

**Copperhouse Pool** - Meeting on Thursday 7th February 2013.

Vaughan Robbins - Natural England  
Jenny Parker - RSPB  
David Flumm- RSPB  
Peter Haddock - HHCL  
Andrew Houghton - EA, Asset Management  
Joost Lotsy - EA.  
Simon Clarke - ING  
John Coombe - CC ( Hayle South)  
John Pollard - CC (Hayle North)

We met at the Harbour Office to discuss the use of Copperhouse Pool for recreational purposes. This was prompted by approaches that I had received from groups and individuals keen to use the Pool for water sports. This included the SLSC and a Sailing School initiative that see the Pool as a safe environment where training can be easily delivered. Individuals are prepared to invest in the provision of boats but access to adequate water is the basic requirement.

The idea of meeting as a small group was to enable a fully open and frank exchange - and that certainly worked!! I will not detail the points made but I do believe that although we have met many times over this issue it was worthwhile reflecting on the current situation. I am grateful to everyone for their time and we all endeavoured to look forward. In general terms we discussed:

In 2002, a draft protocol for utilising the Pool for recreational events was produced by NE and agreed with EA, RSPB and HHCoLtd (now HHAL). The final draft was issued 19<sup>th</sup> December 2002 but there have been two revisions since: 2006 and 2008. These are based on the ‘Three Councils’ Agreement’ which allows for impoundments on spring tides “*between 1<sup>st</sup> April and 30<sup>th</sup> September each year on a basis to be agreed from time to time between the Company and the three Councils*”. The protocol (“advice note”) of 2008 states:

*It is recommended that, as far as possible, between 1 April and 30 September, weekends with impoundments should be alternated with weekends where a natural tidal cycle is maintained over the period of a spring tide.* Hayle Town Council refused to endorse this.

In effect this enables 6-7 impoundments to take place on alternate spring-tide weekends each summer between 1 April – 30 September. NE, EA, RSPB and HHAL have agreed to take this ‘precautionary principle’ approach to maintain the integrity of the SSSI. The SSSI notification is a legally binding document and as owners of Copperhouse Pool, RSPB could face prosecution from NE for causing harm. NE, EA, HHAL and RSPB believe that more impoundments could have a negative effect on invertebrates in the Pool and advised Hayle Town Council (in a meeting with them 11<sup>th</sup> November 2008) that if they could demonstrate no harm was being done by impounding seawater on every spring tide (13 is theoretically the maximum between 1 April -30 September), this protocol could be re-drafted.

It was suggested Hayle Town Council employ a research scientist to undertake the work and Dr Phil Smith @ Aquatonics Ltd was put forward as one possible contractor. To date, Hayle Town Council have not contacted Dr Smith or made any attempt to undertake the research suggested.

The protocol established that applications for impoundments had to be made to the Harbour Company by 15<sup>th</sup> January each year and they would liaise with the other consultees and publish the list.

Impoundments were designed to allow specific events and were liable to cancellation if there was a severe danger of flooding on the day. David Flumm stressed that even when impounded the water is not widely used and that RSPB would like to see more use of the Pool during such impoundments – and that this has always been our view

**Agreed:** In future all 6 or 7 impoundments would be established based on applications received. These would be advertised widely. In consultation with the relevant Club or Group we would encourage use of the water when not needed by the club involved. For instance: if the Gig Club have races on the Saturday there would be ‘open’ access on the Sunday.

**Agreed:** Such open days would be advertised but all users, whether clubs, organised groups or individuals would have to work through the Harbour Company. The water is not for use by any ‘mechanical’ craft – jetskis etc.

We have discussed the flooding of ‘Wilson’s Pool’ with the Environment Agency on previous occasions. All other parties would like to see the upper reaches flooded on occasion as the salt marsh is becoming a fresh water one. The tide coming into the pool is limited to 3 metres to enable maximum capacity for flood prevention and therefore never reaches the upper pool. Even when high tides are impounded they are still limited in order to provide capacity. David Flumm suggested EA could flood Wilson’s Pool during the 6-7 impoundment weekends if there is no threat of rain forecast. This may be sufficient to stop the degradation of the SSSI saltmarsh – a BAP habitat. By preventing seawater to maintain the saltmarsh, EA are encouraging its transgression to a freshwater habitat and as such, they could face prosecution from NE for causing harm to the SSSI ‘Feature’

**Agreed:** the EA will once again consider allowing the full tide to be impounded so that the upper reaches are flooded as well. As there is always loss of water during impoundments, as long as there is not enormous rainfall this could be deemed to be safe. These occasions were chosen because they required adjustment of the gate anyway. If this was not acceptable we ask them to consider allowing a number of higher tides during the year to maintain the salt marsh within the SSSI.

As previously stated, I had been approached by a number of groups and organisations, including the idea of a sail training school, who were interested in using the safe waters of Copperhouse Pool. The consultees were unmoveable on the number of impoundments (unless we can prove that there would be no damage to the invertebrates) but content to enable greater use during the tides.

**Agreed:** That all parties would consider favourably any approach to use the tidal regime within the pool. This would be a maximum 3mtre tide which could be used 2 hours before and after high tide as long as agreed with the Harbour Office and assurances that all necessary safety measures would be in place.

The Harbour Company is keen to see greater use of the waterways in and around the Harbour. RSPB is adamant that its constraints with safe areas for water skiing and kite surfing must continue but within these limitations accept that the water could be used. Natural England is keen to continue existing protocols and the Environment Agency have the responsibility for flood prevention and are keen not to incur further costs in operating the Copperhouse Pool gate.