



Minutes: Pagham Harbour LNR Local Communities Forum

7.30pm – 9.00pm, 29 November 2012
DRAFT

Present: 23 local community representatives and members of the public including the following stakeholder group representatives:

Cllr Margaret Whitehead (WSCC member for Sidlesham); Cllr David Meagher (Bognor Town Council); Clls Adrian Harland and Liz Smart (Sidlesham Parish Council); Cllr David Huntley (Pagham Beach Residents and Pagham Parish Council), Peter Gadd, Peter Driscoll and Bill Martin (Friends of Pagham Harbour); Ann Rowles (Pagham Residents Association); Adrian Mills (Green Party, Friends of the Earth and Transition); Richard Lanchester (Transition Chichester, and Chichester & Bognor Green Party).

On the panel: Cllr Mike Coleman (Chair, WSCC), Charlotte Eastley (Countryside Services Manager, WSCC), Nick Brooks (RSPB West Sussex Reserves Manager), Rob Carver (RSPB Pagham Harbour Manager), Adrian Thomas (RSPB Project Manager)

1. Welcome

Adrian Thomas welcomed everyone and explained the aims of the Forum (to hear, and seek solutions for, issues relating to the RSPB's day-to-day management of Pagham Harbour LNR). The Forum aims to be solution focused. He explained how the Forum runs (e.g. it seeks to have representation from all key local stakeholder groups, including tiers of local government, but also allows full involvement by the public), and expressed pleasure at the constructive nature of the first Forum in June.

Attendees were given an agenda, the minutes of the previous meeting, and a feedback form.

2. Minutes approved from last meeting (June 29 2012).

3. Actions from last Local Communities Forum

- a. *Resolution of kissing gate at North Wall* (Charlotte Eastley, WSCC). WSCC carried out a site visit and assessment as Highways Authority and determined that the kissing gate is appropriate as is, and if made larger would increase the risk of motorbike access.
- b. *Finger post pointing erroneously along Slipe Field* (Charlotte Eastley, WSCC). The finger post has been relocated to its correct position and the arm now points in the correct direction.
- c. *Sightings posted at North Wall* (Nick Brooks, RSPB). With the support of the wildfowling, sightings are posted at The Salthouse every Monday and Friday.
- d. *Clarity and recording of who is accessing Pagham Spit car park* (Nick Brooks, RSPB). The RSPB is recording formally what vehicles from the RSPB visit and what the purpose of the visit is.
- e. *Service Level Agreement to be made available* (Nick Brooks, RSPB). It is on the RSPB website <http://www.rspb.org.uk/ourwork/projects/details/317389-pagham-harbour#downloads>, or enter via www.rspb.org.uk/paghamharbour.
- f. *Gatestay in Pagham Spit car park* (Nick Brooks, RSPB). This has been removed as requested.
- g. *Concerns regarding anti-predator fencing on Church Norton Spit* (Nick Brooks, RSPB). The fencing is required to protect Little Terns and the RSPB would be failing in their legal duties if it was not used. However, to limit its visual impact, the RSPB will erect it as late as possible (late April-May) and take down as early as possible (mid-late August). The orange colour of the posts is for Health & Safety so that members of the public can see it clearly. A member of the public suggested that to be fox-proof it needed to have just two wires, one 9 inches off the ground, the other 15-18 inches. The RSPB and members of the audience explained that this was no barrier to a fox, the main predator risk.
- h. *RSPB and WSCC to review how fishing permits are administered* (to be covered under Agenda item 8)

- i. WSCC legal team to look into bait digging (to be covered under Agenda item 8)
- j. N Wall and Paghams Rife flood issues (to be covered under Agenda item 6)

