

PAGHAM HARBOUR LNR - SAILING / BOAT PERMITS

Background

There is a public right of navigation on all tidal waters within the Reserve as provided for in the previous, current and now in the proposed byelaws. The byelaws prohibit the use of all craft within the Reserve other than on a Public Waterway, which is defined as the areas of the Reserve covered by tidal waters and also other than with a permit. However, within the Harbour and Pagham Lagoon, this does not include the ancillary rights of mooring, launching or leaving any vessel, which are prohibited by the current byelaws and also by the proposed byelaws.

The current and proposed byelaws, which are made pursuant to section 20 of the National Parks and Access to the Countryside Act 1949, allow for the issue of permits which authorise the doing of anything within the Reserve which would otherwise be unlawful. The current and proposed byelaws provide that the Council may issue permits for these activities, although there is no obligation to do so. The retention of such permits is subject to the conditions in the byelaws being observed.

Therefore, boating activities within the Harbour and Pagham Lagoon, specifically, mooring, leaving or launching any vessel, require a permit. This is also the reason why Pagham Yacht Club requires special permission for their annual sail, as their craft moor at Sidlesham Quay.

There is, therefore, no conflict between the public right of navigation and the current or proposed byelaws, or the use of boat permits.

It has been confirmed and recorded in Pagham Harbour Advisory Committee minutes that boat permits are historical and were issued to residents of Mill Hamlet, not properties, and were not transferable. The conditions of the permit clearly state that it is not transferable. This was with the intention that the number of permits would reduce over time and on the understanding that no additional permits would be issued.

Following the relinquishment of one of these permits a number of applications for this 'vacant' permit have been received from Sidlesham residents, but have been turned down for the above reasons. WSCC will of course honour and annually renew existing permits.

Context of boating in the Harbour

Boating in the Harbour can cause disturbance to wildlife, which in turn affects visitors who come to view and enjoy the wildlife. This is mitigated to some extent by the conditions of the boat permit which seeks to protect areas used by breeding birds in the summer, however there can still be disturbance to roosting wildfowl and waders at this time and during the winter months, which can be

equally harmful. The Reserve receives complaints about boating in the Harbour, either because of actual disturbance, predominantly to birdlife, or because of the expectation and assumption that as a wildlife sanctuary boating is not permitted. It is considered by us inappropriate and at odds with the Reserve's conservation objectives. This view is supported by the four national and international conservation designations for the Reserve, which is widely regarded as one of England's finest wildlife sites.

Natural England's position as regulator of SSSI's and SPAs

Natural England (NE) has concerns about boating in Pagham Harbour, which is designated as an SPA as well as an SSSI for the wintering and breeding birds within the intertidal area of the Harbour. They understand that a limited number of boat permits have been issued historically and that these are not transferable, and they would wish it to stay that way. The present level of boat use in the Harbour is very low, but if permits were to be transferred then this could result in an increased amount of recreational boating in Pagham Harbour and they would not wish to see this. In any case, anything that could result in an increase in boating in the Harbour would be subject to the Habitat Regulations and would probably require an appropriate assessment. Any proposal to issue additional permits would be subject to the same requirements and they would wish to avoid this as well. Pagham Harbour has good potential for quiet informal recreation and NE fully supports this. However, they do not feel that any increase in boating activity would be compatible with the nature conservation interest of the site. This has been confirmed by *Jon Curson – Coastal Ecology and Policy Advisor*

Environment Agency's position as landowner

The Environment agency supports WSCC's current management of boat permits and the historical agreement that boat permits are issued to individuals and are not transferable, thus phasing out permits over a period of time. Given the special environment of Pagham Harbour, in line with the position from Natural England, they would not want to see any further permits issued. This has been confirmed by *Catherine Chapman - Team Leader - Fisheries, Recreation and Biodiversity*

Royal Yachting Association's position

During the review of the byelaws and subsequent consultation process the RYA has supported WSCC's policy of phasing out boat permits over time.

Record of incidents / complaints involving watercraft

Recorded incidents cover all types of watercraft activities from windsurfing and kitesurfing to kayaking and the use of powered watercraft, and a breakdown of those for the years 2005 to 2007 (Appendix 1) is given below. In 2004 there

were a further 12 'unauthorised watercraft incidents' recorded, but details have not been retained.

