

<b>NAME OF COMMITTEE</b>	<b>Economy &amp; Environment Scrutiny Panel</b>
<b>DATE</b>	<b>13 November 2014</b>
<b>REPORT TITLE</b>	<b>Managing coastal change and assets. Update from Task and Finish Group</b>
<b>Report of</b>	<b>Natural Environment and Recreation Manager</b>
<b>WARDS AFFECTED</b>	<b>All coastal wards and those adjacent to tidal waters</b>

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**Summary of report:**

The Council undertakes a wide range of statutory and discretionary activities on the coastline, and holds a significant number of coastal assets. The coast is under constant pressure and change, as the recent storms have highlighted. This report presents an update from the Task and Finish Group

**Financial implications:**

There are no immediate financial implications arising directly from this report. However, there are potentially significant cost implications in coastal management as set out in the details on coastal assets.

**RECOMMENDATIONS:**

It is recommended that the Panel:

- a. Notes current progress from the Task and Finish group
- b. Considers whether any issues raised in the report should be given further attention by the Task and Finish Group
- c. Consider the financial implications of the Coastal assets review and make any necessary recommendations to the Executive

**Officer contact:**

Ross Kennerley Natural Environment and Recreation Manager.

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**1. BACKGROUND**

- 1.1 The 20<sup>th</sup> March E&E Scrutiny Panel received a detailed report on Coastal matters. Consideration of these led to establishment of the Task and Finish Group which has subsequently met on June 20<sup>th</sup> & September 25<sup>th</sup>.

1.2 The group has concentrated on 3 issues which are reported back in summary

SHDC owned Coastal Assets review  
 Undeveloped Coast Policy  
 Coastal Change Management Area Policy

1.3 These matters are covered in the attached minutes of the September 25<sup>th</sup> T&F group. In particular members expressed concern about the extent of liability in relation to SHDC owned coastal assets and requested further feedback to Scrutiny on this matter.

## 2. MATTERS FOR CONSIDERATION

2.1 **SHDC owned Coastal Assets Review** As has been reported previously SHDC owns over 130 assets along the coast and estuaries. These have been subject to ongoing management over the decades and more recently been subject to a comprehensive assessment of condition. The initial analysis reveals an estimated expenditure pressure as set out in the table below

Years	2015 -2019	2020 - 2024	2025 - 2029	2030 - 2034
Estimated Expenditure	£1.5m	£2.5m	£631,000.00	£941,000.00

2.2 These cost pressures are indicative and will need to be factored into the Capital programme. There will also be a need to identify other potential sources of funding and this potential programme of works will need further assessment and review prior to agreeing detailed long term projects. In order to establish a context of coast related expenditure the following table sets out previous capital expenditure (totals are rounded)

Works	13/14	12/13	11/12	10/11	09/10	TOTAL
	£	£	£	£	£	£
Cliff works for public footpath		36,885	1,330	5,509		43,724
Repositioning and replacement			22,973	7,140		30,113
Reconstruction				2,563	13,082	15,645
Improvements	1,460,288	250,267	64,776			1,775,331
Diversion of Culvert and assoc. Works	65,008					65,008
New slipways	288,421	888,296			16,184	1,192,901
Coastal Defence Scheme	36,865					36,865
Unspecified					45,109	45,109
<b>Totals</b>	<b>1,850,583</b>	<b>1,175,448</b>	<b>89,079</b>	<b>15,212</b>	<b>74,375</b>	<b>3,204,697</b>

2.3 There has also been expenditure incurred under the repairs and maintenance budget as below:

Years	13/14	12/13	11/12	10/11	09/10	Total
Estimated Expenditure	£115,645	£65,506	£25,637	£12,290	£64,636	£283,714

2.4 **Our Plan Policies**. Two policies have been considered by the T&F group (as reported in the minutes).

2.5 The *Undeveloped Coast* Policy is felt to be a more straightforward matter – involving the extension of the existing Heritage Coast designation and applying an assumed boundary through Wembury to give coverage across the entire South Hams

The application of a *Coastal Change Management Area* policy is a more complex issue. The policy needs to identify areas vulnerable to coastal change and to control location and types of development within this coastal zone. The T&F group has modelled this using coastal change boundaries contained in the Shoreline Management Plan. This policy will have distinct impacts on properties in limited coastal locations. These areas were also presented to a wider meeting of Members at the Single Topic Discussion on 9<sup>th</sup> October.

2.6 **Other coastal issues** At the meeting of March 20th Scrutiny considered a wide range of coastal issues as set out in the updated table at Appendix 1. Scrutiny Members are asked to consider what further matters, if any, require referral to the Task and Finish Group given the progress made on the initial three matters reported above. Members may wish to note the 2<sup>nd</sup> strategic risk below and whether a clearer policy, and approach, to dealing with coastal change and coastal flooding may assist in clarifying responsibilities of the District Council for the public and landowners.

### 3. LEGAL IMPLICATIONS

3.1 The statutory powers and duties are addressed in in the table in appendix 1. Key strategic risks are identified at Appendix 2.

### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising immediately from this report. However, the review of Council coastal assets will certainly have financial implications. The expectation by government that the Council should contribute to the cost of flood protection and coast defence works should also be considered.

