

Dear Member

COUNCIL - MONDAY, 12TH OCTOBER 2020

Please find attached, for consideration at the next meeting of the Council, taking place on Monday, 12th October 2020, the following reports that were unavailable when the agenda was published.

Agenda No Item

5. **Report of the Cabinet (Pages 3 - 6)**

To consider the report of the Cabinet dated 7 October 2020.

9. **Any Other Items Which the Chairman Decides Are Urgent (Pages 7 - 10)**

Supplementary Report – Update on Seawall Urgent Works Milford-on-Sea, Westover

To consider a report providing an update on the urgent seawall works at Milford-on-Sea and to seek approval for supplementary funding that is required to enable urgent additional seawall works to be completed.

Yours sincerely

Committee Administrator

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REPORT OF CABINET

(Meeting held on 7 October 2020)

1. **RESPONSE TO CORONAVIRUS – COVID-19 – UPDATE (MINUTE NO 124)**

The Cabinet are pleased to see the progress of the Council's Overview and Scrutiny Panels in continuing the momentum of recovery following the work of the COVID-19 Recovery Task and Finish Groups throughout the Summer.

It is anticipated that the Local Economy Group will provide a final report to Cabinet in December 2020, whilst the Community Stakeholder Engagement Group will, in due course, continue its work reporting directly to the Community and Leisure Overview and Scrutiny Panel.

2. **LOCAL RESTRICTIONS SUPPORT (MINUTE NO 125)**

The Cabinet has received an update on the role of New Forest District Council in Local Restrictions Support.

The Leader of the Council explained that the Council's key role was to EDUCATE, SUPPORT and ENCOURAGE. The regulations required the District Council to provide an educational role to the community, supporting public messaging, helping residents and businesses to understand the support available to them, and ensuring that support was made available promptly.

The Council would also work with residents and other agencies to encourage and ensure compliance with new laws and assist with track and trace sharing.

3. **MILFORD-ON-SEA, WESTOVER – SEA WALL FAILURE AND URGENT WORKS (MINUTE NO 126)**

The Cabinet, having received an update on the progress of the urgent works to Westover Sea Wall, are delighted to confirm that funding applications made to the Southern Regional Flood and Coastal Committee were approved on 22 September 2020, both for £600,000 towards the urgent works and £250,000 to enable development work to commence for phase two. Cabinet would like to recognise the work of the team in securing this much needed funding, which will reduce the Council's financial commitment and liability.

4. **STATUS OF SUPPLEMENTARY PLANNING DOCUMENTS (MINUTE NO 127)**

Following the adoption of the Local Plan by the Council in July 2020, the Cabinet confirmed the continuing status, as material planning considerations, of the Council's Supplementary Planning Documents and Guidance, as set out in Appendix A of Cabinet Report 7 of the Cabinet Agenda.

A number of supplementary planning documents have been published over a number of years and the adoption of the Local Plan meant it was necessary to confirm that these remain in force.

5. ADOPTION OF REVISED STATEMENT OF COMMUNITY INVOLVEMENT (MINUTE NO 128)

The Cabinet, having considered the outcomes of the public consultation that took place for six weeks on the proposed amendments to the Statement of Community Involvement (SCI), is reporting to Council.

The proposed policy has been the subject of a six week public consultation period. The document addressed the responses and set out how the Council engages with the public and stakeholders in the formulation of policy and plans, and with the determination of applications.

RECOMMENDED:

(a) That the outcomes of the public consultation that took place for 6 weeks on the proposed amendments to the Statement of Community Involvement (SCI), be noted; and

(b) The changes to the SCI set out in Appendix 2 of Cabinet Report 8 of the Cabinet Agenda, be agreed and (subject to any final non-material editing) the amended SCI document, be adopted.

6. REVISED PRE-APPLICATION SERVICE (MINUTE NO 129)

Following consideration by the Environment Overview and Scrutiny Panel, the Cabinet agreed to a four week consultation on the proposed redesigned pre-application planning service. The outcome of the consultation will be reported back to Cabinet for it consider whether a redesigned service should be launched in January 2021.

The pre-application service was a paid - for service (with the exception of listed buildings), where applicants or agents may approach the Council to discuss applications before submission. This brought the Council's pre application service in line with other compatible authorities and related best practice.

7. PLANNING FOR THE FUTURE – REFORM OF THE PLANNING SYSTEM (MINUTE NO 130)

The Cabinet noted the key elements and implications of the Government consultation on changes to the planning system, and delegated authority to the Chief Planning Officer to respond to the consultation, with the Portfolio Holder for Planning and Infrastructure.

The Government had recently published two planning consultation documents; the first one covering the planning system, which had now closed and the Council had submitted its response.

This second consultation featured wider reforms. It was felt that while many of the objectives of the consultation were to be welcomed, there were two main concerns. Firstly with the Government's apparent perception that the difficulties in housing delivery was a planning problem, as it was observed that many sites across the District and in neighbouring areas had obtained planning permission, yet the developments had not come forward.

Secondly, it was felt that given planning and housing were highly complex industries, the proposals had an over - simplistic approach which did not give sufficient regard to practicalities. The Cabinet therefore had significant reservations on some aspects. Accordingly the Leader confirmed that once the Council had submitted

its formal response to the consultation, representations would be made to the District's two local MPs.

8. DELEGATION OF POWERS TO OFFICERS

The Cabinet approved technical amendments to the Council's Delegation of Powers to Officers that are the responsibility of the Cabinet. The amendments take into account new legislation and changes to staffing structures.

