

## Broads Bill Briefing - October 2006

IWA has been broadly supporting the intentions of the Broads Authority's draft Private Bill to amend the Norfolk and Suffolk Broads Act 1988, but is concerned to keep navigation to the fore. IWA, therefore, opposed certain aspects of the Bill, in particular the proposal to change the name to that of a national park.

IWA is pleased that the Authority is no longer pursuing the change of name. IWA was concerned that there should not be any erosion in the carefully negotiated balance between conservation and navigation interests agreed in the run-up to the 1988 Broads Act, and has not supported past suggestions for full national park status because of this. IWA would only support the case for making explicit the Broads Authority's national park status provided the Broads' unique navigation functions are protected and maintained. In IWA's opinion, the Broads' unique navigation function can best be protected by avoiding use of the term 'National Park' in the area's and the Authority's title for the former in turn could trigger the Sandford Principle. Also, there are clear procedures for the achievement of National Park and National Park Authority status and those procedures had not been followed.

According to the Sandford Principle, where the two national park purposes of conservation and recreation cannot be reconciled, greater weight must be given to the conservation of natural beauty. IWA believes that the Sandford Principle is not appropriate for the Broads because of the Authority's third purpose to protect the interests of navigation.

The Authority is still keen to embrace expressly the principles of sustainable development. In this respect, the Authority's general duty currently reads:

'It shall be the general duty of the Authority to manage the Broads for the purposes of: -

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
- (c) protecting the interests of navigation.'

Following the consultation exercise carried out by the Authority earlier in the year, it is not now proposed to amend paragraphs (a) to (c) of this general duty. However, the Authority has decided to consult on the inclusion in the general duty of a reference to sustainable development as follows:

'It shall be the general duty of the Authority to manage the Broads in accordance with the principles of sustainable development for the purposes of' (a to c as above).

The Association is happy that IWA will be treated as a boating interest with whom the Authority will consult for the purposes of making General Directions.

The Association supports the adoption of the current Boat Safety Scheme, as used by British Waterways and the Environment Agency, but was concerned that there was no specific reference to the scheme by name, rather just powers for the Authority to impose any scheme. IWA requested an undertaking that the Authority would apply the then current version of the Scheme at any given time and not seek to add or alter provisions, which could mean that boats would have to comply with different provisions according to where they were in the country. IWA is pleased that the Authority has now stated that it does not propose to deviate from the Boat Safety Scheme, and will embody this in a Memorandum of Understanding.

IWA supports the proposed requirement for compulsory third party insurance for powered vessels on the Broads, and believes that this would provide valuable safeguards for waterway users. However, IWA argued that it should not cover all vessels, as it would not wish people to be deterred from using small unpowered vessels due to the cost of insurance, and therefore sought an exemption for these craft only. IWA is happy that the Authority proposes that small non-powered craft should be exempt and will cover this in the Memorandum of Understanding.

The Broads Authority has also proposed to end the requirement to keep a separate navigation account. Whether or not a separate navigation account is kept, IWA considers it essential that there is transparency to show that navigation tolls are being used for the benefit of toll payers. In addition to navigation tolls the other sources of income that go into the navigation account and the reserve that has been built up over the years need to be safeguarded. IWA is content with the Authority's assurance that this provision is being rewritten with the view to meeting IWA's points.

IWA continues to be in constructive discussion with the Broads Authority and hopes that any outstanding differences of views can be resolved before the Bill is presented to Parliament in November. The Authority has already agreed to a number of suggestions put forward by the Association.