



THE EASTERLING

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THE NORTH WALSHAM & DILHAM INQUIRY

The Appeal by the Old Canal Company Ltd against an Anti-Pollution Works Notice issued for the North Walsham & Dilham Canal by the Environment Agency took place at the Hotel Wroxham, Broads Centre, Wroxham starting at 10am on Wednesday 7 November. Prior to this the Association had written a letter strongly supporting the work that had taken place and two of our directors, David Revill and Chris Black, represented us at the hearing and worked extremely hard to arrange support for the appellants. The formal notice for the hearing had only appeared in the Eastern Evening News despite the main paper in the area being the Eastern Daily Press with three times the circulation. But due to the efforts of our directors and Ivan Cane, the room was packed and many people could not get in.

The EA's case was based around the premise that the hydromorphology had been destroyed and that the Water Framework Directive overrides any Canal Acts. At the 2009 baseline the canal upstream from Ebridge did not have a head of water and hence any clearance should only be to the width that then existed, which would be about two metres.

This, of course, has far wider implications than just over the NW&DC and it could be applied to other restoration schemes across the country. The fact that there is now a wide clear channel from Ebridge up to Spa Common which now serves it important role for drainage, which the public can enjoy and to which wild life is returning and thriving is considered irrelevant.

On the following day the inspector visited Ebridge lock and travelled by boat to Spa Common. She then looked at Bacton Wood and the long-disused Swafeld Locks and later visited Briggate, Honing Staithe and Honing Lock.

As we go to press we hear that the inspector has upheld the stop order. We have no details as yet and a full review will appear in our next issue.

(Editor's note: Hydromorphology describes the combination of hydrological and geomorphological processes and attitudes to rivers, lakes, estuaries and coastal waters. Geomorphology is the scientific study of landforms and the processes that shape them – why do landscapes look the way they do; getting to understand landform history and dynamics; and predicting future changes through field observations, physical experiments and numerical modelling.)

ANNUAL GENERAL MEETING

The 43rd Annual General Meeting of the Association will be held on **Thursday 11 April 2013 at 7.30pm** in the Function Room at The Bell Hotel, 25 High Street, Mildenhall, Suffolk, IP28 7EA. It will be followed by a Council Meeting to which all members are also invited to attend. The hotel is situated centrally in Mildenhall and has limited car parking space behind the main building. The directors expect to assemble at about 6pm for a meal prior to the commencement of the formal business and they would be delighted if members would wish to join them.

The Agenda will be as follows: -

- 1 Apologies for Absence
- 2 Minutes of the 42nd Annual General Meeting held on 29 April 2012
- 3 To receive the Director's Report for the year ending 30 June 2012.
- 4 To receive the accounts for the year to 30 June 2012
- 5 Election of Directors. Under the rules each year one third of the Directors have to stand for re-election each year and David Revill and Chris Black now offer themselves for re-election. Any other nominations should be sent to Alan Faulkner, 43 Oaks Drive, Colchester, CO3 3PS (01207 767023, alan.faulkner22@btinternet.com) as soon as possible.
- 6 Election of a Scrutineer. John Cordran offers himself for re-election.
- 7 Report by the Work Party Organiser, David Revill
- 8 Members Questions

The Director's Report and the Accounts to 30 June 2012 appear on pages 12 and 13 of this issue.

GOBA NEWS: The Winter 2012 Edition contains a fine centre-spread article about EAWA contributed, following a specific invitation to him, by Alan Faulkner. We are grateful to Editor Beverley Jenisis for doing us so proud.

HERE AND THERE

COLNE BARRIER: The Environment Agency has spent £350,000 in refurbishing thirteen flood gates at the barrier, which protects 2,000 properties in Colchester and Wivenhoe. The hydraulic system has been overhauled and all the gates have been repainted.

BRIGHTLINGSEA: Several fishermen at Brightlingsea had to jump off their boats to save their lives as the 288-foot long motorised barge *Calamar* came crashing into a floating pontoon on 15 November. The vessel had apparently got lost in a dense fog

and taken the wrong channel on its way to its regular berth where it was due to load a cargo of wood chips for export to Sweden. Fortunately many of the boats that would normally have been moored to the pontoon were out at work as the floating timber structure was seriously damaged.

KING'S LYNN: A ferry has operated across the Great Ouse since the 13th century and currently it runs between the Ferry Steps in King Street across to West Lynn. In recent years the number of passengers using it has increased significantly – from 43,000 return journeys in 2000 to 85,000 last year. The present vessel is now unable to reach the landing stage on the Lynn side at low tide meaning passengers have to walk along boards. To overcome this, a new amphibious vehicle is being considered and this could be in service early this year. The service is operated by Steve & Gail Kingston and is subsidised by West Norfolk Council.

Meanwhile an agreement has been reached between the council and the town's conservancy board that should allow for pontoons to be installed on the South Quay so that leisure craft can moor in the heart of the town. The pontoons were originally bought in 2007 and used when the town celebrated its links with the Hanseatic League and a replica 16th century trading ship sailed up the river to Lynn.