**COUNCILLOR B RICKMAN
CHAIRMAN**

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COUNCIL – 12 OCTOBER 2020

SUPPLEMENTARY REPORT – UPDATE ON SEAWALL URGENT WORKS MILFORD-ON-SEA, WESTOVER

1. INTRODUCTION

- 1.1 This report is to seek approval for supplementary funding that is required to enable urgent additional seawall works to be completed.
- 1.2 The report also sets out an updated project contingency to be held by the Council's Section 151 Officer in recognition of the volatility encountered in the scheme delivery and costs to date.

2. BACKGROUND

- 2.1 On 7 September, Council were notified of an urgent executive decision made by the Council's Section 151 Officer, following appropriate consultation with the Chief Executive and Members of the Cabinet. The decision approved expenditure of up to £1.5M to carry out urgent works to the sea wall at Milford, with an expectation (which remains) that the majority of this expenditure would be recoverable through the Environment Agency (EA) and the Southern Regional Flood and Coastal Committee (SRFCC).
- 2.2 Following this urgent decision, a contractor was engaged and works commenced on site on 19 August.
- 2.3 Following a submission for funding, the SRFCC agreed to contribute £600,000 towards the scheme at their meeting, which took place on 22 September. Council Officers have also been in constant dialogue with the EA, but the final bid for their funding has not yet been made.
- 2.4 Through the period of 20 August to 25 August, the coastline was further impacted by the two severe summer storms; Ellen and Francis. The conditions experienced were gale force SW winds, large damaging waves and a tidal surge. These storms have been followed by further unsettled weather and storm Alex in early October.
- 2.5 Following the latest storms an assessment has been made of the damage caused, including the impact of the delays due to the recent poor weather conditions.

3. STORM IMPACTS ON THE SITE AND WORKS

- 3.1 The impact of the recent storms has resulted in a number of changing conditions at the site, as outlined below, along with revisions being required to the planned urgent works:
 - Site access to the site has further eroded, requiring additional Portland rock to be imported to construct an access road. This has further been impacted by weather conditions experienced since late September.

- Further beach lowering, resulting in the need for additional rock to be delivered to the site over the initial planned volume of 9,000t.
- Changes to the seabed requiring an additional specialist vessel to enable the barge to access the beach.
- A further 38m of seawall failed during storm Ellen in area 2.
- Behind the failed section of seawall further cliff erosion has resulted in the loss of a section of the cliff top, with 7 meters of cliff top being lost since the start of the emergency works.
- Further cracking and movement has been identified in the seawall towards the White House.
- Continuing unsettled weather conditions have resulted in delays of rock delivery by sea, resulting in only one delivery in a two-week period.
- Rock delivery from the berth in Southampton has now commenced by road. This is not efficient due to the multiple handing required of the rock to get it delivered to site.

4. FINANCIAL IMPLICATIONS

- 4.1 The costs of the urgent works that commenced in August were estimated at £1.5M. This included a tendered price of £1M with a £500,000 contingency, reflecting the nature of the contract arrangements and the uncertainties associated with working on the coast.
- 4.2 To date, £434,000 of the £500,000 contingency has been called upon, leaving a further £66,000 as available to utilise. Considering the project is around 50% complete, the remaining contingency is insufficient for a scheme of this nature. This residual original contingency will continue to be managed by the Council's Service Manager for Building and Coast.
- 4.3 In addition to the above, due to the unexpected weather experienced in August and the adverse conditions seen very recently, the scheme has had to be broadened with a requirement to increase the rock volume at an estimated additional cost of £325,000 (excluding contingency). This will provide for a further 3,000t of rock from Norway. It is envisaged the additional 3,000t is the minimum required to adequately shore up the site, ahead of the progression of the longer term full revetment scheme, as outlined and explained in the original report.
- 4.4 In reflection of the variations on the contract to date and the additional work required to deliver a sound project, it is proposed that a new contingency of £300,000 is created, be held by the Council's Section 151 Officer.
- 4.5 Business case development work will continue in seeking funding approval from the EA for in-year funding. This will now include the additional expected costs, resulting in an overall bid of between £1.1M – £1.2M.

- 4.6 Considering these additional costs, added contingencies and allowing for the approved SRFCC funding and anticipated EA funding, the current eventual funding position for the Council is anticipated at £400,000. However ultimately, the Council will be required to fund the difference between the final works costs and the secured third party funding. The potential range therefore to be funded by the Council is between £400,000 - £1.525M.

TABLE 1	Emergency Works 1	Emergency Works 2	TOTAL
Tender Price	1,000,000		1,000,000
Agreed and Expected Variations	434,000		434,000
Proposed New Variations		325,000	325,000
Remaining Contingency	66,000		66,000
New Contingency held by S151 Officer	225,000	75,000	300,000
Funding Confirmed from RFCC	(600,000)		(600,000)
NFDC funds still at risk	1,125,000	400,000	1,525,000
Funding Anticipated from EA	(800,000)	(325,000)	(1,125,000)
Anticipated NFDC Funding Position *	325,000	75,000	400,000

* assumes all contingency is fully utilised

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 Should works not be carried out and the sea defences fail further, this whole area is potentially at risk. The White House, which is a Grade 2 Listed Building, is at imminent risk of loss if urgent works are not carried out by winter 2020/21.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 None arising directly from this report.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 If urgent works are not carried out there is little prospect for the longer-term viability of the coastal footpath, with the possibility of requiring a permanent diversion along residential roads, which are not wholly suitable.

8. RECOMMENDATIONS

8.1 That Council:

- a) approve additional supplementary expenditure of £325,000 to fund the additional urgent works required as a result of storm events that have impacted the site since works commenced;
- b) approve a new contingency of £300,000 to be held by the Council's Section 151 Officer; and
- c) note that all opportunities for third party funding be maximised to minimise the Council's residual financing requirement.

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Background Papers:

Informal Cabinet 23 July 2020
Milford-on-Sea, Westover –
Seawall Failure and Urgent
Works