4. Brief RSPB Progress Report

- The draft Management Plan went to public consultation, closing on 9 November. The RSPB is very pleased with the response, and intend to have a report out by Christmas, before the plan is presented to relevant agencies to be signed off. The final Plan will be publicly available.
- The RSPB is seeking planning permission for small-scale changes to the Visitor Centre (e.g. new windows, new partition wall inside) to make it a nicer place to visit and work.
- The RSPB will be undertaking visitor questionnaires over the next two years so that it can better plan what future changes to the visitor centre might be needed.
- The staff and volunteers have been undertaking a range of training so as to offer a better experience for visitors.
- Habitat works and wildlife summary (Rob Carver):
 - Slupe Field has been planted with cover crops for nectar and pollen, and to provide seed for finches and buntings
 - Using a grants from Natural England, wetland management of the Ferry Field has created much improved habitat for breeding waders and wildfowl. 9 pairs of Lapwings each raised 1 chick, a very good result. 5 pairs of Redshanks produced 2 young. 3 pairs of Avocets were on Ferry Pool but were washed out in June.
 - Grassland management has been tricky this year due to the weather, but hay cuts and essential grazing have been achieved.
 - Reedbeds have been well maintained in Mill Pond Marsh, providing good habitat for Reed and Sedge Warblers and Water Voles, and for the Flame Wainscot moth.
 - Vegetation has been cleared from Tern Island to improve it for breeding seabirds in 2013.
 - Little Tern, the key target species, has bred for the last 6 years in the Harbour, especially out on Church Norton Spit, with up to 16 pairs. In 2012 there were 23 pairs, probably the greatest number in the Harbour for 30 years, including 3 on Tern Island. Also there, 14 pairs of Common Tern (breeding for the first time in 5 years), and 20 pairs of Sandwich Tern and 45 pairs of Black-headed Gulls (the latter two for the first time ever).
 - Church Norton Spit held 17 pairs of Oystercatchers, 15 pairs of Ringed Plovers, and 15 pairs of Skylark, all good numbers.
 - 7 pairs of Little Egrets and 9 pairs of Grey Herons nested
 - Numbers of other breeding birds tended to be down because of the wet summer.
 - New species breeding on site were Treecreeper, Tawny Owl and Turtle Dove.
 - Wintering wildfowl included 2000 Brent Geese already this winter, a high number for the time of year, and good early numbers of Pintails.
 - Good numbers of Southern Marsh Orchid and Bee Orchid were on Chapel Meadow, and good numbers of Childing Pink on Church Norton Spit.
 - 3 new moth species were recorded, out of 350 species recorded in 2012.
 - Surveying was also done of butterflies, dragonflies, Wasp Spiders, Brown Hares and Water Voles.
 - The reserve now has an impressive database of 250,000 wildlife records.
 - Rarities recorded included 6 White Stork, a Hooded Merganser, and two Glossy Ibis.

Action: It was requested that RSPB put the wildlife report onto the RSPB website as a separate report

5. Clarification about RSPB tenure and land ownership at Paghams Harbour (Nick Brooks, RSPB)

Paghams Harbour is very complex in terms of its land ownership and land management rights. Nick explained that some land is leased to the RSPB (the WSCC- and EA-owned land within the LNR), but that much of the land is only covered by a Local Nature Reserve (LNR) agreement, and only ever has been. It does not allow RSPB (or WSCC previously) to do actual land management.

What an LNR agreement allows is:

- for the land to be designated as an LNR
- for the managing agent to enter to monitor wildlife

- for LNR byelaws to be in place and enforced.

If the manager of the LNR wants to actually do physical land management work on land that is only under a LNR agreement, they may do so if:

- the LNR agreement has a separate legal section added to allow this and signed
- or if the owner and manager take out a separate management agreement
- or the landowner and manager have an exchange of letters.

A member of the public raised concerns that the Environment Agency had taken legal instruction from the RSPB to register the North Wall, when such instruction should come from the Secretary of State. The RSPB explained that it had issued no such instruction and wasn't in a position to do so. It had merely asked the Agency if it was possible for them to register the land, given their long history of management and assumed ownership of the wall and the fact that it is a flood defence, and given the strong community feeling at the previous Community Forum that the wall should not be left unregistered.

The member of the public's concern was that access to the North Wall would be closed, or people would be stopped from wheeling their bicycle along it, or a birdwatching hide would be built on the wall.

Cllr David Meagher (Bognor Town Council) alerted the meeting to the Arun District Plan, which talks about footpath closures possibly being needed. This is one of the main access points for Bognor Regis and Pagham visitors and would restrict their access to the reserve, although if this development proceeds it might offer positive benefits in the way of improved carparking and easier access.

