

Strategic Environmental Services Select Committee

21st April 2010

The Future Management of Pagham Harbour Local Nature Reserve

Report by Executive Director Communities and Head of Sustainable Development

Executive Summary

Pagham Harbour Local Nature Reserve (PHLNR) is a very important part of the County Council's Countryside Service with both national and international designations for its wildlife and geomorphological processes. It is made up of a large area of intertidal habitat surrounded by a mosaic of habitats around its margin. It is owned by a number of different organisations and individuals, with the intertidal area owned by the Environment Agency. The Local Nature Reserve is both a Special Protection Area and a Ramsar site (see below) which are the highest level of international designations for wildlife conservation. This is because of the populations of key wetland bird species found in the area. The harbour is also a Site of Special Scientific Interest and is a major amenity/educational resource for local communities and visitors with over 150,000 visits made to the site each year. West Sussex County Council owns a small part of the site, but manages all of it under a number of agreements with all of the owners.

The County Council has been investigating the best way to safeguard and enhance this offer to residents and visitors in the current difficult financial climate. The current facilities, although sound, are not sustainable and there is a need for investment. The County Council, as manager of the site, is keen to ensure that the area is conserved for the future and opportunities are found to enhance the service bearing in mind the mixture of interests in the area.

A future sustainable model for the management and development of the services provided at the PHLNR is therefore sought. A number of organisations with proven track records in managing similar sites were approached about the future management of PHLNR. This report sets out the background to those discussions and the progress to date. No decision has yet been made on the future management of the PHLNR although one organisation, the Royal Society for the Protection of Birds, is interested and meets the criteria set by the County Council for sourcing alternative options for the management of the site. A draft 'Heads of Agreement' detailing what might be included in any transfer agreement is attached as Appendix 2.

Recommendation(s)

The Committee's views are sought on:

- 1) The principles of transferring the management of Pagham Harbour Local Nature Reserve
- 2) The Heads of Agreement set out in the draft Service Level Agreement in Appendix 2.

1. Background

- 1.1 Pagham Harbour Local Nature Reserve (PHLNR) is one of the most important wildlife sites in the county, and one of the key sites for the delivery of environmental education. The site is designated at national and international level for its wildlife and for its geomorphological processes. It is a Site of Special Scientific Interest and a Special Protection Area under the European Habitats Directive as well as a "Ramsar" site (this means a site designated as a "Wetland of International Importance especially as Waterfowl Habitat" under a convention signed in the Iranian city of Ramsar in 1971. There are just under 2,000 Ramsar sites in the world, of which approximately 170 are in the UK). The designations reflect the importance of the site for its wetland birds, wetland habitats and geomorphological processes. In addition, the Church Norton mound is a Scheduled Ancient Monument.
- 1.2 The County Council manages the PHLNR and is therefore, keen to ensure that it is conserved for the future and opportunities are found to enhance the service delivered, particularly access and education.
- 1.3 Much of the site is owned by the Environment Agency with a number of other landowners around the edge of the Harbour, including the Crown Estate, the Church Commissioners, Sussex Wildlife Trust and the County Council. The map in Appendix 1 shows the boundaries of the site and its location.
- 1.4 A future model of management is therefore being sought which will enhance some of the services on offer and maintain the current interests of a wide range of stakeholders.

Features of Pagham Harbour

- 1.5 The Harbour adjoins the communities of Pagham, Sidlesham, North Mundham and Selsey, with open access on foot from the landside. It is well used by the public attracting around 150-200,000 people per year. In addition, the environmental education service has attracted up to 2,100 children in 2007/08.
- 1.6 There are currently two temporary buildings on site, which serve as the visitor centre, an education room and provide offices and some limited storage area for the team working there. The toilet facilities are in buildings attached to the main centre and accessed externally.
- 1.7 Visitor facilities also include three car parks, one adjoining the visitor centre at Sidlesham, one at Church Norton and one at Pagham Spit.

Challenges for Management of PHLNR

- 1.8 Pagham Harbour is a small harbour located along a stretch of coast with considerable development pressure either side. As such, the harbour and its wildlife are under pressure from that development, increasing the significance of the site for wildlife and recreation. Management therefore, has to balance these demands.

- 1.9 This is a dynamic stretch of coast which is undergoing erosion and accretion, changing the site of the harbour mouth and creating spits. This process is also putting the community at Pagham Beach at risk of flooding. This is not directly an issue for the managers of the Harbour, because flood protection is the responsibility of the District Council and the Environment Agency. Management of the PHLNR needs to be sensitive to this and to the needs/issues of local communities. This issue is covered in the Pagham Harbour and Coastal Issues Group, which includes representatives from the statutory agencies, the local community, and PHLNR Manager.
- 1.10 The existing visitor facilities are in reasonable condition, but were not designed to last this long and currently provide insufficient space for the office, storage and education needs of the site. There is also a potential to increase the provision of refreshments and sales area if there was more space. The County Council does not currently have the capital to invest in the site, but is aware that investment will be needed in the near future to provide the staff with better facilities and to increase the potential for income generation from the educational visits and sales.