**Appendix 1**

**SOUTH HAMS COASTAL MANAGEMENT RESPONSIBILITIES**

<b>THEME</b>	<b>STATUS</b>	<b>COUNCIL ROLE</b>	<b>PRINCIPLE ACTIVITIES</b>
Coast defences	Compulsory (Coastal Protection Act 1949)	The Council is a Coast Protection Authority	<p>Undertake coastal protection works where it is deemed appropriate, and in accordance with national flood and erosion risk management strategies. Section 4</p> <p>Serving notice on 3<sup>rd</sup> party to undertake maintenance of structures owned by them. Section 12</p> <p>Recovery of cost in repairing structures owned by a 3<sup>rd</sup> party if they fail to do so pending the appropriate notices. Section 13</p> <p>Give consent to 3<sup>rd</sup> party works. Section 16</p>
Shoreline change and planning	Compulsory (National Planning Policy Framework sections 55 94 99 100 106 107 108)	The Council is a Coastal Planning Authority	The Council is required to identify “coastal change management areas” in the Local Plan, and set out policies for development and coastal adaptation. Policies for the “undeveloped coast” are also required.
	Government guidance (Defra 2006 and Coastal Protection Act 1949)	The Council is a member of the South Devon and Dorset Coastal Authorities Group	The Council worked with other agencies and authorities to oversee the production of the Shoreline Management Plan (2011) and oversee a programme of coastal monitoring (on-going). The Council also has a duty to cooperate with other risk management authorities under section 13 of the Flood and Water Management Act 2010
	Discretionary	The Council is a lead member of the Slapton Line Partnership	The Council has worked with other agencies and interests to manage coastal adaptation at Slapton Line since the major storms of 2001.

<b>THEME</b>	<b>STATUS</b>	<b>COUNCIL ROLE</b>	<b>PRINCIPLE ACTIVITIES</b>
Asset management	Discretionary (But, obligatory as long as the Council is an asset 'occupier' – Occupiers' Liability Act 1957)	The Council owns and leases a number of coastal sites, structures and assets in its role as a local authority and harbour authority	As an occupier of land, the Council is required to maintain in a safe condition its coastal assets. Significant examples include: <ul style="list-style-type: none"> <li>• Harbour infrastructure (Salcombe Estuary)</li> <li>• Beaches (Slapton Sands, North Sands, South Sands)</li> <li>• Coastal carparks (Slapton, Bigbury-on-Sea, Salcombe)</li> <li>• Waterfronts, slipways and embankments (Dartmouth)</li> <li>• Coast defences (Beesands)</li> </ul>
Environmental management	Statutory (Countryside and Rights of Way Act 2000)	The Council is a public body with a duty of regard for the South Devon AONB – which is a national coastal protected landscape.	The Council is a lead partner in the South Devon AONB Partnership and publishes the AONB Management Plan jointly with other authorities.
Environmental management	Statutory (Wildlife and Countryside Act 1981; Habitat Regulations 2010.)	The Council is an occupier of land designated as coastal Sites of Special Scientific Interest at Slapton and Salcombe and has a duty to protect and maintain them.	The Council promotes good management of coastal protected sites through the AONB Estuary Partnership, estuary conservation forums and management plans, the Slapton Line Partnership and Slapton Nature Reserve Committee.
	Compulsory (National Planning Policy Framework section 114)	The Council is a Coastal Local Planning Authority.	The Council is required to maintain, protect and enhance the character of the undeveloped coast, particularly the Heritage Coast, and improve public access and enjoyment of the coast, in its Local Plan policies and planning decisions.
Public health and safety	Compulsory (Bathing Water Regulations)	The Council is a coastal Environmental Health Authority.	The Council is required to maintain signage and public health information and response for the District's 17 designated bathing waters.
	Discretionary	The Council provides public rescue equipment, safety buoys and lifeguards at estuaries, beaches and coastal sites.	The Council provides safety equipment and boat lane buoys and manages the RNLI lifeguard contract.

<b>THEME</b>	<b>STATUS</b>	<b>COUNCIL ROLE</b>	<b>PRINCIPLE ACTIVITIES</b>
	Statutory Civil Contingencies Act 2004	The Council is a Category 1 Responder	The Council is required to liaise and plan for emergency situations and to respond to emergencies in line with adopted plans
Dog controls	Discretionary (South Hams Dog Control Orders 2013)	The Council has recently made new Dog Control Orders	The Council's byelaws include seasonal prohibition of dogs from some beaches, and clean-up obligations on dog owners from all beaches all the time. This brings work to advertise the byelaws and enforce them.
Economic and community regeneration	Discretionary	The Council supports a range of economic and community development programmes affecting the coast.	The Council secured a £450,000 Government <i>Coastal Communities Fund</i> grant towards the development of the commercial shellfishery sector. The Council secured a £1.8m LEADER grant, through the South Devon Coastal Local Action Group, supporting 110 community and economic development projects worth £4.8m.

## Appendix 2

### RISK MANAGEMENT

	RISK	RISK SCORE			MITIGATION MEASURES
		IMPA CT	CHAN CE	RISK	
1	Deterioration in condition of Council assets	3	4	12	Complete survey and review of condition of Council coastal assets. Incorporation of works in planned capital programme
2	Significant storm damage or tidal flooding affecting coastal communities and Council assets.	4	4	16	The Council could identify the most serious risks and develop a policy response to address them in conjunction with landowners and other agencies
3	Need for co-ordination in response to long term coastal issues	2	4	8	The Council could develop a clear policy direction for managing coastal change, in conjunction with partners, through the Local Plan process