

Chichester District Council

CABINET

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Position Statement - Flood and erosion risks and responsibilities in managing Selsey's ageing seawalls

1. Contacts

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2. Recommendations

- 2.1 That Cabinet approve the Position Statement on the 'Current Approach, Flood and Erosion Risks and Responsibilities in Managing Selsey's Aging Seawalls' (Appendix 1).
- 2.2 That Cabinet note the possibility of coastal defence failure along the Selsey shoreline and subsequent risks of flooding and erosion.

3. Background

- 3.1 The council has permissive power under both the Land Drainage Act (1991) and Coast Protection Act (1949) to undertake works on the coast, however, is under no duty to do so. Landowners have ultimate responsibility for protecting their own property from flooding and erosion but must act within statutory planning regulations and other applicable legislation. Where accessible to the public, owners also have a legal duty of care to maintain public safety under the Occupiers Liability Act.
- 3.2 The Selsey peninsula is an exposed coastline with a long history of managing coastal flood and erosion risk. Coastal defences reduce the risk of coastal flooding and erosion to the town of Selsey. The Pagham to East Head Coastal Defence Strategy, considered these risks and recommended a Hold-the-Line coastal management policy.
- 3.3 Many of the linear defences (seawalls) were constructed in the 1950's and have reached, or are reaching, the end of their design life. At the same time, as a result of climate change (specifically sea level rise) the level of protection afforded by the existing defences will decrease over time.

- 3.4 Coastal Partners (a group of 5 Hampshire and West Sussex Local Authorities comprising Havant, Portsmouth, Gosport, Fareham and Chichester that work jointly to deliver coastal and land drainage services) undertake regular inspections of coastal assets through a risk-based inspection programme that considers the age, fragility and protection afforded by the coastal asset e.g., people, property, open space. These inspections inform a prioritised programme of maintenance works - subject to funding.
- 3.5 Recent coastal defence failures along the Selsey frontage (in 2007 and 2023) have further highlighted the fragility of the coastal assets there, the speed with which such failures can occur, the complexity of defence ownership/maintenance, the high costs associated with emergency repairs and the uncertainty around how remediation of such failures can be funded.
- 3.6 Chichester District Council, in partnership with Coastal Partners, are currently engaged in a feasibility study to assess the future of the Selsey defences. However, any potential scheme is unlikely to be ready to begin construction for at least five years (2028+). At the current time there is no guarantee a scheme can be delivered because it will be subject to securing substantial financial contributions, several gateway stages and demonstrating a robust business case for Environment Agency approval.
- 3.7 This Position Statement has been developed to lay out the business-as-usual position with respect to how the council would respond under different scenarios regarding the current aging defences and any failures which might occur.

4. Outcomes to be Achieved

- 4.1 A clear plan for the council to refer to and implement actions under potential coastal defence failure scenarios:
- Small localised failure of private defences.
 - Small localised failure of council maintained defence.
 - Significant failure – where there is a risk of loss associated with 1 or more properties.
 - Major Failure – Where a significant storm leads to multiple failures and properties at risk.

5. Proposal

- 5.1 That the council and Coastal Partners utilise the approved business as usual Position Statement to guide coastal asset management going forwards.
- 5.2 That the corporate risk register be updated to reflect the potential for coastal defence failure at Selsey in the future. This addition is to be reviewed by the Strategic Risk Group at their next meeting.
- 5.3 That emergency plans are reviewed and signed off by the Sussex Resilience Forum (SRF) to ensure they adequately reflect the potential for coastal defence failure in the future.

- 5.4 The council and Coastal Partners will undertake business as usual annual risk communication with the residents of Selsey via Initiatives and social media channels. This will direct residents to existing information on how to respond to coastal flooding and erosion and sign up to flood risk warnings (<https://coastalpartners.org.uk/flood-response/>)

6. Alternatives Considered

- 6.1 Without the Position Statement, the Council will react to any scenarios that may arise, but the response will be less consistent and planned.

7. Resource and Legal Implications

- 7.1 There are no additional resource implications or changes to the current legal arrangements as a result of the Position Statement.
- 7.2 New sea defences are typically funded with Environment Agency Grant in Aid following a business case application and bid process. Post construction, the council maintains these assets. Unlike the Environment Agency, Chichester District Council cannot claim Grant in Aid for routine sea defence maintenance works. This is a position that Coastal Partners is seeking to change and are leading a move to lobby the Environment Agency and DLUHC to change government funding policy. However, at this time the maintenance burden continues to fall to coastal local authorities.
- 7.3 Environment Agency funding can be sought retrospectively for emergency coast protection works, where there is an immediate health and safety risk. This will depend on the funds available, and whether the project is considered eligible. There is no guarantee of funding. Once emergency works have averted the imminent safety risk, more permanent works would need to be funded by the council or as part of a capital scheme.
- 7.4 Where the council is the asset owner, it also has a responsibility to manage health and safety risks effectively. Where a residual risk to landowners from failure of these assets exists, the council also has a duty of care to share this information, so that these landowners can take their own precautions to manage their flood and erosion risk.

8. Consultation

- 8.1 No consultation is necessary. The Position Statement sets out the current business as usual approach in relation to how the council would respond to coastal defence failures.
- 8.2 The Position Statement addresses challenges shared by many local authorities nationally, with fragile ageing assets and increasing risks from climate change.
- 8.3 The council and Coastal Partners will undertake business as usual annual preparedness communication with the residents of Selsey to ensure they are aware of the flooding and erosion risks.

9. Community Impact and Corporate Risks

- 9.1 The possibility of coastal defence failure along the Selsey shoreline and subsequent risks of flooding and erosion is being considered as an addition to the corporate risk register by the Strategic Risk Group.
- 9.2 With age there is an increasing residual risk of a failure of the defences, and the impacts could quickly become significant. Consequently, emergency plans are being reviewed by the council and the SRF. The risk is managed through inspections and monitoring of the Selsey coastline by Coastal Partners, with the objective of ensuring any failures (minor or major) or issues are identified early.
- 9.3 There is a focus on not missing opportunities to undertake swift minor repairs which have the potential to avoid more significant failures (repairs). However, this is not always possible in the winter months. For more significant failures, where properties are at risk in the short term, the council may endeavour to seek funding for emergency works.
- 9.4 There can be no guarantee of an outcome that avoids losses in all cases, and no guarantee of emergency works funding and the council and residents should be prepared for this scenario.

10. Other Implications

	Yes	No
Crime and Disorder		X
Biodiversity and Climate Change Mitigation The Position Statement has no positive or negative impact on climate change. It is as a result of climate change (specifically sea level rise and increased storminess) that the level of protection afforded by the existing defences will decrease over time.		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X

11. Appendix

- 11.1 Appendix 1 - Position Statement – The Current Approach, Flood and Erosion Risks and Responsibilities in Managing Selseys Ageing Seawalls.

12. Background Papers

- 12.1 Selsey Flood and Coastal Scheme Feasibility Report. Cabinet, 6 July 2021
- 12.2 Adoption of North Solent Shoreline Management Plan (SMP), Executive Board, 2 November 2010
- 12.3 Adoption of “Pagham to East Head Coastal Defence Strategy”. Council, 25 November 2008