RIVER WISSEY: Planning permission has been granted to build 32 fishing pegs and two temporary boat moorings on the Wissey south of Bridge Road at Stoke Ferry. Also included are car parking spaces and upgrading with asphalt the existing access road to the north of the river. Angling will be restricted to between 8am and 5pm to minimise disturbance to residents living nearby.

Meanwhile a £400,000 siphon linking the river with the Cut Off Channel will make it easier for eels and sea trout to travel to and from their spawning grounds. The siphon is fitted with high-tech sensors and can tell when a tagged fish passes through. More than 100 eels, trout and coarse fish have so far been tagged as part of an Environment Agency research project. The siphon, paid for with efficiency savings in the EA, was designed and built in Holland. It includes baffles and pools inside to ensure the flow is negotiable for all species.

LITTLE OUSE: 2012 proved to be a difficult year on the river as there was a drought at the beginning of the year leading to low water levels and a hosepipe ban, but then the rain came, leading to floods and heavy weed growth. Both factors had a major effect on weed clearing operations that the Environment Agency started at Thetford with two new machines - one cutting the weed, the other removing it from the water.

Less satisfactory news is that used engine oil is being dumped into a drain near Nuns Bridges Road in Thetford which then seeps into the river where it contaminated several swans. This is not a new problem and the Environment Agency and Anglian Water have been working together for over a year to try and find the source of the oil and stop it getting into the river. Fortunately the swans recovered after being caught and cared for by the RSPCA.

BURWELL LODGE: The lifting bridge at Priory Farm, almost exactly a mile along the lode from its junction with Reach Lode (Ordnance Survey TL 5639069043 to be precise) was removed by contractors between 19 & 21 November and taken away

for refurbishment. It was scheduled to be lifted back into place between 4 & 6 January with the works to be completed by 18 January. Known as the Cock Up Bridge it must be almost unique in the fenlands, albeit such drawbridges were quite common on some canals such as the Grand Union and the Southern Oxford.

ABBERTON RESERVOIR – DENVER SLUICE: A major milestone has been reached in the £150m scheme to enhance water supplies to Essex in that after two years of work the dam at Abberton Reservoir, near Colchester, has been raised by three metres. This switches the focus to Denver, from where the water to fill the enlarged reservoir is to come and where the existing diversions of river water under the Ely Ouse Essex Transfer Scheme has already contributed to the heavy silting problems below Denver Lock.

The Environment Agency removed 2,240 tonnes of silt from the tidal approach to Denver Lock over the summer. This was the second such operation last year but the silt continues to be deposited on the incoming tides. Work is underway to try and find a sustainable solution and catch the silt as it comes in to prevent it forming an island below the lock. Silt removed from the river is pumped as a slurry into a lagoon at the top of the river bank and after settling out the water is pumped back into the river and the dried silt is used to maintain the flood banks. We can only view the situation with continued apprehension.

MARCH: From "*Hereward*", the journal of the IWA's Peterborough Branch, comes the welcome news that a previous decision by Fenland District Council to close the pump-out and Elsan disposal facilities at March, following the failure of the operating pump, has been rescinded. Instead the site has now undergone a complete reinstatement but a charge will now be levied for the use of the pump-out via a tokens system. The Elsan disposal, drinking water and refuse disposal facilities will remain without charge with access via a Middle Level key.

Meanwhile the moorings at Whittlesey have been refurbished and provided with a new non-slop surface whilst construction work on the new moorings at Three Holes should by now have started.

WELL CREEK TRUST: The Trust held its Annual General Meeting in Upwell Village Hall on the evening of 7 February. The accounts reveal a healthy state of affairs and after the business there was a presentation by Bill Smith on "Ernie Jones, Welney Wildfowler" and skating on Well Creek.

SLEAFORD: The Autumn 2012 issue of the Sleaford Navigation Trust's journal has an article about Navigation House in the town. This was built in 1838 and was the office of the proprietors of the Sleaford Navigation. With the ending of commercial traffic on the river in about 1878 it became a private house. In 2004 with funding from the Heritage Lottery Fund and other sources it was restored and now serves as a visitor centre explaining the town's history and connections with the navigation. One room is set out as the clerk's office with the weighing machine, desk and ledgers set out as they would have been in the 1840s. Admission is free. From April to October the house is open to the public every day from 12pm to 4pm (weekends & bank holidays 11am to 4.30pm) and at weekends only from November to March from 12pm to 4pm.

BLYTHBURGH: Work to prevent tidal flooding of a stretch of the A12 main road near Southwold could be carried out this autumn. The construction of a sluice is being considered to stop tidal water from flowing upstream beyond the bridge but allowing fresh water in the river Blyth that was at one time navigable to Halesworth, to pass downstream.