2.0 Future Management of Pagham LNR

- 2.1 In view of the specific nature of PHLNR, the County Council approached a number of organisations with skills in managing important conservation sites to see if they would be interested in negotiating an agreement to manage PHLNR. A set of criteria was established to help determine the suitability of interested parties in taking the investigations further. These were: -
- Maintaining and improving the level of service to the public.
 - Ensuring that staff are retained.
 - Increasing the investment in visitor and other facilities.
 - Increasing the environmental education service.
 - Working in partnership to ensure that public access is maintained and to liaise with the adjoining communities about the management.
 - Ensuring that the levels of management of the Special Protection Area and Site of Special Scientific Interest are maintained.
 - Retaining and developing the skills and support of the volunteers

The organisations approached were the Royal Society for the Protection of Birds (RSPB), Sussex Wildlife Trust (SWT) and the Environment Agency (EA). Of all of these organisations, it was the RSPB that most closely matched the criteria set for the management of such a site and, as the RSPB was also interested in discussing the idea further, it was agreed to begin working together on a way forward. The SWT and the EA also agreed that the RSPB would be a logical choice to manage the site if an agreement could be reached.

- 2.2 Discussions began in November 2009 between the RSPB and the County Council. Both parties have been undertaking a due diligence exercise to see if they could proceed to formal negotiations. The County Council is undertaking its own investigation of the accounts and management activities of the RSPB. The RSPB countrywide has assets worth just over £116 million, an income of just under £112 million and employ 1,903 staff (all figures for 2009). This illustrates the scale of its operation. It can access a wide range

of external funding including membership and legacy income, which can add significantly to the overall resources available to invest in its sites. It is also able to run appeals for specific funding requirements such as capital investment. In 2009 it raised over £2 million and £17 million from mail order and shop income, respectively.

- 2.3 As regards the PHLNR, the RSPB has been looking at the budgets, staff terms and conditions, the assets on site, land holdings, of which there are over 29 separate agreements, and the way the County Council manages the site. The next stage is to engage with stakeholders. This process has begun and is outlined in the section below on consultation.
- 2.4 The timetable now shows that the RSPB will probably take a report to its Board in August, and to its Trustees in September 2010 to get their decision on whether to go ahead with formal negotiations or not. The County Council would not therefore, take a final decision on whether the transfer would go ahead until October 2010 at the earliest.
- 2.5 If the negotiations begin with the RSPB for a transfer, then a Service Level Agreement will be established that sets out what will be carried out by the two parties at Pagham. Appendix 2 is a first draft of the heads of that agreement. These heads will now be developed into terms by working with the Strategic Environmental Services Select Committee, local members and staff at Pagham.

3. Consultation

- 3.1 The Cabinet Member for Environment and Economy, her Deputy and her advisors are involved at each stage of the process. The Cabinet Member has also suggested that a small working group be set-up by the Advisory Board to help with the future consultation, engagement and direction of travel for this work.
- 3.2 The local Parish and Town Councils have been offered a meeting. Pagham and Sidlesham have taken up that offer, and representatives from both the County Council and the RSPB attended that meeting to explain the process and answer questions.
- 3.3 Briefing notes have been sent to all the local members and briefing meetings will be arranged to ensure engagement and input into the ongoing work as appropriate.
- 3.4 There are ongoing discussions with the Friends of Pagham Harbour.
- 3.5 Two presentations with question and answer sessions have been made to Pagham Harbour Advisory Board.
- 3.6 Questions and answers have been posted on the County Council's website and the RSPB's website.
- 3.7 An open weekend is being planned for July to inform the public and give them an opportunity to ask questions of the County Council and the RSPB.

3.8 Informal consultations have also begun with Unison and the staff at Pagham.

4. Resource Implications and Value for Money

4.1 The direct costs of managing PHLNR are £183,000 (this is the net cost including the income), which is largely funded by the County Council. The current income is from Higher Level Stewardship, education activities, events, donations and sales, and amounted to £11,730 plus £29,252 from Higher Level Stewardship (2009/10). In addition, there is a separate net income from the trading account of £4,701 (as at Feb 2010).

