Boat Code Development and BA Licencing Conditions.

Regarding the latter the members were informed that the Boat Safety Management Group recently considered that the development of the revised Hire Boat Code had slipped on its proposed timetable which would have an impact on the revision of the Authority's existing Hire Boat License conditions.

Therefore the Members agreed with the recommendation that implementation of any changes to the existing hire boat licence regime should be deferred until April 2016 in order to allow for a considered consultation with the hire boat industry and allow operators to make necessary changes over the quiet period of the 2015 winter.

2/18 Current Issues

Members were informed that river levels on the River Waveney were higher than reached on the previous surge tide last year. River levels on the Mid and Upper Yare were also higher and there was concern that the Environment

Agency had not issued a flood warning and that only a flood alert had been issued. Initial reports showed limited fish kills as a result of the surge.

2/19 Items for future discussion

There were no items for future discussion.

2/20 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 11 December 2014 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

2/21 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 items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1 and 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

2/22 Ludham Field Base Update

Members were informed that the Partnership has resolved their issue and has found a guarantor. Although the lease was not signed on 1 October 2014, it has now been scheduled to be signed on 1 December 2014.

The meeting concluded at 4.55 pm

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 23 October 2014

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mr K Allen	2/10	Member of the Broads Angling Strategy Group
Mr L Betts		Toll Payer/Landowner/Riverside Piling
Ms S Blane	2/13 – 2/14	Member of the Planning Committee
Mr D A Broad	2/6 – 2/17	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Mr P Greasley	2/6 – 2/17	Toll Payer/Boat Operator/BHBF Chair
Ms L Hempsall		(No relevant interest)
Mr M Heron	2/6 – 2/17	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NBYC, Rec, Chair Whitlingham Boathouses
Mr P Ollier	2/13 – 2/14	Toll Payer, NSBA Committee member, BA Planning Committee, RYA and various Broads sailing clubs
Mr M Whitaker	2/6 – 2/17	Toll payer, Hire Boat Operator, BHBF Committee

Statement by Mr Crowder

The Broads National Park has a fleet of traditional sailing craft used by experienced helmsmen and holiday hire craft users. They have typically long, up to 12 metres, low hulls with a bowsprit, low power engines, a narrow beam and bilge or fixed fin keels. They frequent this stretch of the River Waveney on their way from the northern waterways to sailing regattas held on Oulton Broad.

Equally so many modern hire craft, now typically exceeding 14metre in length and without the benefit of bow thrusters or twin engines, as with larger private craft to assist in handling, have to manoeuvre in this restricted navigational waterway to align themselves to face the tide when mooring at the Bell PH moorings by the St Olaves bridge. As Navigation experts you will understand what I am suggesting.

This is bad enough at slack water, but when the tide runs at 3 - 4 knots it is much worse, and when compounded with a south westerly blowing down the river as it so frequently does, making such a turn requires considerable skill and large clearances at bow and stern.

Add to that residents boats moored to their banks awaiting high water to gain access to their mud berth moorings then you will appreciate the river's 'Navigational Width' can be reduced by anything up to 6metres, considering a vessel and fendering. Adding a further 9 metres of restriction in this watercourse would represent an obstruction.

The local residents' moorings will be compromised with access to their berths and the general safety of this watercourse if the application is granted. In a river of 30 metres, bank to bank (the currently advised width) with a tidal flow in excess of 4knts, it will be difficult for a sailing craft with a length of 12m to easily tack against a strong prevailing SW headwind.

With a local residents' boats moored to the bank taking up 5.5 metres plus fendering, reducing the width to 24.5 metres, it will be more difficult to undertake the same activity.

Furthermore, with the residents boat and a proposed pontoon mooring taking up an additional 9 metres in navigable width, reducing down to 15.5 metres, I would suggest the same activity would be impossible.

So the result of such an obstruction to the 'Navigational Width' is to the detriment of sailing boat users and fails the conditions of the Strategy Plan CS 3.

It comprises the enjoyment of users of the Broads Waterways.