BAYLHAM SLUICE: With the completion of the work on the Pipp's Ford overbridge, where all four flank walls have been re-built, the deck cleared and new wooden hand rails installed, the River Gipping Trust has turned its attention to restoring the sluice gates a short distance upstream from Baylham Lock. This has involved creating a massive timber frame for the gates which, in turn involved hand carving the mortice and tenon joints over a series of work parties and then assembling the framework with the aid of a high loader from the nearby farm. The next task was to make the actual sluice gates and fit them into the frame. In due course the whole thing can be taken apart, transported to Baylham and re-constructed on site. There bank clearance and the removal of the old decayed timber frame has been carried out, the work not being helped by abnormally high river levels.

RIVER STOUR TRUST: On the morning of Thursday 27 September history was made when the Stour lighter *John Constable* was re-launched into the river at Great Cornard after being rebuilt over the last two years by the Pioneer Sailing Trust at Brightlingsea. The lighter was one of those scuttled at Ballingdon nearly 100 years ago and her restoration is a major achievement and was made possible by the efforts of many people and a generous grant from the Heritage Lottery Fund. The vessel has been rebuilt with oak clinker planking on heavy oak frames resulting in an attractive vessel with elegant curves at bow and stern and black and grey paintwork. The actual launch took place at the RST's Visitor & Education Centre when the six ton vessel was lifted off a low-loader lorry by a large crane. The plan is for her to serve as a trip boat from this spring, accommodating 12 passengers (the maximum allowed) and being powered by two 10 horse power electric outboard motors.

A record number of 300 craft, involving an estimated 450 paddlers, were registered for the annual Sudbury to the Sea event with twelve locations along the 24½-mile route being manned by RST volunteers whilst scout and guide groups and various other organisations provided great support. Elsewhere *Kathleen*, a new electric trip boat at Sudbury, was named on 19 August after the late Miss Kathleen Grimwood a long-standing RST supporter, on what would have been her 111th birthday. At Dedham trip boat operations started at Easter but were restricted due to low water levels and the poor condition of both Dedham and Flatford locks. The new water bus service was then launched on 23 May but operations were somewhat handicapped by the poor weather.

Meanwhile the Environment Agency has announced canoe portage works will be taking place at five locations on the river between February and May – Bures Mill, Henny Street Weir, Flatford Lock, Langham Flumes and Wiston Weir.

CHELMSFORD: Following the restoration of the derelict Springfield Basin at Chelmsford on the Chelmer & Blackwater Navigation in 1992/3 the waterside has been developed with apartments, shops, offices and a new marina. These have provided public access to the basin for the first time. Towards the end of 2012

developers Taylor Wimpey started building 48 one and two bedroom waterside apartments and the new wharf frontage will provide moorings. These will be available through Essex Waterways Ltd. and will give cruising access to the whole navigation.

B&MK WATERWAY TRUST: An order has been placed with ColeCraft of Long Itchington, near Southam to build the Trust's new trip boat and it is expected to be delivered in April. A steep learning curve will follow to fit out the 60-seat vessel and to train the crew as bookings are being offered from May onwards. Trips will run twice per day on Saturdays and Sundays with a short morning trip through Bedford lock and back on Saturday morning and a longer afternoon trip through both Bedford and Cardington Locks and similar on Sundays but with a trip up to Kempston.

NORTHAMPTON BRANCH CANAL: Under an agreement with the Canal & River Trust the IWA's Northampton Branch is adopting the Northampton branch of the Grand Union Canal and intends to take an active role in assisting to restore this to good order and to help maintain it in that condition for the future.

BROADS NOTES AND NEWS

BROADS TOLLS: In an effort to encourage more people to take up boating over half of the boats on the Broads will either see no increase or even see their tolls reduced from 1 April 2013. This will apply to some 5,700 private rowing, sailing and motor boats – for instance the toll for a small sailing boat will fall from £48.72 to £45. For the remaining 5,200 craft there will be an overall 3% rise in tolls but larger craft such as many hire boats will face increases of between 4% and 6%. This has caused considerable concern in the industry which has already seen a drop in income in some quarters and where the price increases cannot be passed on as the 2013 brochures have already been printed and circulated.

The general rise has also given rise to considerable controversy particularly as the Broad Authority's Navigation Committee had recommended a rise limited to just 1½% last October but this was overturned at a meeting of the full authority in November.

YARE HOUSE: More financial details have been given covering the Broads Authority's move from Dragonfly House to Yare House in Thorpe Road, Norwich. In 2008 the authority's share of the costs of Dragonfly House were estimated at £379,067 per annum but they have risen since then and with the reduction in the National Park Grant and the reduced space required for fewer staff a move was dictated. The estimated annual costs at Yare House are £271,318 which represents a significant saving. Most of the move took place on 29 & 30 November and Yare House became fully operational on Monday 3 December.

NORWICH DOCKYARD: A letter of intent for the construction of a new workshop at the Griffin Lane dockyard was signed on 22 August 2012 with a projected completion date of April 2013. It will greatly improve the Broads Authority's facilities to maintain vessels and vehicles and is being supported by PRISMA funding as it will enable the Authority to make modifications to dredging plant and equipment.

EEL CATCHER: It is sad to have to report that the last Broads eel catcher, 85-year old Derek Johnson, a typical Norfolk character, died in October 2012. He lived at Flegburgh, close to Filby Broad, in a bungalow that he had built for himself and was a quiet, almost shy, gentleman who had plied his trade up and down the rivers for many decades.

