



Historic Deal on Broads Riverbed

A historic deal has been signed between Norwich City Council and Thorpe St Andrew Town Council which sees more than 3km of riverbed in and around Thorpe St Andrew transferring to the Town Council for a period of 50 years. The area has been subject to significant issues in recent years, including residential mooring without planning permission, overstaying on moorings, crime and anti-social behaviour, and concerns for welfare of those living afloat. So longstanding are these concerns from local residents, many had come to the conclusion that nothing will ever change.

Celebrating the signing of the lease, Town Mayor, Cllr Fraser Bowe said “time and again one of the most frequent comments we hear from residents is about how the River Yare in and around Thorpe St Andrew can be improved. As Councillors we have shared that frustration and, although taking on the riverbed is not the easiest option for the Council, we felt it to be the right one. This lease gives the Town Council confidence that actions taken to improve the area will remain in place for the duration of the lease and also allow the Council to act commercially to limit risk and impact on the public purse”.

Dr Thomas Foreman from Politis Ltd, who acted for the Town Council in negotiating and sealing the lease explained “having undertaken a strategic review of the area it became apparent that no single authority with an intrinsic interest would be likely to resolve these waterway issues alone. To overcome this, we opened negotiations with Norwich City Council and after significant work from both sides have come to an agreement which guarantees power to effect positive change in the area sits with the Council closest to the community.

The Council has the legal power to operate this through an arms-length company and could look at introducing updated byelaws and apply these to the watercourse. Having designed a new mooring management scheme for the Town Council in 2017, it has been a real privilege to be able to deliver this historic agreement and ensure good management of the area for years to come”.

The lease is announced just months after the Town Council succeeded in having a river related case before the First-Tier Tribunal of the Property Chamber struck out.

The case, which came as a result of an application by local landowner Roger Wood to attain rights of parking and mooring at River Green, had taken just under two years to be decided.

Town Mayor, Cllr Fraser Bowe explained “the Town Council has tried to work with this landowner to resolve the issues being caused in the vicinity of River Green. Unfortunately,

he has consistently been unwilling to engage with us. When this matter was considered by the Council, members were surprised that whilst pursuing this meritless claim the landowner was, and continues to, pump sewage from the island into the river and is currently in default of a District Council notice to remedy this. There is no planning permission for the boats mooring residentially, meaning scores of people are polluting the river whilst he profits from rental income”.

Rachel McCarthy, the Council’s Responsible Financial Officer stated “The Town Council will always defend against legal claims it considers invalid. It is disappointing that the landowner took these steps instead of engaging with the Council or attending meetings offered. If we are not successful at reclaiming all our costs through the Courts, we will pursue these and any additional costs through other means”.

Speaking about the case, Dr Foreman from Politis Ltd, who acted on behalf of the Council stated “undertaking research on complex legal matters is one of the main functions we undertake on behalf of local Councils. In this case, gathering more than 150 pages of evidence spanning more than 100 years demonstrates the high level of work undertaken to ensure we gave the Council the best possible chance of success in defending this claim. In getting this claim struck out, we worked closely with NPLaw to empower the Council in dealing with any future claims which may arise”.

A spokesman for the Town Council confirmed they have instructed their solicitors to seek reclamation of costs.

A spokesperson also explained “receiving a notification out of the blue that someone has applied to register rights over your land is incredibly surprising, particularly when you are not charging the individual for mooring space. The implications to the park would be significant, with the easement proposing car parking and mooring on the site without the ability to reclaim costs or restrict access”.

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