

The Highland Council
Community Services Committee

21 August 2014

Agenda Item	19
Report No	COM/27 /14

Coast Protection Policy

Report by Director of Community Services

Summary

This report invites the Committee to approve an update to the Coast Protection Policy and to note the commitment to support multi-agency strategies for tackling coastal erosion problems.

1. Introduction

- 1.1. The current Policy for Coast Protection was approved by the Roads and Transport Committee on 20 August 1998. The proposed policy has been updated to reflect current practice and is included in **Appendix A**, (the existing policy is included in **Appendix B**).
- 1.2. The Committee should note that the current coast protection budget is £57,000. The scale of this budget limits the amount of work which can be undertaken by the Council in providing defence measures and maintaining existing ones.

2. Policy Amendments

- 2.1. The cash limit contribution of £15,000 for 'Job Creation' and other schemes has been removed. This amount was stated in 1998 and is currently of such a low value in relation to works that it may not be feasible to start a project.
- 2.2. In paragraph 4.1.c.(iii), the minimum contribution has been increased from £350 to £600 which will now be index linked as of 1st April 2014. In 4.1.d, the restriction has been widened to include any sports and recreational facilities and the minimum contribution per head of club membership is increased from £20 to £50, also index linked from 1st April 2014.
- 2.3. The policy has been updated to reflect a stronger emphasis on a multi-agency strategy for improving coast protection measures. The Council will work in partnership to resolve issues and will contribute technical advice as well as facilitating funding opportunities.
- 2.4. This approach would be undertaken through the leadership of the relevant Community Services Area Manager.

- 2.5. In paragraph 4.1.g, the statement regarding the protection of roads has been updated but not changed in its fundamental meaning.
- 2.6. Due to resource constraints, paragraph 4.1.h has been amended to remove the statement that the Council would undertake statutory procedures at cost for other agencies. This does not prevent schemes from being considered as part of a multi-agency approach as stated in 2.4 above.

3. Implications

- 3.1. This report has no impact on equality, Gaelic or rural considerations, nor are there any resource, legal or risk implications.
- 3.2. The climate change/ carbon clever implications relevant to this report are general statements relating to changes in climatic conditions. Sea levels are rising as a consequence of climate change and this trend is predicted to continue. Global sea level has risen at 1.8mm per year since 1955 and since 1992, has risen at a mean rate of 3mm per year. Increased sea levels lead to an increased probability of coastal assets being flooded.

Recommendation

This report invites the Committee to:

- i. Approve the Coast Protection Policy as contained in **Appendix A**; and to
- ii. Note the commitment to provide support for multi-agency strategies for tackling coastal erosion problems.

Designation: Director of Community Services

Date: 29 July 2014

Author: Elizabeth Maciver

Background Papers: 1998 Coast Protection Policy
1997 Coast Protection Policy
1996 Coast Protection Policy

1. Introduction

- 1.1. The Coast Protection Act 1949 defines coast protection work as - “any work of construction, alteration, improvement, repair, maintenance, demolition or removal for the purpose of the protection of any land and includes the sowing or planting of vegetation for the said purpose”.
- 1.2. The Highland Council is the Coast Protection Authority, in terms of The Coast Protection Act 1949.
- 1.3. This Policy confirms the Council’s obligations for maintenance of existing works of coast protection, and states the circumstances under which the Council will consider the provision of new coast protection measures, within the limited resources available. However, each individual case will be determined according to its particular circumstances.
- 1.4. Where formula based contributions are indicated, these will be applied on the basis that they will not result in a contribution greater than that provided for by the Coast Protection Act 1949.

2. Multi-Agency/Partnership Working

- 2.1 The Council will work in partnership with other agencies and contribute technical advice as well as facilitating funding opportunities. Such an approach would provide a multi-agency strategy and solutions for improving coast protection measures which the Council on its own cannot provide.

3. Maintenance

- 3.1 Except as described in 3.2 and 3.3 below, the Council will maintain only those measures which were constructed by the Highland Council, or by previous coast protection authorities, as formal coast protection schemes.
- 3.2 The Council will not normally maintain formal coast protection schemes constructed by others. If failure to do so would result in serious erosion which could threaten residential property, the Council will, at its discretion, consider the funding of maintenance.
- 3.3 Where measures were installed under “Job Creation” or similar schemes, and where no clearly responsible authority exists, the Council will, at its discretion, consider the funding of maintenance.

4. New works

- 4.1 In the following circumstances the Council will consider provision of coast protection measures, and will seek voluntary contributions from those benefiting from a protection scheme as set out below:

a. **Existing Communities:**

Protection of existing communities from erosion should receive first priority; inconvenience by flooding from overtopping should receive lower priority; no charges would generally be levied against property owners benefiting from the schemes and therefore only worthwhile schemes with a benefit/cost ratio greater than 1 would be undertaken.

b. **Small Groups of Houses and Individual Houses:**

These would be treated as in a. above, provided that in the case of small groups of houses, at least one house (and in the case of individual houses, that house) is permanently occupied, does not constitute a second home and is not let as a business.

c. **Septic Tanks:**

Privately owned septic tanks would be eligible for protection provided that:

- (i) there is reasonable evidence that at the time of its construction, the tank was situated out with the inter-tidal zone;
- (ii) attempts have been made to keep properly maintained, any privately owned coast protection measures protecting the tank; and
- (iii) a contribution of 25% (with a minimum contribution of £600 index linked at 1st April 2014) be obtained from the owner benefiting, based on the total estimated cost, or the final out-turn cost, whichever is the lesser.

d. **Sports or Recreational Facilities:**

The general protection of Sports or Recreational Facilities, for example golf courses will only be undertaken by the Council in exceptional circumstances. Where protection is being considered then the club will be required to contribute a minimum of £50 per head of club membership. The value of the contribution rate will be index linked from 1st April 2014.