He would lay his nets in the evening between 7pm and 9pm depending on the tide and the weather and retrieve them about 6am in the morning. He worked during the spring along the Thurne before the fishermen arrived on 16 June and on the Bure too. Once he had up to 100 sets of nets, but recently only about 40. He usually stopped fishing in November as mature eels had begun their “run” to the sea. At one time he used the last remaining eel set at Candle Dyke and demonstrated his skills to holiday makers during twilight sessions from the set. He stored the eels in large black dustbins in his dory or sometimes tied them in a net to a quay heading whilst setting off for more. When his job was done he would take them back home to Filby to be stored alive until they were collected by the mobile eel buyer.

(Based on an account in “Reedlighter”, newsletter of the Museum of the Broads.)

SALHOUSE BROAD: The Broads Authority is working to restore a lost reed bed and eroded strip of land at the broad, using funding and the latest innovative technology from Europe. Erosion over the last 60 years from boat wash and wind has caused the land between the broad and the Bure to become significantly narrower threatening the integrity of the bank and its riverside mooring. Now some 7,000 square metres of reed bed is being created using four giant geo-textile bags which have been fixed to alder poles cut from the river bank near the broad. The bags are being filled with sediment dredged from the Bure to provide a 170-metre retaining bank.

Once filled they will sink below the water line and the space behind them will be filled with more sediment to restore the reed bed as it was in 1946. The sediment comes from dredging sites near Wroxham Broad and Decoy Broad and is transported to Salhouse by barge where it is unloaded into a pump that then fills the bags via a pipeline. The work is expected to cost £230,000 and is being match funded under the European Regional Development Fund under the PRISMA project.

HOVETON: The villagers at Hoveton have given their full backing to their parish council’s proposal to raise a substantial loan from the public works loan board so as to purchase the historic Granary Staithe from Norfolk County Council. Currently the site next to Wroxham Bridge is untidy and the plan would be to turn it into a public area with a bandstand, seating and panels explaining the site’s history as a mooring place for wherries loaded with grain.

GREAT YARMOUTH: At the beginning of November work started on restoring the eastern span of the Grade II listed historic Vauxhall Bridge that links the railway station to the North Quay for pedestrians and cyclists. The £680,000 project is likely to take 20 weeks and involves cleaning the box and connecting traverse beams back to the bare metal before they can be repaired and repainted. Contractors May Gurney tackled the underside of the bridge and this involved closing the bridge to boats for two five-day sessions. It is hoped the work will precipitate funding needed to deal with the western span.

With the work underway it has been found that the structure was much worse than at first thought as regards metal fatigue. Leading structural engineers have had to be called in to advise but it is still hoped to contain the work within the agreed budget.

BREYDON WATER: Following taking control of Breydon Water the Broads Authority is considering designating an area for water skiing, although at present this is not a major activity on these waters. The area would be south but parallel with the main navigation channel and about a mile and a half long. Assuming it is approved in principle by the authority the plan will go out to public consultation with a view to the new zone being established in April 2013. And as part of its concerns for safety a new £115,000 boat has been introduced that will permit winter patrols across Breydon Water in choppy waters. New gauge boards are also being installed at Berney Arms and Burgh Castle to inform holidaymakers when they can pass under the bridges in Great Yarmouth, as this can only be done at low water.

ST BENETS ABBEY: In partnership with the Norfolk Archaeological Trust the Broads Authority's staff has carried out a series of improvements at the abbey. By the end of October the car park and the footpath lying adjacent to the existing vehicular track had been finished with the area surrounded by timber post and rail fencing. This was followed by fencing along the new path. During the winter planting work took place and in the spring the remaining access work will be completed around the remains of the monument and along the floodwall to the 24-hour moorings. Meanwhile major conservation work to the gatehouse and mill structure has been completed with 3,500 hand-made bricks, supplied by the Bulmer Brick & Tile Company near Sudbury being used and the spring will see the start of building conservation work on the precinct and the abbey church.

PEGASUS MARINE: In 2007 EAWA objected to plans to develop this site on Oulton Broad on the grounds that the proposed buildings would be out of proportion to their surroundings as being too high and that space designated for a boatyard would be too small to be economically viable. Others, such as the Broads Society, entered similar objections with the result the application was withdrawn. Subsequently the Broads Authority produced a Development Brief for the site which included a much bigger area for the boatyard and limiting the height of the residential buildings. The developer has now deposited fresh plans but it seems that the guide lines in the Development Brief have not been taken on board with the buildings still being too high and the area for the boatyard too small for it to be viable. In these circumstances we have felt no alternative but to object once again to the plans.

LOWESTOFT: The busy A12 road crosses the mouth of Lowestoft Harbour on a bascule bridge that was built in 1972, carries three lanes of traffic and was designed for a 30-year lifespan. When it is opened to allow ships to pass into or out of the harbour it causes serious traffic congestion as the only other crossing in the area is over two miles inland close to Mutford Lock. Plans are now being considered as part of a multi-million scheme to provide a third crossing in the town with a new four-lane bascule bridge being built further inland from the present lifting bridge. Because of its age the latter now needs regular regular maintenance and has seen many night-time closures for repairs.