4.2 The aim of this project is to cover the costs of running the site from external funding e.g. the RSPB finds the funds through income, rather than the County Council continuing to fund the budget. The County Council is also seeking a future management option that would allow investment into improving the visitor facilities. The County Council cannot do this from its own resources and is therefore seeking a way of maintaining and enhancing the service and protecting jobs. The RSPB is aware of these financial aims and is prepared to negotiate an agreement subject to what is found through due diligence, and whether its Board and Trustees approve the proposal and agree to the negotiations.

4.3 There are three full time posts at PHLNR and one part time post. If the transfer to the RSPB goes ahead, these posts would all transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

4.4 As outlined above, the RSPB has a track record of attracting funds and of managing sites for both wildlife and people. It has 26 reserves in the South East that are all open to the public.

5. Risk Management Implications

5.1 There is a risk that the negotiations with the RSPB will fail to reach an agreement, leaving the County Council without potential future investment in the site.

5.2 The due diligence process and the draft Service Level Agreement are being used to minimise any risks associated with the proposed transfer.

6. Crime and Disorder Act Implications

6.1 There are no crime and disorder implications.

7. Human Rights Act Implications

7.1 If the transfer goes ahead then it will be important to ensure that TUPE is applied and all agreement holders are dealt with fairly.

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Background Papers

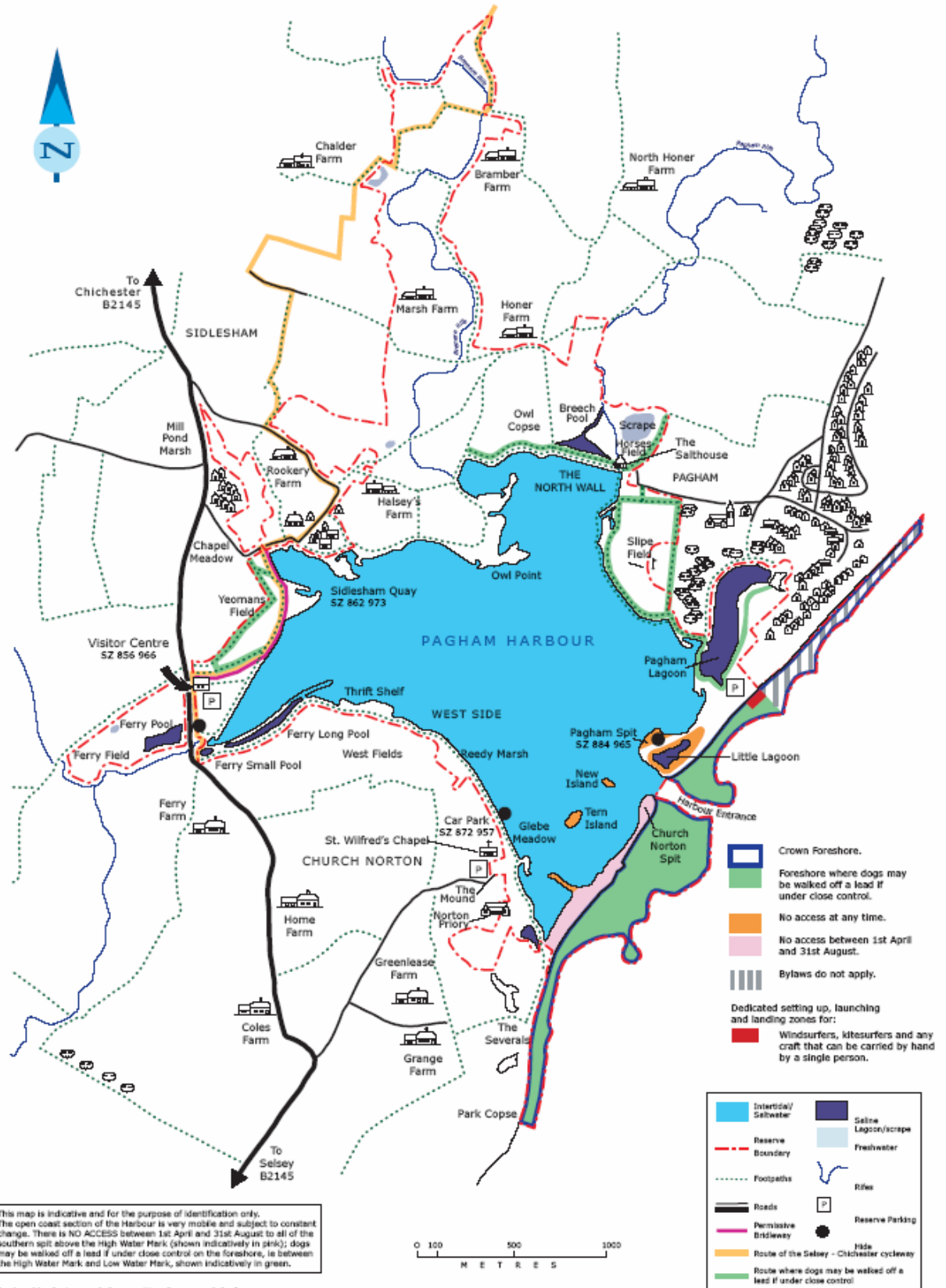
None

Appendices:

Appendix 1	Map of Pagham Harbour Local Nature Reserve
Appendix 2	Draft Heads of Agreement for the Service Level Agreement.