In a river of 15.5 metres 'Navigable Width', a craft cannot make a safe turn when the vessels' length exceeds 12 metres.

The 'larger' hire fleet craft are anything up to 15 metres. So, handled by totally inexperienced crew, this cannot be considered to be anything but a recipe for disaster.

There has been no written confirmation from the Applicant, up to the time of the Committee Meeting on the 10th October, and more recently the 15th October, as confirmed by the Case Officer, his willingness to restrict his mooring proposal to single run usage. This is an important point.

The pontoons cannot be moored closer to the bank due to high tidal range in the order of 1.6 metres.

At spring lows the pontoons would be aground and tipped on their inner edges, and being under the influence of passing crafts' wake would cause them to be very unstable. This making access along them by berth holders and wheelchair access people almost impossibly and highly dangerous with such equipment potentially veering into the river if not vigilantly supervised.

The pontoons by their very nature, being 2.6m wide and rectangular in shape, have to be positioned close to each other to avoid gaps through which adults, children, pets and wheelchair users could slip through openings.

This brings about an issue of restricted flexibility when providing a run of such units. When installed in a run of river, the inner faces of the pontoons will be a minimum of one metre from the most 'protruding' point, unless it is advocated that bank destruction is to take place.

This means that in many areas due to the natural shape created by water flow, the gap between pontoon and its supportive river bank will be considerably more than one metre and the resultant Navigational Width will be far less than suggested by the BA GPS data.

As the pontoon run approaches the curvature in the river this will cause either a greater gap between pontoons and the bank, resulting in the run needing to be even further positioned into the river, than that suggested, or wider and more dangerous gaps occurring between pontoons. In both cases the Navigable Width of the river will be less than suggested by BA and the Applicant.

Looking at Policy: *Broads Core Strategy CS3 states:*

'The need for protection of the navigation, and anything having an adverse impact on the enjoyment of navigable water space, will not be permitted'.

This proposal must have an adverse impact on the enjoyment of navigable water space, sailing boats will no longer be able to tack along this stretch of river. Equally so, longer boats, private or hire craft will no longer be able to safely manoeuvre.

Development Plan DP16 states:

Moorings:

Proposals for new moorings will be permitted where:

- a) They would be located where they would not have a negative impact on navigation.*

This proposal will have a negative impact as already described.

- b) The proposed development would not have an adverse effect on landscape character or protected habitats or species and would meet the requirements of the Water Framework Directive.*

This proposal will have an adverse impact on landscape, removing the view of a natural wetland reed bank. It would also impact on a protected species habitat needing mitigation action to minimise adverse impacts to drive it away.

- c) There is provision for an adequate and appropriate range of services and ancillary facilities, or adequate access to local facilities in the vicinity.*

The only amenities are outside the Marina's gates which are locked during 'out of office' hours. There are no pump out, drinking water, shore power, re-fuelling or shop facilities in the area of the proposal nor have been alluded to!!

Boat users would need to enter the Marina to obtain such facilities and as a result this would not be considered a favoured stop off point for boat users and could not justify such limited use facilities.

It is not a Marina in the true sense, it is a private boat berthing facility for occasional and residential use, and a Boat Sales office.

- d) The proposed development would not adversely affect the amenity of adjoining residents.*

The run of pontoons will adversely affect the amenity of adjoining residents, they will find it much harder to safely turn their vessels when attempt to moor in strong tidal flows due to the potential width restriction.

The presence of the proposed 'additional' boats entering and leaving their pontoon mooring will make it doubly difficult for existing residents. The residents and berth

owners would be disadvantaged by losing the undisturbed views and tranquillity previously enjoyed.

New Moorings:

Broads Authority Development Management Policies, DPD 2011-2012

Will therefore only be permitted where they would not have a negative impact on navigation, for example in an off river basin or within a boat yard.

These proposed mooring, by not being in an 'off river' basin or within a boatyard, in a 'Reducing Width' navigational channel, will produce a 'Net Negative Impact' on navigation and must by definition be ruled, Unacceptable'.

DRAFT