HORSEY MILL: The October newsletter of the Norfolk Industrial Archaeology Society has a note about the Horsey Drainage Mill that was built in 1912 replacing an earlier Black Mill, so called because the brickwork was tarred to keep out the weather. The builder was Dan England, the famous Ludham millwright who started work at the age of 14 in 1868 and during his 66-year career also built mills at Somerton, Martham, St. Olaves and Langley. He made considerable improvements to mill turbines and was a complete master of his craft. The mill was acquired by the National Trust in 1948.

BRIGGATE MILL: At the end of October North Norfolk District Council began the demolition of the 120-year old mill at Briggate as it was in a dangerous state. For many months prior to this the council had been trying to track down the mill's owner



but without any success. The walls were crumbling and posing a serious hazard and whilst it had been hoped to retain some of the structure by reducing the walls to a safe level they were found to have deteriorated to such

an extent that complete demolition was called for. Villagers had hoped the mill could become a community asset and some clearance work had been carried out on the site. The mill closed in 1969 and was badly damaged in a fire in 1975 as part of an insurance conspiracy.

COX'S BOATYARD: Aided by a grant from the Broads Authority's Sustainable Development Fund, Cox's Boatyard at Barton Turf has installed an eco-friendly boat wash system for the 200 or so craft it treats every year. Rainwater from the boatyard's roof is collected in a large tank and used to pressure wash the hulls of the boats to remove old anti-fouling paint, weed, algae and invasive species, thus helping to keep them in good repair. The water is then passed to a tank where water-borne particles and debris settle out and sink to the bottom before it is passed through two special filters and re-used in an endless loop. A major benefit is that invasive species such as the "killer shrimp" that is becoming a major problem in the Broads are filtered out.

RIVER WAVENEY TRUST: Just before Christmas the Trust issued its first Newsletter in which the two founder members, Geoff Doggett and Dave Gladwell, were delighted to report that since it was constituted on 29 March at a meeting in Harleston over 300 members had joined. Working parties have already cleared several sections of the river in and around Diss and two pocket parks have been created at Scole and Homersfield and much more is planned. The river has been divided into five sections (Diss, Harleston, Bungay, Beccles, Lowestoft & Great Yarmouth) with a coordinator being appointed for each. A River Waveney Guide is being produced and should be available for distribution in February. Our interest in the river stemmed from working with the Inland Waterways Amenity Advisory Council

over the possibility of restoring navigation from Geldeston back up to Bungay and we hope this could still be a long term aspiration of the new trust together with improving the facilities for canoeists on the upper reaches.

AYLSHAM: Last October plans to renovate the disused arm of the historic Aylsham Watermill into residential properties became embroiled in a legal battle over a piece of land adjoining the mill. Part of the mill was converted into holiday flats several years ago but the current dispute revolves around a strip of riverside land in front of the building that the mill owners claims is their property and fenced off in 2004. Local residents, backed by Aylsham Town Council, want this land designated as a village green. The dispute rumbles on but meanwhile the mill building continues to deteriorate.

HUNTER'S YARD: In December work started on digging out a second dyke at the Horsefen Road site to provide 17 private moorings. The yard already has 15 private moorings and there is a long waiting list reflecting the strong demand for such facilities across the Broads. These moorings provide income which goes towards helping to secure the long-term future for the Norfolk Heritage Fleet Trust. This was set up as a charity in 1996 to save the historic fleet of mahogany cabin cruisers and half deckers that were then owned by Norfolk Country Council and used for youth training. In turn the business was established by Percy Hunter in the 1930s and has gained a well-earned reputation for its hand-built wooden boats.

BROOM BOATS: This well known Broads company is making a welcome return to the hire market as the first two-berth Broom Cadet and the four-berth Broom Captain have both been launched from the company's Brundall yard to be ready for the start of the season on 22 March. A second boat in each class is under construction and will be ready in time for Broom's comeback to hiring after a gap of eight years. The craft have only been marketed through Hoseasons since just before Christmas and the response has been very encouraging. Plans are to build four hire craft for the next four to five years. Before giving up in 2005 Brooms had been in the hire market for 40 years.

BROADLAND ARCHIVES: On Saturday 26 January the Eastern Daily Press published a series of historic photographs that started off with two views of "*Albion*" under sail in August 1961. Other wherry pictures include one of "*Sundog*" that was up for sale in October 1966, "*The Lord Roberts*" that had recently been raised from her muddy grave at Womack Water and was being towed to a temporary home at Wroxham in June 1983, *Olive* at Horning Ferry in 1984 and *Hathor* undergoing a spot of renovation in 1987. Copies of the pictures can be obtained by telephoning Diane Townsend on 01603 772449 or via www.edp24.co.uk/buyaphoto

RIVER MAINTENANCE: This Association is not the only concern worried about what is seen as a lack of maintenance on many of our rivers. Over the last few months flooding of farm land has become a major issue with acres and acres of crops damaged and some land almost permanently under water. The general feeling amongst farmers is that under the old National Rivers Authority far more work was done to clean out, dredge and deepen water courses, but this is not now happening under the Environment Agency, and this needs to change.