Appendix 1

Pagham Harbour Local Nature Reserve



Appendix 2

Draft Heads of Agreement for the Service Level Agreement for Pagham Harbour Local Nature Reserve (PHLNR) between West Sussex County Council (WSCC) and the Royal Society for the Protection of Birds (RSPB)

Conservation Designations and Land Management

- 1 That the PHLNR will be managed to maintain and enhance the interest features, biodiversity and geology of the site in accordance with the Site of Special Scientific Interest (SSI), Special Protection Area (SPA) (European Marine Site) and Ramsar designations through the implementation of the Management Plan 2007-2012 (the Management Plan).
- 2 To ensure that the archaeological and landscape interest of the PHLNR is recognised as an historical/educational resource and Church Norton Castle specifically is managed in accordance with its status as a Scheduled Ancient Monument, through the implementation of the Management Plan.
- 3 That the Pagham Harbour frontage and inner sea defences will be managed through the agreed policy of Adaptive Management with due regard to the above designations and their interest features.
- 4 To ensure compliance with Environmental Stewardship (HLS), Woodland Improvement Grant and any other grant-aided schemes, and where possible, enter additional land or new land acquisitions into such schemes.
- 5 To maintain and renew all management agreements and leases with landowners within the PHLNR, where appropriate.
- 6 To encourage the use of the site for research purposes in conjunction with universities, in line with the research projects priorities identified in the current Management Plan.

Education and Events

- 7 That the Environmental Education Service is developed to provide a full-time, year-round resource for all ages and establishments, focusing on local schools, colleges and universities, and complementing other providers in the area.
- 8 A full programme of public events to be provided to engage both local people and visitors in the work of the PHLNR.

Community Engagement

- 9 Continue to provide opportunities for volunteers, as a key resource, to support all aspects of Reserve management – conservation tasks, wildlife surveys, events, education and operation of the Visitor Centre.

Visitor Facilities, Access and Recreation

- 10 That the existing Visitor Centre and facilities are maintained in the short term and renewed when funding allows, but, in any case, no later than 10 years from the date of this agreement.

- 11 That the Visitor Centre remains open at least 85% of the time, continuing the current level of service, with the aim of opening all day, 7 days a week.
- 12 Ensure that existing structures are maintained or replaced (observation hides, walkways, boardwalks etc) with additional provision when funds allow.
- 13 The current level of access across the site should be maintained. Any additional provision must not compromise the SSSI, SPA and Ramsar features.
- 14 All routes, including permissive routes, must be assessed for their risk of disturbance to wildlife and, where necessary, mitigation provided, where there is change in current use.
- 15 Where possible, ensure access provision for the less mobile, providing the necessary surfacing and structures, where this is not detrimental to the landscape or site interest features.
- 16 Support other bodies (WSCC, the sustainable transport charity Sustrans and Manhood Cycle Network) in establishing an east-west cycle route between Pagham and Sidlesham running to the north of the PHLNR and linking to the Chichester to Selsey National Cycle Route 88.
- 17 Continue to apply and update the PHLNR byelaws for the protection of the site (enforcement through WSCC).

Reporting and Monitoring

- 18 That the RSPB produces an annual report on the work completed on the site including the conservation management, visitor management, involvement with relevant groups and the environmental education programme. The report to also include a budget update on expenditure and income.
- 19 Continue habitat and indicator species monitoring to ensure the site/SSSI remains in Favourable Condition.
- 20 Continue to undertake site surveys in accordance with the Management Plan's Biological Recording and Monitoring Programme.
- 21 Ensure that new projects relating to habitat manipulation and biodiversity are accompanied by the development of a relevant monitoring programme.
- 22 SSSI monitoring to include specialist surveys of lesser known/studied groups to help broaden knowledge of the site's biodiversity and inform species/habitat management.
- 23 As a minimum maintain existing IT recording systems.

Representation

- 24 Establish an Annual Liaison Meeting with invited stakeholders and stakeholder groups.
- 25 Continue to operate the Technical Panel to tackle practical and scientific issues and assist in project management advice.
- 26 That site branding acknowledges the input of WSCC and the Friends of Pagham Harbour as appropriate.