Cllr David Huntley pointed out that, in the Service Level Agreement, it was stated that all existing footpaths would be preserved.

The RSPB and WSCC gave assurances that they had no plans to close footpaths, and that changes in the ownership of the land which a Right of Way runs over does not mean it would close. Any proposals put forward to change the Rights of Way network are always considered by WSCC very carefully.

A specific query was made by a member of the public about RSPB tenure of the piece of land called 'Bond's Piece'. Adrian Thomas explained that it is not legally clear who owns that piece of land, but that this is being dealt with amicably by the Environment Agency and the private individual concerned. If it proved to be EA land, then the RSPB would lease that land; if not then it wouldn't but that wouldn't affect management of the Harbour.

Another member of the public flagged another land boundary anomaly on the eastern side of the Harbour. The RSPB explained that with a place as complex as the Pagham Harbour LNR, and with many land registry maps in the past having been drawn inaccurately, anomalies were likely and that RSPB would systematically address them.

Action: RSPB to specifically seek clarification over the specific land boundary anomaly on the east side of the Harbour.

6. Clarification about drainage issues at Pagham Rife – explanation of the RSPB's role, and the limits of authority (Adrian Thomas, RSPB)

Adrian gave a short presentation, using maps, to explain the complexities of the management responsibilities at Pagham Rife. In summary, the Environment Agency and riparian landowners have responsibility for flood risk management along the rife, and (as a further example of the limitation of land management authority as set out in agenda item 5) the RSPB does not have management authority along the rife.

The RSPB does have management responsibility, under an agri-environment grant, to look after two 'basins' either side of the lower end of Pagham Rife, where it manages grassland, pools and reedbeds. These areas actually aid flood risk management slightly by taking a little of the excess water at times of high flow, but the presence of reedbeds in these areas does not impact on flood risk management in the rife. The RSPB is working with the Environment Agency to create a publicly-available fact sheet about the issue, and the RSPB will be looking to create other fact sheets too about key issues around the LNR. It is vital that people understand these responsibilities.

Most importantly, the RSPB urged that, if flooding occurs, the public calls the Environment Agency Floodline to seek help from those with the authority to act.

7. **Question from Cllr David Huntley, Pagham Beach Residents Association: The current rapid loss and re shingling of Pagham Beach is leading to a rapid loss of very important SSSI vegetated shingle. This is causing the Loss of *Crambe maritima*, *Glaucum flavum*, *Echium vulgare*, *Petrorhagia nanteuillii* and *Beta maritima* (Seakale, Horned Poppy, Viper's Bugloss, Childing Pink and Sea Beet), as well as sparrows, Starlings, lizards, rare crickets and spiders. Why is not a more permanent solution of moving the harbour mouth back west and directing the out flow straight out to sea recommended . This should provide a solution to protect Pagham Beach SSSI from damaging erosion and subsequent remedial short term management. In the past moving the harbour mouth back west has lasted 30 to 60 years. The new shingle bank was predated by foxes and little tern nests were destroyed by summer storms this year. Tern island could be refreshed with new shingle providing better compensatory habitat safe from foxes, dogs and most storms. The improved flow in and out of the harbour should maintain it as a tidal wetland habitat and prevent the harbour silting up any more. Surely this is ideal for rare wading birds??**

David confirmed that the question was linked to the beach erosion and flood defence issues at Pagham Beach. Adrian explained that there is merit in David's idea, but because the nature conservation designations are quite complex ,it would not be possible to work through the ideas in the short time available at the Forum. Adrian asked those present whether they would welcome the RSPB seeking to arrange a meeting with interested parties to help all parties understand the legislation and how to work best with it, which the audience welcomed. Cllr Coleman confirmed that there is a sense of positive cooperation currently with all the agencies involved in flood defence at Pagham.

Action: RSPB to suggest the idea to the Pagham Coastal Issues Group.

8. **Update on fishing and bait digging** (Charlotte Eastley, WSCC)

There is a common law right to fish and bait dig in tidal waters (under the mean high tide mark) for one's own use. WSCC had previously issued 25 fishing permits and 15 bait-digging permits. However, it is now understood that it is not possible to restrict the number of people exercising that right, so the fishing permit system is null and void. WSCC will write to all those with fishing permits to explain. However, Natural England can restrict in terms of area within an internationally protected site.

