

Full Council

5 December 2024

Purbeck Pleasure Boat Byelaw 2013 Amendment

For Decision

Cabinet Member and Portfolio:

Cllr J Andrews, Place Services

Local Councillor(s):

Cllr Bill Trite, Cllr Gary Suttle, Cllr Mike Baker, Cllr Laura Beddow, Cllr Ben Wilson

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Bridget Betts

Job Title: Environment, Policy and Partnership Team Manager

Tel: 01305 224760

Email: bridget.betts@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

Dorset Council is responsible for the Seaside Pleasure Boat Byelaws 2013 that covers Swanage, Studland, Kimmeridge and Lulworth. This Byelaw was transferred to Dorset Council as part of Local Government Reorganisation from Purbeck District Council. The Byelaw requires Dorset Council to have responsibility for reducing speed within this area and put out 5 knot speed marker buoys at locations along the bays. The byelaw details the coordinates these buoys are placed around the bays at Swanage, Studland and Kimmeridge.

Due to ongoing concerns around water safety Dorset Council set up the Studland and Swanage water safety multiagency partnership to address the water conflicts between different user groups, in particular motorboats/jet skis and other users (swimmers, paddle boarders). In the past three years incidents in the water, particularly from jet ski users has reduced due to this partnership and a range of measures that have been put in place.

The byelaw that is currently in place now requires amendment due to a number of reasons:

- i. Dorset Council has had a formal request from the Studland Marine Bay Partnerships to amend the byelaw as the 5 knot speed marker buoys goes through the newly established voluntary marine no anchor zone where there are now over 75 eco moorings situated during the summer. This has led to confusion from boat users and conflict within a boat mooring area.
- ii. Recreational areas for Studland and Swanage have changed since the original byelaw was drawn up in 2013 and there is a large increase in non-motorised use of the Bay with paddleboards, swimmers and kayakers. The mix of motorised and non-motorised users need to be more seriously considered within the byelaw so that everyone can use the areas for their own interests but at a safe speed.
- iii. There is sea swimming and paddleboarding all year round.
- iv. The language used in the byelaw is confusing and there is no reference to jet skis therefore often those riding them do not think the byelaw is applicable to them.
- v. There has always been debate about whether the buoy positions are located in the right place (currently at 300m) and perhaps need to move closer to the shore. This would be a good opportunity to explore this with those that use the area for water recreation.

Approval for any change in the byelaw will need to be reported back to Full Council after a public consultation period and final confirmation of an amendment to the byelaw will need to be passed to the Secretary of State.

Recommendation:

To authorise officers to proceed with work to amend the Purbeck Pleasure Boat Byelaw 2013 and to carry out engagement with user groups through a formal public consultation and bring back to Full Council before going to the Secretary of State.

Reason for Recommendation:

To protect people's safety at Swanage and Studland in line with our byelaw and to help protect the seagrass beds within the voluntary marine no anchor zone at Studland.

1. **Introduction**

- 1.1 Dorset Council is responsible for the Seaside Pleasure Boat byelaws 2013 that covers Swanage, Studland, Kimmeridge and Lulworth. This byelaw was transferred to Dorset Council as part of LGR from Purbeck District Council.
- 1.2 The byelaw requires Dorset Council to have responsibility for reducing speed within the Swanage, Studland and Kimmeridge area and put out 5 knot speed marker buoys at locations along the bays to show where speed restrictions are in place. The byelaw details the coordinates these buoys are placed around the bays at Swanage, Studland and Kimmeridge. They also state the time of year they can be placed and removed from the sea (31 March and 30 September).
- 1.3 The 5 knot speed marker buoys are licenced by the Marine management organisation (marine licence - L/2023/00110/1). They are placed at approximately between 100 - 130m intervals by a specialist contractor with an agreed method statement. 26 buoys are placed in Studland, 20 marker buoys are placed in Swanage Bay and 3 marker buoys are placed in Kimmeridge Bay. There are no buoys at Lulworth.
- 1.4 This report has been prepared in response to a formal notice to Dorset Council from Studland Marine Bay Partnership to request that for the 2025 season the position of the 5 knot speed markers in Studland Bay is moved to coincide with the outer limit of the Voluntary No Anchor Zone (VNAZ).
- 1.5 The Studland Marine Bay Partnership has been working for the past three years to ensure compliance with the Marine Conservation Zone, and in particular with the Studland Voluntary No Anchor Zone (VNAZ) introduced by the MMO in 2022. See appendix ii for the map of the area. Facilitated by the Dorset Coast Forum and supported by Dorset Council, over £400,000 has been secured to install 87 Eco moorings in the bay, which enables recreational boating to continue without damaging the seagrass habitat in the southern part of the bay.
- 1.6 Marker buoys delimit the VNAZ and cover a large area around the eco moorings. The 5 knot speed marker buoys currently run parallel to the shore, and in the southern part of the bay this means they cut through the middle of the VNAZ and through the middle of the Eco moorings. During the 2024 season this created a number of issues, all of which would be resolved if in future the speed restricted zone were extended in the

southern part of the bay to encompass the whole of the VNAZ. These can be summarised as follows:

- i. feedback from numerous boaters that the number of different marker buoys is now quite confusing and makes the bay look very busy.
- ii. Some of the speed markers are on top of the locations where we have a licence to install new Eco moorings – we have not been able to install them as a result.
- iii. the prospect of vessels moving at speed through part of this area raises serious health and safety concerns: from a public safety perspective it would make sense that the speed restrictions apply throughout the area where boats can moor rather than just half the area.