Membership of Sports or Recreational Facilities is defined as a member paying a full membership fee. O.A.P.'s, juniors and others paying a reduced fee and non-playing members are not included.

e. **Rights of Way, Coastal Paths and Amenity Areas:**

The protection of amenity areas (including rights of way and coastal paths) will not, in general, be undertaken by the Council.

Where other agencies are promoting protection of such amenity areas the Council may, in exceptional circumstances, make a contribution towards the

cost of such protection. This contribution may be in the form of technical assistance with the design and statutory procedures.

In each case the funding package and arrangements for future maintenance of the proposed protection scheme will require the express approval of the Council.

f. Farm, Crofting or Estate Land, Commercial Properties and Caravan Sites:

No schemes will be funded to protect Farm, Crofting or Estate Land, Commercial Properties and Caravan Sites, however free technical advice will be given to proprietors if requested.

g. Council Roads:

The protection of roads is a charge against the roads budget, and will not be funded as coast protection measures.

h. Other Public Bodies, National Bodies and Utilities:

The Council will not fund any schemes to protect land owned by this category of proprietor.

ROADS AND TRANSPORT COMMITTEE

COAST PROTECTION POLICY

The Council's general policy on Coast Protection was agreed at the meeting of the Transport Services Committee on 5th June 1996. The policy is a general one and is intended to avoid raising the community's expectations about what can be undertaken within limited resources. However each individual case will be determined according to its particular circumstances.

Where formula based contributions are indicated, these will be applied on the basis that they will not result in a contribution greater than that provided for by the Coast Protection Act 1949.

The general policy is as follows, as amended at the Roads and Transport Committee of 27/08/97:

MAINTENANCE

The Council should only maintain those works which had been constructed by the Highland Council or the previous coastal protection authorities as formal coastal protection schemes. They would not maintain schemes constructed by others unless failure to do so would result in serious erosion which could threaten property belonging to a third party.

NEW WORKS

The Council might seek voluntary contribution from those benefiting from a protection within the following frame:

1. Existing Communities:

Protection of existing communities from erosion should receive first priority; inconvenience by flooding from overtopping should receive slightly lower priority; no charges would generally be levied against property owners benefiting from the schemes and therefore only worthwhile schemes with a positive cost/benefit would be undertaken.

2. Small Groups of Houses and Individual Houses:

These would be treated as in 1 above provided that in case of small groups of houses, at least one house (and in the case of individual houses, that house) was permanently occupied and did not constitute a second home or be let as a business.

3. Septic Tanks

Privately owned septic tanks will be eligible for protection provided that:

- a) there is reasonable evidence that at the time of construction the tank was situated outwith the inter-tidal zone;
- b) attempts have been made to keep any privately owned coastal protection measures protecting the tank properly maintained;
- c) a contribution of 25% with a minimum contribution of £350 index linked at 1st April 1996) be obtained from the owner benefiting, based on the total estimated cost or the final out-turn cost, whichever is the lesser.

4. Golf Courses:

The general protection of a golf course will only be undertaken by the Council in exceptional circumstances. Where protection is undertaken then the club will be required to contribute a minimum of £20 per head of club membership. The contribution of £20 per member is to be index linked from 1st April 1996.

Golf club membership is defined, in this case, as a member paying full membership fee. This applies to male and female playing members who may, in some clubs, have different scales of fees. O.A.P.'S, juniors and others paying a reduced fee and non-playing members are not included.

See Note Below.

5. Amenity Areas

The protection of amenity areas to which the general public have free access will not in general be undertaken by the Council.

Where other agencies are promoting protection of such amenity areas the Council may, in exceptional circumstances, make a contribution towards the cost of such protection. This contribution may be in the form of technical assistance with the design and statutory procedures.

In each case the funding package and arrangements for future maintenance of the proposed protection scheme will require the express approval of the Council.

6. Farm, Crofting or Estate Land, Commercial Properties and Caravan Sites

No schemes will be funded to protect the Farm, Crofting or Estate Land, Commercial Properties and Caravan Sites, but free technical advice will be given to proprietors if requested.

7. Council Roads

The protection of roads is a charge against the Roads and Transport account.

8. Other Public Bodies, National Bodies and Utilities

The Council will not fund any schemes to protect land owned by this category of proprietor but would undertake the statutory procedures at cost on their behalf to enable them to carry out their own coastal defences.

NOTE: At the Roads & Transport Committee date 27/08/97, the minutes of the Roads & Transport Strategy Group meeting of 19/06/97 were approved, which agreed the following:

- (i) at a time of scarce resources, the Council should not undertake coast protection works for single interest groups such as golf courses;
- (ii) such groups should be directed to relevant external sources of funds such as sports and recreation foundations;
- (iii) those parties promoting Coastal Protection schemes be informed of the Council's inability to fund their schemes in view of the restricted availability of capital expenditure and the schemes already programmed in order that alternative funds could be investigated by them.

NOTE 2: At the Roads & Transport Committee date 20/08/98, the following amendment to the Coast Protection Policy was agreed and is as follows:

- (i) To extend the Policy to include for the Maintenance of measures installed under the “Job Creation” and similar schemes. Such maintenance is cash limited to £15,000 per annum for Highland. Priorities are to be determined by the Roads and Transport Strategy Group.