



# DEVELOPMENT AND INFRASTRUCTURE SERVICES

## COAST PROTECTION POLICY AND STRATEGY

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<b>Date</b>	March 2015
<b>Version</b>	1

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## 1.0 INTRODUCTION

- 1.1 The Coast Protection Act 1949 (<http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/74>) ('the Act') defines the Council as the Coast Protection Authority for Argyll and Bute and sets out the Authorities powers in relation to the protection of the Coast against erosion and encroachment by the sea.
- 1.2 The Act provides the Council (coast protection Authority) with powers to carry out coast protection work, whether within or outside their area, as may appear to them to be necessary or expedient for the protection of any land in their area.'
- 1.3 "coast protection work" means any construction work of 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;
- 1.4 "protection" means protection against erosion or encroachment by the sea;
- 1.5 "sea" includes the waters of any channel, creek, bay or estuary and of any river so far up that river as the tide flows;
- 1.6 "seashore" means the bed and shore of the sea, and of every channel, creek, bay or estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore.
- 1.7 The length of coast for which the Council is the Coast Protection Authority includes all land bounded by the sea in Argyll and Bute. On the mainland this extends from Craigendoran Pier in the Firth of Clyde around Argyll's coastline to the boundary with Highland Council north of Appin in Loch Linnie. The coast also includes the coast of 23 inhabited islands. The overall coastline extends to some 4197 KM. The coast line is detailed by the shaded areas detailed in the map at Appendix 1. The River Clyde is excluded, above a line drawn from the seaward or western end of the Princes Pier, Greenock, to the seaward end of Craigendoran Pier and as such, there is no Coast Protection Authority for this stretch of coast.
- 1.8 The Council has a duty to maintain roads entered on the list of public roads as the Roads Authority under the Roads (Scotland) Act 1984. Works undertaken to protect public roads against erosion and encroachment by the sea may be carried out by the Council acting as the Roads Authority or Coast Protection Authority.
- 1.9 It is the aim of Argyll and Bute Council to exercise its powers under the Act where necessary to protect the coast against encroachment and erosion by the sea within the budget allocated and in accordance with the priorities of the policy outlined in this document.

## **2.0 OUTLINE PRINCIPLES**

- 2.1 The Council, through the Executive Director of Development and Infrastructure Services, will:-
- a) Draft, adopt and amend policy and strategy for Coast Protection;
  - b) Develop an inventory of the Roads and Amenity Services' coast protection assets;
  - c) Develop an inspection regime;
  - d) Design, procure and supervise any works required in accordance with the priorities set out within this document;
  - e) Set up a register of coastal events pertaining to ground not belonging to the Council;
  - f) Provide responses on Planning Applications that may affect the coast
  - g) Consider and determine applications submitted to the Council for consent for persons to carry out any coast protection work, other than work of maintenance or repair.

## **3.0 RESPONSIBILITIES UNDER COAST PROTECTION**

- 3.1 Responsibility for management and prevention of erosion rests with the landowner of the land concerned.
- 3.2 The powers given to Local Authorities under the Act are permissive only, i.e. there is no duty placed upon the Local Authority to Act. The Authority:
- a) Carry out such coast protection work as appears to be necessary or expedient for the protection of any land in its area;
  - b) Carry out that work itself or engage someone else to carry out the work on its behalf;
  - c) Acquire land for, or associated with, such coast protection work;
  - d) Grant consent to coast protection works, other than work of maintenance or repair, to be carried out by others (and contribute to the cost of such works if appropriate). - As required by the Act, any works being carried out to provide coast protection facilities shall obtain the consent of the coast protection authority.
  - e) Require owners (etc.) to repair or maintain existing coast protection works (or the authority can carry out repairs itself and recover the cost of such repairs from the owner).

Where it appears to a coast protection authority that works are urgently necessary for the protection of land the authority can carry out repair works. The coast protection authority can take all necessary steps and carry out works without having served notice on the owners,

- g) Carry out survey and design works to prepare schemes for implementation.

#### **4.0 MANAGEMENT ARRANGEMENTS**

- 4.1 The Executive Director of Development and Infrastructure Services is responsible for implementing the Council's Coast Protection Policy.
- 4.2 The Head of Roads and Amenity Services has overall responsibility for ensuring that the Council's Coast Protection activities are carried out in line with the policy.
- 4.3 The Infrastructure Design unit is responsible for the day to day operation of the Council's Coast Protection policy. The unit is responsible to the Head of Roads and Amenity Services for the inspection and recording of the condition of the coast protection assets, the design, procurement and undertaking of any works required in accordance with the policy and allocated budget.

