

MILFORD-ON-SEA, WESTOVER – SEA WALL FAILURE AND URGENT WORKS

1. INTRODUCTION

- 1.1. This report is to inform Cabinet of the developing position at Milford-on-Sea regarding the failure of a section of sea wall, and proposes that the Council takes urgent action to reduce the risk of imminent further failure and the potential loss of properties. This report does not deal with the long-term solution that will be required to protect this area, this would be a separate project with appropriate funding approvals.
- 1.2. It is proposed that the Chief Executive and the s151 Officer exercise their powers under the Council's Financial Regulations to approve urgent expenditure up to £1.5M to carry out urgent works to prevent further sea defence failure at Milford-on-Sea as set out in this report and to seek to recover the maximum funding (over and above the Council's minimum contribution of £150,000) from the Environment Agency (EA) and the Southern Regional Flood Coast Committee (SRFCC). As the SRFCC application for funding needs to be submitted by 24 July 2020 together with confirmation of the Council's willingness to incur the upfront costs, which will place the Council in a better position to secure retrospective funding, it is necessary for the Chief Executive and S151 Officer to make an urgent decision to incur the expenditure. A report will be submitted to Council in September explaining the position.

2. BACKGROUND

- 2.1. The Council has permissive powers to undertake coast protection work including urgent works, under the Coast Protection Act 1949, but is not under a statutory duty to act. However, it has important powers and plays a fundamental role in the management and protection of the coastline which includes the following:-
 - To lead on coastal erosion risk management activities
 - To carry out works on sea flooding and coastal erosion where they are best placed to do so, under the EA's overview
 - To produce Shoreland Management Plans
 - To work closely with the EA for the best outcomes in managing flooding and erosion risks on the coast.
- 2.2. The location of the sea wall is to the west of The White House at Milford-on-Sea, as shown in Appendix 1.
- 2.3. The failed/failure section of sea wall covers a length of 270 metres and is believed to have been constructed around 60 years ago.
- 2.4. Since 4 November 2019, the site has experienced a continuous period of storms and damaging waves that have impacted significantly on the New Forest coastline. This has resulted in the lowering of beach volumes and levels, along with wave overtopping. The result of this has been the removal of protection to the sea wall, causing instability and failure.

- 2.5. Throughout the period since February 2020 when the failure commenced, inspections and surveys have continued for the whole section of the affected sea wall. These surveys have identified that movement of the sea wall is continuing, particularly the section identified as Site 2 within this report.

SHORELINE MANAGEMENT PLAN (SMP)

- 2.6. The section of coastline in question is sited within the Shoreline Management Plan (SMP) for Poole & Christchurch Bays. The SMP sets out the policy for managing the coastline and how the threat of coastal flooding and the risks of erosion may be addressed. It is a high level non-statutory policy document that aims to balance the risks with natural processes and the consequences of climate change. The SMP considers these risks over a 100-year period.
- 2.7. The SMP was adopted by NFDC in August 2011 along with the other local authorities considered within the SMP area. The adopted management policy within the SMP is to “Hold the Line” for this area. This policy will provide support to applications for funding to the EA and the SRFCC.

3. LAND OWNERSHIP

- 3.1. The land ownership within the area is complicated in that there a number of landowners, both registered and unregistered.
- 3.2. Appendix 2 details the land ownership, which is made up of: -
 - Needles Point Management Company
 - Needles Point (Milford-on-Sea) Management Company
 - Residents of Nautica Reach
 - The White House Management Company
 - Proxima GR Properties Ltd
 - Meyrick Estate – leased to NFDC
 - NFDC
 - Unregistered land
- 3.3. Engagement between the Council and landowners has been ongoing throughout this process, with meetings held in March and June 2020 with representatives of the Needles Point Management Company, Needles Point (Milford-on-Sea) Management Company, Nautica Reach, The White House and the EA.
- 3.4. The sea wall which has currently failed is situated on land owned by Proxima GR Properties Ltd and discussions with them, through their agent, have been difficult with the company being very non-committal in terms of accepting responsibility and a solution. This is not unusual due to the difficulty in reconciling private benefit with the wider public benefit in terms of protecting a larger area within the District.