It must be emphasised that this is not the full picture, as until recently certain reports or 'complaints' would not necessarily have been formally recorded or documented by staff as an incident. Such complaints have been received most years and prior to 2004, either verbally, in writing or by email. For example, the catamaran legitimately used by a permit holder has been repeatedly complained about over the years. If this vessel is being sailed in the Harbour at high tide when staff are on patrol, they can expect to receive at least one comment or complaint from the public. In such cases the position would be fully explained to the 'complainant' but no written report completed as no offence or 'incident' was apparent, unless there were other matters of concern. Whilst this craft is the subject of most such complaints, there are others involving the rowing boats and smaller craft of other permit holders, as well as the annual sail by Pagham Yacht Club. Until now these have been treated as matters of advice and not incidents, being legitimate usage by authorised persons. The same situation applies when the Environment Agency operate a hovercraft or small boat during their annual monitoring and water sampling.

More recently these 'complaints' have been recorded where possible to reflect the true situation more accurately, though of course the same advice to the public will continue to be given where appropriate. For example in the first batch of reports for 2008, Incident no.15 dated 9th February relates to a member of the public reporting the catamaran (as above) sailing close to Tern Island and flushing the roosting birds.

APPENDIX 1: WATERCRAFT INCIDENTS AND REPORTS

Date	Incident number	Brief details / type of craft or other information	First observed or reported by
2005		4 incidents	
11/5	31	2 kayaks launched Sidlesham Quay	Staff
11/6	44	Canoe in harbour	Staff
8/8	67	Numerous craft moored Pagham Spit (yacht club)	Staff
19/8	75	Professional powered fishing vessel (offender subsequently prosecuted).	Staff
2006		11 incidents	
15/1	7	Windsurfers competition Pagham Spit	Staff
19/3	27	2 Kite-surfers in harbour – Coastguard called out – surfers returned to sea	Public
14/4	37	Kite-surfers practising on shingle and harbour edge	Staff
5/6	55	Unauthorised rowing boat Pagham Lagoon	Public
18/7	87	Kayak in harbour	Staff
2/8	108	2 Canoes in harbour disturbing birds nr Tern Island	Public + Staff
9/9	115	Kayak in Harbour and Sidlesham Quay	Staff
8/9	117	Kayak launched from Sidlesham Quay	Public
9/9	120	8 Kite-surfers Pagham Spit - disturbance	Staff + Public
21/9	126	2 youths with motor boat Pagham Lagoon	Public
8/10	135	Jet Ski Pagham Lagoon	Staff + Public
2007		10 incidents	
2/1	2	Windsurf boarder Church Norton Spit	Staff
3/2	21	Kite-surfer practising on Pagham Spit	Staff
21/4	45	2 canoes in harbour Church Norton/hide	Staff
12/7	84	Occupants of Laguna sailing on Lagoon	Public + Staff
15/7	87	Boat in harbour – Pagham Spit – Tern Island - disturbance	Public
28/7	98	2 Boats + occupants Norton Spit – in protected area - snorkelling in harbour	Staff
27/8	116	Model Power boat Pagham Spit	Staff
15/9	122	2 males illegally fishing from boat in harbour from W side – Ferry channel	Public
15/9	123	2 canoes in harbour = rowing boat	Public
30/9	130	2 Kite-surfers inside harbour	Staff
2008		8 incidents so far	
9/2	15	Catamaran in harbour close to Tern Island (almost grounding) flushing all roosting birds	Public
18/5	56	7 kitesurfers in harbour entrance. One landed at the end of Church Norton Spit	Staff

		within 50m of nesting Little Terns.	
22/6	76	2 canoeists inside harbour near Pagham Lagoon	Public
3/8	114	Catamaran in harbour from Sidlesham Quay, disturbing high tide roost of birds	Public
4/8	118	Inflatable boat + 2 people in harbour near Sidlesham (Environment Agency)	Public / Staff
17/10	174	3 jet-skis within harbour disturbing all the birds	Public
1/11	184	2 kitesurfers on the east side of the Harbour – both launching and landing	Public
2/11	185	2 canoes in the harbour, inc. Tern Island / Church Norton	Public + Staff
		Letters of complaint received / filed	
2003		2 complaints	
19/4		Catamaran in harbour causing disturbance to roosting birds – Church Norton and Tern Island	Public
31/8		Catamaran in harbour	Public
2004		1 complaint	
1/5		Jet skis at Church Norton, catamaran in the harbour	Public
2008		1 complaint	
28/9		8 or more sailing boats in the harbour (legitimate – yacht club annual sail)	Public