#### **5.0 POLICY ON PRIORITIES**

- 5.1 Each financial year the allocated coast protection budget will be divided between the following:-  
Inspections and recording of asset information, planned works and emergency works.
- 5.2 Inspections shall be undertaken to establish a full inventory of all Roads and Amenity Services' coastal assets. The inspections shall record the condition and list any works required. The planned works programme shall be based on the condition of the assets and shall consist of value for money proportionate works. All locations where the rate of encroachment means that the road/infrastructure/property is in danger of loss/damage will be prioritised for treatment.
- 5.3 The emergency works shall be dealt with as the need arises. The extent of any emergency works are often as a result of a rough sea state and storm conditions. Random weather conditions make it difficult to accurately predict the extent and location of damage that can occur in any period of time.
- 5.4 Argyll and Bute has 4197km of coastline when measured at Mean High Water Springs. As at 4 September 2014, there is 214km of public road adopted by the Council with a centre line within 25m of the High Water mark. The coastal defences associated with this length of public road have an estimated replacement cost of £250m – £300m (based on full construction provision at an average height and construction type typically found in Argyll and Bute). The long term aim is to inspect these coastal defences every 2 years. One of the main tasks is to locate and record the condition of each coastal protection asset in the WDM database (the

software system used by the Council to hold inspection reports and enable asset management decisions to be made based on prolonging the life of coastal protection assets and mitigating the risk of unnecessary costs). The assets typically comprise retaining walls and other means of protection such as rip rap embankments or reinforced soil solutions such as gabion baskets and mattresses.

- 5.5 Each year the condition of the known assets will be reviewed and a programme of work prepared for appropriate repairs/renewals. Also to be included in this will be areas of coastline that do not have any means of protection but are considered to be at risk of encroachment or erosion. Business cases will be prepared if any proposed works are of the scale or nature that may justify capital expenditure. In general the priority for works to be funded from the Coast Protection Budget will be:-
1. Adopted public roads/footways maintained by Argyll and Bute Council;
  2. Amenity land, infrastructure and buildings owned by Argyll and Bute Council;
  3. Land maintained by the Council that is public open space, and is of benefit to the community but not necessarily owned by the Council;
  4. Other land open to the public;
  5. Other land – This would usually be limited to providing some advice to owners about how they may approach organising coast protection works. No expenditure on private land in this category will be made without appropriate authorisation through the Policy and Resources Committee.
- 5.5 In general, associated infrastructure, such as railings and parapets will be included as coastal assets. Adjacent assets such as parks, footways, lighting etc. will be excluded.
- 5.6 Repair and maintenance of coast protection works is the responsibility of the landowner except where government grant was made available for their construction.
- 5.7 The Council will require to consent to any works on other ground promoted by parties other than itself.

## **6.0 Other Matters**

- 6.1 The Council's powers under the Act to carry out coast protection work do not extend to the removal of carcasses and litter from the shore and as such the cost of such works will not be met by the budget allocated for coast protection.
- 6.2 The Environmental Protection Act 1990 imposes a duty on Local Authorities and certain other land owners and occupiers to keep specified land clear of litter and refuse so far as practicable. Further information on the Council's power and duties in respect of litter on beaches can be found within 'The Code of Practice on Litter and Refuse (Scotland) 2006' guidance.
- 6.3 The responsibility for the carcasses of, whales less than 25 feet in length, and all porpoises, dolphins and sturgeons (cetaceans) found stranded dead on Scottish shores rests with the local authority, who may wish to arrange for their disposal.

- 6.4 The Scottish Government has first claim on all 'Royal Fish', being those stranded whales measuring more than 25 feet from the snout to the middle of the tail, found dead and stranded on the shoreline of Scotland. Where the Scottish Government does not wish to claim a Royal Fish, it will liaise with the Local Authority's Environment Health Department, who may wish to arrange for disposal of the carcass.
- 6.5 The Scottish Government has no legal obligation to assist with the costs of disposal of 'Royal Fish' but funding may be provided at its discretion to assist Local Authorities with difficult disposal cases.
- 6.6 Guidance in respect of the procedure to be followed upon the stranding of cetaceans and their disposal can be found in the 'ROYAL FISH: GUIDANCE FOR DEALING WITH STRANDED ROYAL FISH (e.g. WHALES OVER 25 FEET) IN SCOTTISH WATERS' issued by Marine Scotland

## Appendix 1

Map of Argyll and Bute showing areas where the centre line of public roads is within 25m of Mean High Water Springs in plan view. Note that only roads where Argyll and Bute Council is Roads Authority (as at 4 September 2014) are shown.

