

Broads Authority

8 May 2009 Agenda Item No 19

Broads Authority Bill: Development of New Arrangements for Waterskiing and Wakeboarding Report by Head of Waterways Strategy and Safety

Summary: This report sets out the process and proposed plan for the development of the new arrangements for the management of waterskiing and wakeboarding on the Broads.

Recommendation: That the Authority endorses the proposed timetable set out in the report.

1 Background

- 1.1 The Broads Authority Bill, currently before Parliament, seeks new powers to enable the Authority to better manage waterskiing and wakeboarding. A legal agreement between the Broads Authority, the Eastern Rivers Ski Club and British Water Ski sets out a process for implementing the provisions in the Bill by:
- (a) establishing a framework for involving interested parties in the Authority's exercise of its new powers in the proposed Bill to regulate waterskiing and wakeboarding;
 - (b) establishing a Stakeholder Panel where remit is to review and advise the Authority on an appropriate management framework;
 - (c) sets out the principles which the Authority will take into account in exercising these powers; and
 - (d) recording a common understanding of the definitions of waterskiing and wakeboarding.
- 1.2 Following the successful passage of the Broads Authority Bill through the Committee Stage in the House of Lords, officers are now considering the process for implementing the various provisions in the Broads Authority Bill.
- 1.3 Clauses 26 to 33 enables the Authority to regulate waterskiing and wakeboarding in the navigation area.
- 1.4 Those clauses will come into force on the Appointed Day. Currently this is targeted for late October 2009.
- 1.5 On the Appointed Day the "transitional provisions" come into force. These mean that zones specified and permits issued under the Byelaws are deemed to be designated and issued under the new Act.
- 1.6 The Relevant Date, which is 6 months after the Appointed Day, is the date when the relevant sections of the speed limit byelaws relating to waterskiing will be revoked and the provisions within the Act for managing Water Skiing and Wakeboarding will come into full effect. It is envisaged that the Relevant Date will at earliest be late April 2010.

2 The Stakeholder Panel

- 2.1 The Stakeholder Panel referred to in the legal agreement will comprise one representative of each of the following:
- Independent Chair appointed by Broads Authority
 - Broads Authority Member
 - British Water Ski
 - Broads Society
 - Eastern Rivers Ski Club
 - Eastern Sports Council
 - Norfolk and Suffolk Boating Association
 - RSPB
 - RYA
- 2.2 Its role will be to receive and consider reports relating to waterskiing and wakeboarding and to make recommendations to the Broads Authority on the implementation of the powers in the Bill relating to waterskiing and wakeboarding based on the latest empirical evidence and information.
- 2.3 In particular it will collect evidence and views of relevant stakeholders on waterskiing and wakeboarding and then consider the following:
- The establishment and variation of zones, and the times during which and conditions under which these activities will be permitted.
 - The conditions and overall number of permits.
 - The principles to be followed in respect of the cancellation and amendment of permits.
 - The principles applying to the giving of Directions.
 - Pending the Bill's provisions coming into force, to advise the Broads Authority on the existing arrangements for waterskiing in the Broads.
- 2.4 The Panel will receive and consider proposals with a view to making recommendations to be considered firstly by the Broads Forum and the Navigation Committee as part of the consultation process and then by the full Broads Authority who will take the final decisions on the proposals.

3 Development of New Arrangements

- 3.1 Following the successful development of a voluntary management agreement between the Broads Authority, Eastern Rivers Ski Club and British Water Ski, adopted in November 2003, and subsequently reviewed in 2007, waterskiing has existed on the Broads relatively trouble free.
- 3.2 A variety of mitigation measures were developed to support the management regime, which included:
- Increased signage of water-ski zones.
 - Requirement for all water-skiers and drivers to be members of the Eastern Rivers Ski Club,
 - Certification of Helm and compulsory third party insurance
 - Restriction on the number of ski permits
 - Requirement to annually submit logbooks.
- 3.3 The provisions within the Broads Authority Bill will allow the voluntary arrangements to be formalised. It is proposed that the development of the new arrangements be split into 2 distinct phases.
- 3.4 **Phase 1** seeks to maintain the status quo and will formalise the original voluntary management agreement into permit conditions, and will also seek to confirm the existing water skiing zones and times. The timetable set out below applies to both activities. Whilst Phase 1 seeks to maintain the status quo, there are many stages to follow under the Bill.
- Prior to the Appointed Day:
- (a) Establish Stakeholder Panel and appoint independent chairman.
 - (b) Stakeholder Panel to make recommendations to be considered as part of the consultation process.
 - (c) Set Appointed Day at Broads Authority Meeting 18 September. (the Appointed Day must at least 1 month later).
- Post Appointed Day
- (a) Consultation period from early November to middle December 2009 (including consultation with the Broads Forum and Navigation Committee).
 - (b) Appoint Members of Appeals Panel.
 - (c) Final Decision on Phase 1 issues at Broads Authority meeting 22 January 2010.
- 3.5 **Phase 2** will develop and formalise the recommendations of the water-ski review which took place in 2007 which include:
- (i) Wake and Noise testing of ski boats,
 - (ii) Steering checks on ski boats.
 - (iii) Zone specific mitigation measures, e.g. amending zone areas or times.
- 3.6 It is planned to complete the review of wakeboarding within this phase as site specific solutions may be required.
- 3.7 The timetable for Phase 2 will hopefully run in parallel to Phase 1. However as a much longer consultation period is required to consult interested parties with respect to changes in water skiing zones, it is anticipated that Phase 2 will not be completed until late 2010.

4 Conclusions

- 4.1 The Navigation Committee have been consulted on the proposed timescale and scope of the process and no amendments were requested.
- 4.2 Members' are asked to endorse the timescales proposed in this report.