ENVIRONMENT AGENCY (INLAND WATERWAYS) ORDER 2010

Enquiries of the Environment Agency under the Freedom of Information Act 2000 show that between 31 December 2010 and 19 September 2012 there have been 101 cases where the Agency has prosecuted under the Environment Agency (Inland Waterways) Order 2010 and that in none of such cases was the accused represented in Court by the solicitor or a barrister.

One wonders what would have been the outcome if any one of such accused had been represented in court by a solicitor or by a barrister briefed by such solicitor. The Order asserts that it had been made by the Secretary of State under the Transport and Works Act 1992.

Before 1992 any project for the construction of railways, tramways, etc. required prior authorisation by a Private Act of Parliament. The people that would be affected by the proposals had the opportunity of giving evidence before the Parliamentary Committee that was considering the proposal. Such a process was long-winded for promoters and took up too much Parliamentary time. So, in 1988 a joint committee of Lords and Commons suggested that there should be a new Public Act of Parliament creating a new system of a Public Inquiry prior to authorisation of the project by the making by a Minister of an Order.

While the resulting Bill that became the Transport and Works Act 1992 was going through Parliament it was decided by the Government to add projects relating to the construction or use of inland waterways. In the light of then objections by bodies anxious to preserve the rights of individuals when making use of the rivers, Parliament changed the word "use" to "operation". In the relevant debate the then Minister defined "operation" as relating to matters such as the lifting of bridges and the operation of locks.

The Environment Agency (Inland Waterways) Order 2010 as made by the Secretary of State for the Environment does not authorise the construction of any inland waterway. Nor does it contain any provision about the operation of the inland waterways as waterways themselves. Instead, it merely purports to create for the waterways controlled by the Agency some 84 criminal offences related to vessels, such as the registration, ownership, insurance and construction thereof.

One may expect that any solicitor or barrister who is consulted by an individual or company charged with an alleged offence under the Order would consider whether to challenge the validity of the Order as having not been within the powers given to the Secretary of State by Parliament. Parliament, when passing the 1992 Act, provided that the protection against challenge outside six weeks only applies where an Order has been made. If a Court finds that the Secretary of State had no power to make an Order in the form as published the "Order" has no effect and the prosecution will fail.

Any person who is the subject of a pending prosecution under the Order or who is threatened therewith may wish to seek advice from a solicitor.

EAST ANGLIAN WATERWAYS ASSOCIATION LIMITED

Directors' Report for the year ending 30 June 2012

Results: Income exceeded expenditure by £968.24 on the General Account and by £1015.04 on the Restricted Account that formerly comprised just the funds for Project Hereward. The position was influenced by several generous donations including £750 from the Weeping Cross Fund, the Gift Aid rebate of £306.25 and a grant of £2,000 from North Norfolk District Council in respect of land drainage work carried out on the Ebridge pound on the North Walsham & Dilham Canal, the sum being divided between the General and the Restricted Account.

Principal Activities: The principal activity remained that of an Amenity Society, working to secure improvements to the waterways for the benefit of the general public. The company is a non-profit distributing company limited by guarantee (No 895405) and is registered as a charity (No 251382).

Fens Waterways Link: This project was initiated in 1997 by the Association and the Lincolnshire Branch of the Inland Waterways Association with a view to creating an inland navigable link between the rivers Witham, Welland, Nene and Great Ouse. The first 12½-mile section of the link from Boston to Donington High Bridge was opened in 2009 using the South Forty Foot River but smaller craft can penetrate several miles further south. This year the Association has participated in an Environment Agency study into the next phase to extend the navigation from Donington through to the river Glen, a navigable tributary of the river Welland. Ten suggested routes have been examined, the Association favouring a route that uses more of the South Forty Foot River so as to give best value for money.

North Walsham and Dilham Canal: The Association's voluntary working parties have maintained their active involvement here and, in conjunction with the Old Canal Company, have achieved a major improvement in the waterway from Ebridge up to Bacton Wood where the overgrown channel has been replaced with a attractive waterway benefitting wild life and enabling a permissive path to be created beside the canal. Bacton Wood Lock has been rebuilt, top lock gates have been fitted and a major clearance has taken place in the overgrown, but dry, channel up to Royston Bridge at Swafield. The Association made a £1,000 donation towards some essential bank protection work at Royston Bridge and towards the cost of replacing some of the worn-out tools and equipment used by the volunteers in the work

These working parties are organised in conjunction with the North Walsham and Dilham Canal Trust and continue to maintain the areas around Honing Lock, Honing Staithe, Briggate Mill and Ebridge Lock as public amenities. Their work has attracted considerable support from local people in the area and has been successful in attracting back much wild life to the canal.