Bait digging is an ancillary right to fishing (again for personal use) and therefore it is possible to restrict area but not numbers.

A member of the public asked if a Code of Conduct should be brought in, such as that used in the Solent. This is certainly possible, but WSCC and the RSPB confirmed that the first step is for RSPB to contact NE to seek their views.

Action: RSPB to seek NE's views about fishing and bait digging in Pagham Harbour, in the light of the common law right.

A fisherman in the audience, who would like to fish in the Harbour, explained that anglers work with nature, but don't want to be blamed in the future for upsetting nature.

9. **Update on Boating Code of Conduct** (Charlotte Eastley, WSCC)

There was a final meeting of the Code of Conduct group in October, who signed off the draft wording of the Code of Conduct. WSCC sent this to EA and NE for their comment. NE responded this week, and WSCC is feeding NE's comments back to the group. EA's comments are still awaited. Once these are in, the draft will be shared with the Royal Yachting Association and the British Canoe Union.

10. **AOB.**

The RSPB alerted the meeting that BBC Inside Out has been filming this week regarding the Pagham Beach flood risk management issue.

Next meeting: The next meeting is likely to be in June 2013. Venue and date to be advised. Members of the audience asked how the meetings had been publicised, and if they could be more widely publicised in future. The RSPB had postered extensively in the area, and promoted the event through the e-update list. Adrian asked that representatives of the groups present can help disseminate news of the Forum to their respective organisations.

Feedback forms: Attendees were invited to complete a feedback form, which they could hand in anonymously. The responses were as follows:

1. How valuable did you find the meeting?

- Very much, thank you
- Quite enlightening
- Very
- Very
- Very interesting and informative

2. Are there any changes you would like to see in the way the meetings are run?

- No.
- No.
- Would have been good to have a copy of the reports that were too detailed to fully absorb.

Action: The RSPB will put a copy of the Pagham Rife report on the RSPB website once it is signed off by the Environment Agency

- Please could the meetings have a rule that one member of the audience speaks at a time through the Chair?
- I thought it was a vast improvement on the old Advisory Board, thanks - keep it up.
- Looking at environmental issues and evacuation for older people.

3. Do you have any issues or comments you did not get to share that you would like us to know?

- Bus 51 finishes early on weekdays so hold meetings on Friday or Saturday
- Tea and coffee
- We need more information on the sea and flooding issues - what do we provide for all the animals?

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Post script: WSCC has given the following update about footpaths at North Wall subsequent to the meeting with regard to their closure during Foot & Mouth, and the implications of the Arun District Council Local Plan:

To be clear, the footpaths in West Sussex were closed and re-opened in accordance with National guidance during the foot and mouth outbreak. There were no plans to keep the Rights of Way network closed for longer than necessary, either nationally or locally.

Arun District Council is currently drafting its Local Plan and further consultation is planned for 2013. As part of the development of this plan, Arun has had a Habitats Regulations Assessment completed which would have been carried out by an external consultant. This HRA will make recommendations which the District Council can include in its plan if it so chooses.

The County Council and District Council have powers under the Highways Act 1980 and the Town and Country Planning Act 1990, to make path orders to divert or extinguish (delete from the definitive record and stop up on the ground) public footpaths, bridleways and restricted byways. In reality the District Councils rarely choose to exercise these powers and orders are usually as a result of an application from the landowner. Any proposals put to the order-making authority are open to a public objection period of 28 days after an order is made and notices have been posted on site and advertised in the local press. In the event the District Council makes an order, the County Council is a statutory consultee.

The County Council is committed to maintaining a Public Rights of Way network in the County and as such would take any applications to divert or extinguish a Right of Way very seriously. Significant justification of need would be required, specifically to satisfy the relevant legal test(s). It should be noted that the RSPB has no plans to reduce overall access in the Reserve and indeed they specifically stated at the recent meeting that there were no plans to apply for an extinguishment of the footpath which runs along the North Wall.