4. SEA WALL FAILURE & RISK

- 4.1. The affected length of sea wall can be considered across three sections, as detailed in Appendix 3, along with a selection of images to show the failure:-

- **Site 1 – (Western section 95 metres) – Failed already**
Movement in wall first identified 4th February with total collapse by 24th February.
 - Landowner – Proxima GR Properties Ltd
 - Assets at risk – Coastal footpath and Shingles Bank Drive

- **Site 2 – (Central section 80 metres) in front of NFDC licenced beach huts Failing**
Movement first identified 25th February through void behind wall into which two huts had toppled forward. Forward movement of wall by approximately 1m.
 - Landowner - Proxima GR Properties Ltd & unregistered
 - Assets at risk – Sea wall, beach huts (removed from site), coastal footpath, Needles Point & NFDC amenity land

- **Site 3 – (Eastern section 100 metres) – beach huts through to The White House sea wall – Stable at present but foundations showing movement**
This section is currently not showing any signs of movement in the wall, however, the sheet piles at the wall foundation are beginning to show signs of movement and the failure within Site 2 is extending to the east. Beach lowering has resulted in the failure of timber groynes and the removal of protection to the wall.
 - Landowner – Unregistered
 - Assets at risk – Sea wall, coastal footpath, NFDC amenity land, Nautica Reach and The White House

- 4.2. The Council commissioned consultant Engineers, Jacobs, to provide expert advice regarding this issue and their report is dated 11 June 2020. The report notes *“that this erosion is unlikely to occur at a continuous, steady rate. Instead, significant cliff retreat is most likely to happen over a relatively short period of time, such as during one extreme storm event or as the result of a series of storms over a single winter period.”*

- 4.3. As a combined failure of the coastal protection structure, there is a considerable and significant risk to properties in this area. The White House development (which consists of 14 properties) is a Grade 2 Listed Building that dates back to 1903. This development is located at the eastern end of the affected section of sea wall and has been identified as being at *“imminent risk”* through the continued progressive failure of the sea wall at Site 3 by the winter of 2020/21.

- 4.4. The coastal footpath that forms a through route between Milford-on-Sea to Hordle Cliff, which is a prime community asset, is currently closed due to the risks of ongoing sea defence failure.

- 4.5. Should the sea wall continue to “unravel” to the east, the impact will be on The White House (as outlined above), then migrating to the east. This then has the potential to impact on the integrity of NFDC land and assets fronting Hurst Road, including the concrete beach huts, sea wall, car park and other local amenity assets.

- 4.6. The Poole & Christchurch Bays Shoreline Management Plan (detailed in section 2) has a policy of hold the line for this frontage. Although not a statutory document, this does set an aspiration of how the coastline should be managed. This was adopted by the District Council in 2011.