The Broads: We continue to hold a watching brief over the navigation area and are represented on the Broads Forum by our member Brian Holt. It is encouraging that some of the arrears of dredging are being tackled as part of a scheme involving funding from the European Union.

Elsewhere: The Association continues to maintain its watch over its widespread area, taking action, giving help and advice where it can, and supporting the activities of like-minded bodies with whom we are linked, such as the River Stour Trust and the River Gipping Trust to name but two.

There has no progress over restoring the lock at Welches Dam, but negotiations with the Environment Agency, led by the inland Waterways Association, are now exploring an option where skilled volunteers could offset much of the costs and this could be linked in with the problem of leakage in the Forty Foot River. Meanwhile the major silting of the Old Bedford River at Salters Lode remains to be resolved as does the regular build up of mud banks below Denver leading to difficulties in accessing the lock.

Directors: The Annual General Meeting was held on Sunday 29 April 2012 at the Claydon Country House Hotel near Ipswich. The directors who served during the year were: - Christopher John Brian Black, Graham Richard Brown (resigned 10 April 2012), Ivan Walter Leon Cane (resigned 28 July 2011), Alan Henderson Faulkner (Treasurer), John Hodgson, Michael Lyons, John Raymond Mayhead, David Edward Revill and Roger George Sexton (Chairman).

STATEMENT OF FINANCIAL ACTIVITIES for the year ended 30 June 2012

Incoming Resources	General A/c Unrestricted £	Restricted Funds £	2012 £ Total	2011 £ Total
Subscriptions & Donations	918.50			
Weeping Cross Fund	750.00			
Land Drainage Grant	1000.00	1000.00		2636.84
Gift Aid	<u>306.25</u>			
Investment Income	40.88	15.04		42.05
Other income, AGM & sundry receipts	<u>282.50</u>			<u>657.50</u>
Total Incoming Resources	<u>3298.13</u>	<u>1015.04</u>	<u>4313.17</u>	<u>3336.39</u>
Resources Expended				
Costs of charitable activities				
Easterling Newsletter	418.22			272.96
Working parties insurance & costs	287.03			542.21
Restoration donation	1000.00			1000.00
Management & Administration				
Rent of hall and AGM expenses	289.35			600.00
Postage & stationary	122.29			240.17
Company Registration Fee	14.00			165.00
Colour Brochure & Leaflet	95.00			160.00
Scrutineer's fee, subscriptions &c	104.00			151.98
Total Resources expended	2329.89		<u>2329.89</u>	3132.32
Net Incoming Resources	968.24	1015.04	1983.28	204.07
Total funds brought forward	<u>6259.18</u>	<u>1866.47</u>	<u>8125.65</u>	<u>7921.58</u>
	<u>7227.42</u>	<u>2881.51</u>	<u>10108.93</u>	<u>8125.65</u>

BALANCE SHEET as at 30 June 2012

Current Assets	2012	2011
Cash at Bank – Current Account	4876.19	2306.48
CIOF Charity Deposit Account	4111.58	5070.39
Restricted Funds	2881.51	1866.78
Total	11869.28	9243.65
Current Liabilities		
Sundry Creditors	395.35	221.00
Life Membership Fund	<u>1365.00</u>	897.00
Total	<u>1760.35</u>	<u>1118.00</u>
Net Current Assets	<u>10108.93</u>	<u>8125.65</u>
Represented by Income Funds, General Account	7227.42	6259.18
Restricted Funds (Project Hereward)	<u>2881.51</u>	<u>1866.47</u>
Accumulated Fund	<u>10108.93</u>	<u>8125.65</u>

Notes: All amounts relate to continuing activities. All recognised gains and losses are included in the statement of financial activities. These accounts have been prepared under the historic cost convention and in accordance with applicable accounting standards and the Statement of Recommended Practice (SORP2000) and the Charities Act 1993. No remuneration was paid to directors during the year (2010: Nil)

Scrutineer's Report to the Directors: You are responsible for the preparation of the financial statements for the year ended 30 June 2011 and that you consider the company is exempt from audit and a report under Section 476 of the Companies Act 2006. In accordance with your instructions I have compiled these unaudited financial statements in order to assist you to fulfil your statutory responsibilities, from the accounting records, information and explanations supplied to me.

J. P. R. Cordran, Chartered Accountant. 17 October 2012

BOOK REVIEW

Sail and Storm. The Aylsham Navigation. Edited by Sarah Spooner for the Aylsham Local History Society. August 2012. ISBN 9780 9521 56451. 218 pages. £15.

This book traces the history of that section of the river Bure between Coltishall and Aylsham that became the Aylsham Navigation and it has been published to commemorate the 100th anniversary of the destruction and closure of the navigation by an unprecedented flood on 26 August 1912. This is a detailed study by a research group from the Aylsham Local History Society aided by the Centre of East Anglian Studies at the University of East Anglia and has been made possible by the survival of the navigation's minute books and accounts maintained in Aylsham Town Council's archives and by a generous research grant.