1.7 By amending the byelaw and therefore changing the location of the 5-knot speed marker buoys the messaging would be clearer as the speed restriction in the whole VNAZ area would mean that on entering the VNAZ, craft must move slowly and not anchor. Currently it gives the impression that outside the 5-knot zone the area is less sensitive, but this is not the case.

1.8 An informal consultation was carried out with the Swanage and Studland Water Safety Group who started that:

- i. recreational areas for Studland and Swanage have changed since the original byelaw was drawn up in 2013 and there is a large increase in non-motorised use of the Bay with paddleboards, swimmers and kayakers.
- ii. There is sea swimming all year round at Swanage and Studland.
- iii. There has been an increase in jet skiing in the area since covid and this continues although there are less incidents due to the regular paid water safety patrols set up by the Swanage and Studland water safety partnership,
- iv. The mix of motorised and non-motorised users need to be more seriously considered within the byelaw so that everyone can use the areas for their own interests but at a safe speed.

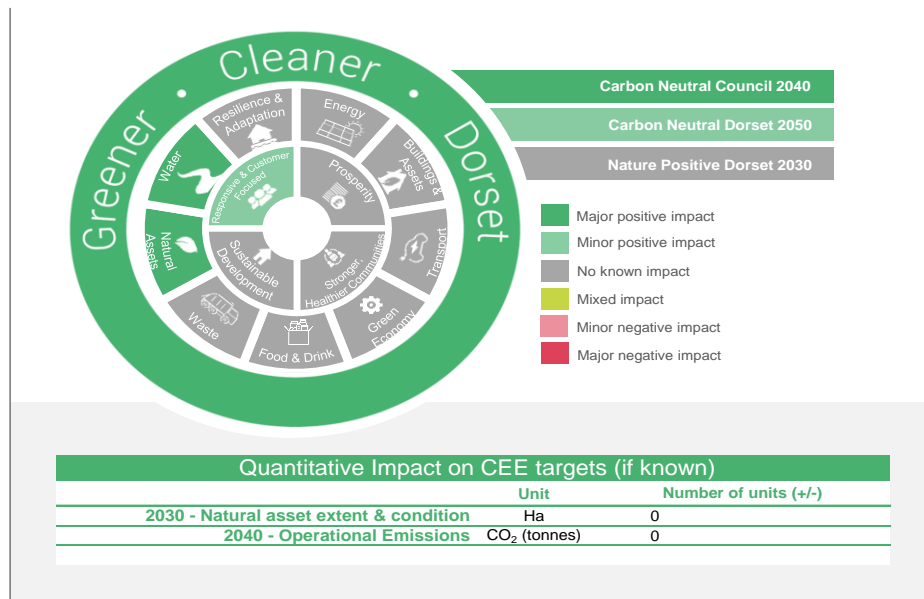
- 1.9 The language used in the byelaw is not clear and who is it for. There is no reference to jet skis therefore often those riding them do not think the byelaw is applicable to them and are surprised to find out that it is.
- 1.10 There has always been debate about whether the buoy positions are positioned in the right place (currently at 300m from the shore) and perhaps need to move closer to the shore. Often jet skis/boats slow down initially but due to the 300m to shore start to speed up again as the distance to the shore is quite some way. This would be a good opportunity to explore this with those that use the area for water recreation.

2. Financial Implications

There are no direct financial implications from this initial work except for staff resource. There are not anticipated to be any financial implications from a new amended byelaw as there is a budget of £18,000 pa for the putting out and bringing in of the speed marker buoys, repairs and storage. Any change in position of the buoys will require a new marine licence or amendment to the existing licence which could require a small cost.

3. Natural Environment, Climate & Ecology Implications

The relocation of the 5 knot speed marker buoys at Studland around the VNAZ area will help protect the seagrass beds.



4. **Well-being and Health Implications**

The mix of motorised and non-motorised users at both Swanage and Studland need to be more seriously considered within the byelaw so that everyone can use the areas for their own interests.

5. **Other Implications**

None

6. **Risk Assessment**

6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

The risk of not amending the byelaw is:

Current Risk: Medium – reputational risk and health and safety risk

Residual Risk: Low

7. **Equalities Impact Assessment**

Not required for asking for approval to proceed with amendment of the byelaw

8. **Appendices**

- i. The Purbeck Seaside Pleasure boat byelaw 2013
- ii. Map showing voluntary no anchor zone area and speed marker buoys
- iii. Accessible Impact Assessment & Table of Recommendations

9. **Background Papers**

None

10. **Report Sign Off**

11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)