5. WORKS

- 5.1. If works are not urgently carried out to reduce the risk of imminent further failure of the sea wall, there is likely to be further failures, putting residential properties at serious risk.
- 5.2. As the Coast Protection Authority, the Council has the power to undertake coastal protection works pursuant to section 5(6) of the Coast Protection Act 1949 which are considered urgently necessary for the protection of land. The nature of works required would go beyond works of 'maintenance or repair', which are considered to include '*superficial repair and minor replacement of failed items*' only [ref: The EA's Coastal Handbook] and thus the costs of carrying out the works are not capable of being recovered from the landowners and/or occupiers in the absence of a Works Scheme pursuant to section 6 of the Act, a procedure which involves Ministerial Consent. Work Schemes are by their nature, larger capital schemes and involve a longer drawn out process ultimately requiring Ministerial approval. However, due to the urgency of the works that are now required to prevent imminent risk of failure of other parts of the sea wall, pursuing a Work Scheme under section 6 of the Act (or using the non-urgent works procedure under Section 5, which requires public notice and an objection process with the Minister ultimately dealing with any objections by way of Inquiry or hearing) are not options at this particular time. Any longer term works (beyond the proposed urgent works) would undoubtedly involve a Works Scheme with the potential to recover costs from benefitting landowners.
- 5.3. This report is to consider the required urgent works only, the aim of which is to get to the point of reducing the risk of the sea wall from further unravelling (Site 3) and to protect The White House development. It is not the final solution.
- 5.4. The urgent works would include the construction of a rock revetment across Sites 2 and 3. This effectively replaces the function of a beach by adding weight to the toe of the sea wall to prevent further failure and will also reduce wave impact on the structure, along with reducing wave overtopping that will further lead to wall failure. Urgent works will only prevent further failure and loss of assets this winter. A long-term solution will need to be developed by the Council in partnership with the landowners.
- 5.5. As these are urgent works there will be a risk in undertaking construction. This will include :-
 - Access and weather
 - The sea wall in Site 2 has already failed and is continuing to move on a weekly basis. Undertaking construction work in this area will be risky due to the lack of wall stability
 - The works are being undertaken in a dynamic environment
- 5.6. Construction will be reliant on suitable tidal and weather conditions and could be in the order of a minimum of two months construction time, which is why it is essential that the works are commenced in September 2020.
- 5.7. In light of all the circumstances, it is considered appropriate for the Council to undertake the urgent works and seek to recover the costs retrospectively from the EA and the SRFCC. Whilst there is a risk that retrospective funding will not cover the full amount or could be declined, the alternative option of the Council simply doing nothing, is unpalatable in the circumstances.

6. FINANCIAL IMPLICATIONS

- 6.1. The costs of the urgent works identified in Section 5 are estimated at £1.5M and it is proposed that this is initially funded by the District Council, due to the urgent need to carry out these works before the winter. In order to meet the need to commence works before the winter period, it will be necessary to procure a contractor through direct award, using available construction frameworks.
- 6.2. The Council will be required to make a £150,000 contribution to the scheme in order to leverage significant funding from the EA and SRFCC. The Council will seek to maximise the recovery of any monies expended through the following routes:-
 - Urgent Works/In Year Funding through the Environment Agency (EA). Initial discussions have been taking place with the EA and have been promising. Development work on the funding calculations have also taken into account new guidance that has recently been released by the Government. This suggests possible funding in the order of £800,000 may be applicable. Although this cannot be guaranteed officers have been working with Environment Agency officers to develop a robust bid that is supported by our colleagues in the Environment Agency.
 - Through a levy bid, via an application to the Southern Regional Flood and Coastal Committee (RFCC), for local levy funding to contribute towards any scheme costs. The application for this is being prepared for submission by 24 July 2020 and for consideration at the officer review meeting on 4 August 2020. This bid will be seeking funding to the value of circa £450,000. Discussions that have taken place suggest that the likelihood of unlocking this level of funding would be favourable, subject to NFDC approving a contribution of circa £150,000 towards the works.
- 6.3. Ultimately the Council will be required to fund the difference between the final works costs and the secured third party funding.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1. 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.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. None arising directly from this report.

9. EQUALITY AND DIVERSITY IMPLICATIONS

- 9.1. 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.

10. RECOMMENDATIONS

- 10.1 That Informal Cabinet endorses the Chief Executive and the Council's Section 151 Officer, using their delegated powers, to approve urgent expenditure up to £1.5M to fund urgent works as set out in this report and to subsequently report the matter to full Council.
- 10.2 That officers are instructed to pursue the funding options as identified in section 6.2 of this report noting that the Council will be required to make a contribution of circa £150,000 towards the urgent works, but ultimately will be required to fund the difference between the final works costs and the secured third party funding.
- 10.3 That the Executive Head of Operations continues to communicate with the resident groups as identified in section 3.2 as well as the Parish Council.