The book first gives general details of the navigation with its five locks, five mills and numerous bridges before chapters give a record of the construction work involved over specific sections of the route – Coltishall to Hautbois; Buxton to Oxnead; Brampton to Burgh next Aylsham; and Aylsham itself. Subsequent chapters give details of the people living close to and connected with the river in Aylsham, the trade on the navigation and the commodities that were handled, the wherries operating on it and the regular maintenance work that was involved. These all lead up to details of the disastrous flood in 1912 and the damage that was caused.

The book concludes with a chapter covering the landscape today and including a fine series of colour pictures. Three appendices follow dealing with the Act of Parliament in 1773, the subscribers to the navigation project and details of all the wherries known to have operated on the navigation. And in conclusion there is a glossary of the terms used, a bibliography and a comprehensive index.

Until the coming of the railways to Aylsham in 1880 the navigation was reasonably successful and paid interest to its investors on a regular basis. The navigation was controlled by a group of commissioners who had been authorised to raise £5,000 in loans to cover the cost of the work, originally estimated at £4,006. In the event this estimate proved totally inadequate and rather than seek additional powers from Parliament the commissioners took the unusual step of asking the original subscribers to convert part of their loans into donations. By this means more loans could be raised without breaching the £5,000 ceiling.

Shortly before the navigation opened throughout on 20 October 1779 it was reported that £8,886 had been spent, the difference over the £5,000 limit being met partly by tolls taken on the lower section of the navigation and by many subscribers generously donating part or all of their subscription. By this means the original loans were abated down to £2,610, and new loans totalling £2,390 were raised making the £5,000. The commissioners started paying interest on the later loans in 1780 and on the original loan in 1782 but payments fluctuated considerably due to the costs of maintenance or the level of tolls.

This is a detailed scholarly work based on original research and will be of great value to all those interested in this former Norfolk navigation and the wherries that operated on it.

AHF

NORTH WALSHAM AND DILHAM CANAL

Despite the Stop Order imposed by the Environment Agency voluntary working parties organised by the Association and the by North Walsham & Dilham Canal Trust have continued to be held on a regular basis.

The Order has obviously affected the Ebridge Reach where it had been hoped the work could have included completing the de-silting of the canal up to Bacton Wood, testing the banks for leaks by raising the water level and carrying out any necessary remedial work, repairing the spillway above Ebridge Lock and ultimately replacing the top gates there.

Instead work has continued elsewhere on a regular basis (list compiled from David Revill's excellent work party reports, for which we are indebted).

Royston Bridge: 9 September – removing some of the remaining tree stumps from the canal bed and banks. 23 September: Completing the quay heading alongside the former Wherry Inn and further clearance of vegetation upstream of the bridge. 7 October: Removing two dangerous trees, cutting them up and burning the brush.

Bacton Wood Lock: 4 November – clearing young tree growth that was damaging the canal bank. 13 January – clearing several fallen trees beside the canal bank and retrieving others from the backsake. Clearing saplings and tree growth from the canal bank and mill inlet. Generally tidying up the site and removing builders waste.

Ebridge: 21 October – assisting at the Old Canal Company's Information Event on the lock chamber island. Clearing encroaching vegetation from the spillway and from the backsake. (The original concrete facing of the spillway, laid in 1941, is badly in need of major repair.)

Brigate: 2 & 16 December – clearing the east side of the lock up to the "Danger Keep Out" notice and clearing the main chamber island. Exposing the pill box and removing willows to the south of the bridge. Inspecting the collapsed part of the chamber wall.

Honing Staithe Cut: 18 November – cutting the grass and other foliage, clearing some reed growth, and removing three small but dangerous trees.

Honing Lock: 7 October – erecting additional fencing to prevent casual access to the empty lock chamber.

Future work party dates are as follows: 17 February Bacton Wood Lock. 3 March Royston Bridge. 24 March Brigate. 7 April Honing Staithe Cut. 21 April Honing Lock area. Sessions for 5 & 19 May, 2, 16 & 30 June – venues to be arranged.

THE EASTERLING

Thanks to all those members who have agreed to receive *The Easterling* by e-mail; this represents a significant saving in costs to the Association. Members wishing to be added to the list please contact alan.faulkner22@btinternet.com. However we wish to reassure members that there are no plans to discontinue making printed copies available to those unable or preferring not to receive their journal in this way.

NORTH WALSHAM AND DILHAM CANAL PICTURES



Royston Bridge: Left: Removing the stop soil to determine if the original clay lining of the canal was still intact. Right: A subsequent view through the bridge following heavy rain indicated the bed remained watertight.



Honing Staithe: Left: Looking down the arm to the main canal. Right: The entrance to the arm just above Honing (Dee) Bridge.



Ebridge: A second event was held by the Old Canal Company Ltd at Ebridge on Sunday 21 October. As with the first event held earlier in the year when the Canoe Man was offering trips to members of the public the cleared stretch of the canal towards Bacton Wood, canoe trips were again available, this time by courtesy of Banks Boats. Our member, Dr Tom Moore, also offered trips on his inflatable. (All pictures courtesy of Alan Bertram)