

Chichester District Council

Cabinet

5 December 2023

Public Questions and Answers Sheet

Question from Richard Ford:

With regards to Agenda item 12 Review of the Foreshore Service my questions are:

1. If there is no foreshore service operating on the public slipway allowing safe launch and recovery of public water craft will the public be able to launch and recover their own watercraft with their own vehicles on the public slipway?
2. Will the gates and barriers be removed to allow public access to the public slipway?
3. Perhaps a club could be formed for people still wishing to launch their own watercraft?
4. If the foreshore stop grading the shingle for improved access will the precedent still stand and allow other contractors to provide the same service at a cost that could be borne by local residents, businesses' and /or the Parish Council?

Answer from Cllr Jonathan Brown:

Thank you for your questions.

My answers are given in advance of any discussion of the report and recommendation before Cabinet today.

Question 1

Access to the public slipway must be with the permission of the landowners. In this situation there are two landowners and permission would be needed from both. West Sussex County Council (WSSCC) own the land from the end of Bracklesham Lane to the sea defence structure, after which, the District Council own the land to mean high water. Land below mean high water is managed by the District Council through the Crown Foreshore Lease. Both councils would consider all liabilities as the occupier/owner of the land in making any decision regarding access. Any group would need to seek their own independent legal and insurance advice.

It is important to note that the public slipway is inaccessible, being buried under many metres of shingle, and has been for a good number of years. It would not be safe for the public to access the beach in their own vehicle across the shingle bank that is there to protect the town from flooding and coastal erosion. It is the Council's view that receiving boats on trailers and launching over the shingle bank can only be achieved with a tractor, for which permission would unlikely be granted due to the very high footfall of pedestrians, including children, accessing Billy's restaurant, the mobile food vehicle, the council's car park and the beach. As Cllr Ford highlights, there are many users of the beach for which the Council would be concerned, if responsibility were handed to the public.

To answer the question plainly, no, it is not envisaged that the public will be able to launch and recover their own boats, however it's not quite as simple as that, as per the other questions.

Question 2

The barrier at the end of Bracklesham Lane and the road immediately in front of the current foreshore office to the slipway is owned by WSCC Highways and not the District Council and therefore this question is for WSCC to answer. The barrier from the Council's car park will not be removed as part of the current foreshore proposals. The area has been restricted for many years as the use of motorised or heavy equipment would make the area unsafe for beach users.

Question 3

Such a proposal would need the permission of both landowners. For land under the District Council's interest (the seawall and foreshore), the Council has a duty to ensure that the land and land use is such that it is safe for the public. The same risks apply as to the answer given to question 1. From the Council's experience, there are many complexities in launching the public's boats and despite mitigation measures, the activity remains high-risk to operators, boat owners and the wider public.

Under the foreshore lease, a club would need to apply for a licence from the District Council and should a licence be granted, the club would then need to operate under licence conditions such as suitable and sufficient risk assessments, operators would need to be suitably trained, hold sufficient public liability insurance etc. Potential liability issues would remain for the Council as the landowner, and to the club, should a licence be granted. It is likely that given the relatively low number of launches, the proposal would not be feasible from a liability and safety point of view, and from a financial perspective.

Again however, to give a plain answer, I don't want to say 'no, not under any circumstances'.

Question 4

If the Parish council would like to continue maintaining the grading of the shingle, at their expense, by using a contractor then this could be considered by the District Council both as the Coast Protection Authority and as the owner/occupier of the land.

As my previous answers have indicated, given that this is not viable for the District Council, I am sceptical that it would prove to be so for the Parish Council, but this isn't a definite 'no'. I am happy to discuss this further with the Parish Council.

Question from Simon Oakley:

Given the importance of watercourse maintenance and protection in flood prevention and that many ordinary watercourses in the District have been affected by work and activities that have led to their deterioration, would CDC consider bringing into effect model Flood Risk and Land Drainage by-laws ([Flood risk and land drainage](#)

[byelaws - GOV.UK \(www.gov.uk\)](http://www.gov.uk)), which only District Councils like CDC can do?

Answer from Cllr Jonathan Brown:

Thank you for your question.

Adoption of any byelaw requires careful consideration. We would need to understand the value a byelaw would bring, such as what existing or potential issues need resolving and whether the byelaw provisions exceed or improve upon existing tools such as planning permission and ordinary water consenting, and existing legislation.

We all know the problems that arise from the Planning System's treatment of flooding of, or resulting from, new development. With regards existing watercourses, as of this time the Council's current approach with land drainage issues focuses on education and encouragement to resolve issues locally as good watercourse management often benefits landowners as well as those downstream.

Enforcement is a last resort as it is resource intensive and comes with risk. However, this risk remains with the enforcing authority, West Sussex County Council (WSCC), as the Lead Local Flood Authority. The District Council's officers support WSCC in land drainage work and are satisfied that the existing tools and enforcement powers are fully utilised and enforced to their full extent, and do not see a strong business case in making the model byelaws for the district. It is also important to ensure that the enforcement responsibilities remain with the county council, particularly as it is unlikely that adoption of these byelaws would come with additional resources.

All of that said, if there is a specific problem that you think such byelaws might address I am happy to look into this further.