ALAN BETHUNE

SIGNED: Alan Bethune
Section 151 Officer

DATED: 23 JULY 2020

Date on which notice given of this decision – 13 August 2020

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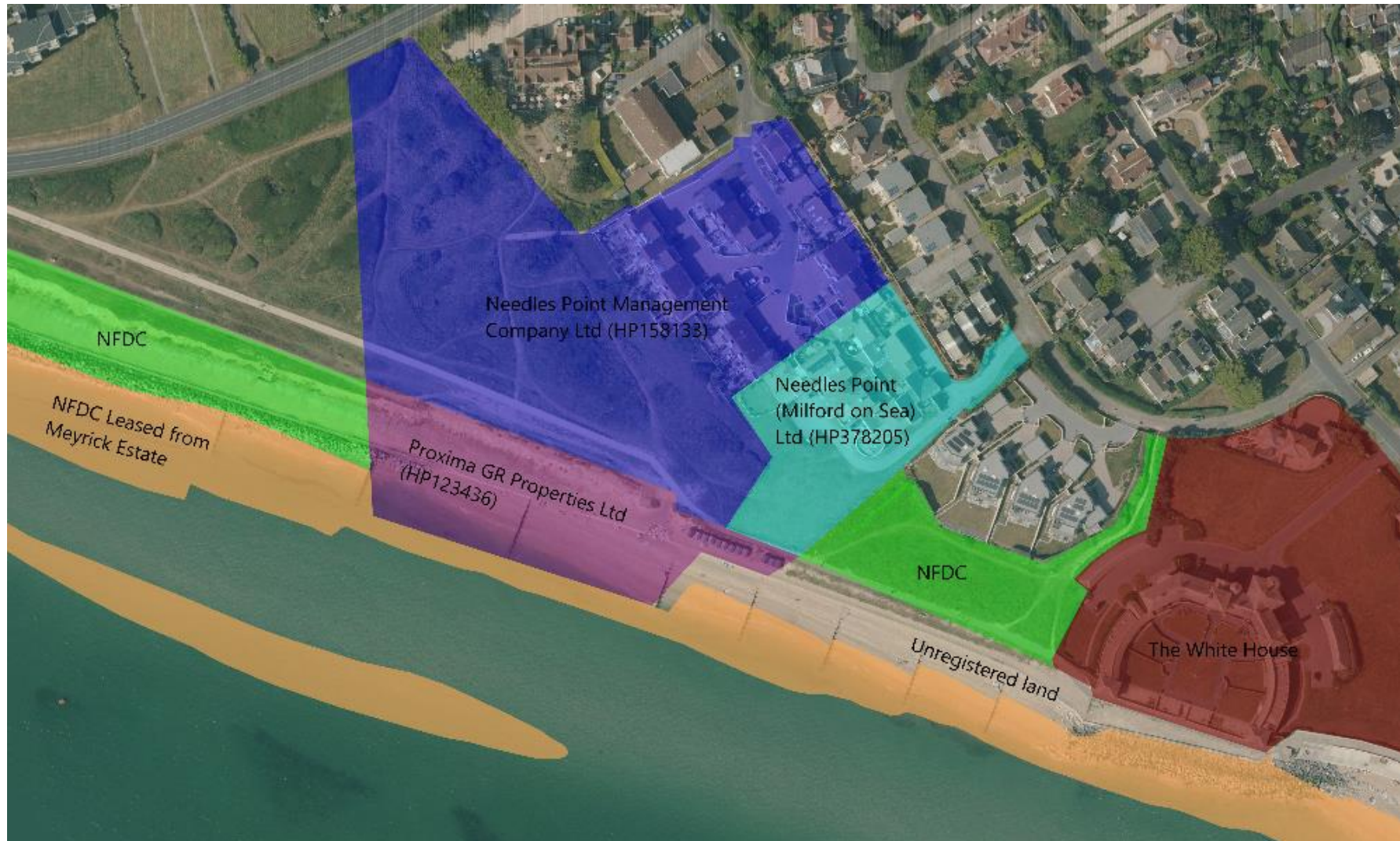
Background Papers:

Jacobs Report
Coast Protection Act 1949

APPENDIX 1 – LOCATION



APPENDIX 2 – LAND OWNERSHIP



APPENDIX 3 – SEA WALL SITES

