

Name of Committee:	Overview and Scrutiny Committee		
Committee Date:	06 December 2023		
Report Title:	Langstone Sea Wall Update Report– Mill Pond to Wade Lane		
Responsible Officer:	Lyll Cairns		
Cabinet Lead:	Cllr Liz Fairhurst		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	A: Project overview slides 59/2023		
Background Papers:	<p>Notice of motion to Full Council under Standing Order 14.1 (Public Pack)Agenda Document for Council, 21/06/2023 17:30 (moderngov.co.uk) Minutes of the Council Meeting Wednesday 21 June 2023 Agenda for Council on Wednesday, 21st June, 2023, 5.30 pm Havant Borough Council (moderngov.co.uk) Minutes of Cabinet Wednesday 14 December 2022: Agenda for Cabinet on Wednesday, 14th December, 2022, 5.00 pm Havant Borough Council (moderngov.co.uk) Supporting background can be viewed on the following webpages: Langstone, Mill Pond to Wade Lane, Havant — Coastal Partners</p>		
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Report Number:	HBC/59/2023		

Corporate Priorities:

Corporate Strategy: Pride in Place “*We will maintain and enhance our coastline and harbours for wildlife and continue to deliver project to protect our coastline*”.

Corporate Priority Project: P14 - Langstone Mill Pond.

Executive Summary:

The Council has been working in collaboration with partners (Chichester Harbour Conservancy CHC, Hampshire County Council HCC, Environment Agency EA and Natural England NE) to evaluate the potential options available to respond to public demand for action to protect the coastal footpath from being lost and any detrimental impact to the heritage and habitats in the Langstone Mill Pond. Assent from NE, Chichester Harbour Works Licence, EA Flood Risk Activity Permit for maintenance or repair work is not anticipated.

Highlights

- The Council to match fund up to £30k on an HCC led scheme to deliver a viable intervention.
- HCC to contribute £30k to deliver a solution that keeps a coastal footpath available for use.
- Council Leader letters have received responses from Rebecca Pow MP, EA, CHC, and NE
- They emphasise that a major cause of the reduction in saltmarsh, is the maintenance of hard defences. CHC are particularly clear that they view the Harbour taking precedence.
- There is support from these key stakeholders to develop the proposed Chichester Harbour Investment and Adaptation Plan and a Contingency Plan how the authorities will respond should further sections of the wall fail.
- CHC's commissioned an independent ecological study of the area is published and available publicly. This will form basis of the next multi-agency discussion.

Future Focus

- Continued monitoring and measurement of erosion.
- HCC to continue explore options to roll back the footpath as the harbour adapts.
- Continue with Local Cllr Led Multi-Agency Meetings to review findings of the Independent Assessment.
- Drop-in Session planned for the 12 December 2023 in the Plaza, focused on the Independent Assessment Study.

Recommendations:

That members note the information, evidence and data presented in the report.

1.0 Introduction

- 1.1 Winter storm in March 2022 caused a 30m section of the Langstone Sea wall between the Mill Pond and Wade Lane to collapse. This collapsed section of the wall raised the public's fear of further deterioration and erosion of the wall and public footpath. Over time this perception of potential amenity losses extended to the worry over the potential loss of the Mill Pond. This has been raised through various meetings within the Council.

2.0 Background

- 2.1 Through multi-agency meetings, The Council continues to work closely with the Hampshire County Council (HCC), Chichester Harbour Conservancy (CHC) Natural England (NE) and the Environment Agency (EA) to outline the most appropriate responses to public concern for the sea wall in this location.
- 2.2 Cabinet agreed an addition to the capital programme of up to £30K in December 2022, to support a HCC led project in relation to the sea wall west of wade lane. In June 2023, following a motion under Standing Order 14.1, the Council resolved to undertake consultations to seek support for the protection of Langstone Mill Pond and seek support for a holistic assessment of the long-term management and enhancement of the wildlife within the Mill Pond that support the habitats and species in the Harbour.
- 2.3 Replies received from the consultees encourage an adaption approach adopting more natural flood management. There was no explicit support for the protection of the Mill Pond, although support was given to the Investment and Adaptation Plan approach.
- 2.4 Ongoing surveying, monitoring and inspections to assess defence condition have resulted in no significant changes identified.
- 2.5 Coastal Partners are continuing to build a business case for the development of an Investment and Adaptation Plan for the whole Harbour, which will work with all harbour stakeholders to collaborate on coastal management, through adaptation pathways.

- 2.6 Local activism continues with members of the public carrying out inappropriate works; these risk the integrity of the sea wall further, disturbs the foreshore habitats, and litters the harbour with plastics. Coastal Partners have warned those known to be involved of the risks of further damage and potential for prosecutions for non-consented works.
- 2.7 CHC commissioned an independent assessment of the sea wall, published in October 2023, to consider the condition of the local defences, local nature conservation, environmental and recreational interests. The report is publicly available here: [Langstone Sea Wall Technical Study](#)

3.0 Options

- 3.1 The report is presented for noting of current situation. There are no options for consideration.

4.0 Relationship to the Corporate Strategy

- 4.1 Corporate Strategy: Pride in Place “We will maintain and enhance our coastline and harbours for wildlife and continue to deliver project to protect our coastline”.
- 4.2 Corporate Priority Project: P14 - Langstone Mill Pond.

5.0 Conclusion

- 5.1 The council remains concerned for the “unfavourable- declining” environmental condition of Chichester Harbour, while maintaining a position of concern for the damaged sea wall near to Langstone Mill Pond and the subsequential impacts on the valuable habitats, heritage, and amenity of the area.
- 5.2 The Council is supportive of HCC’s work to maintain public footpath access, through realignment, as the coast adapts to climate change.
- 5.3 The multi-agency working group is working closely together, and with the right organisations represented. The next stage is to review the outcome of the independent report and to consider an adaptive approach which improves resilience to climate change.

- 5.4 The Council continues to develop their proposal for an Investment and Adaptation Plan for the whole Harbour. Working together with regulators, stakeholders, landowners and the community, this plan will identify the preferred management options for the harbour coastline, by identifying key opportunities for habitat creation / improvement.

6.0 Implications and Comments

6.1 Section 151 Officer Comments

- 6.1.1 The Council has already agreed to commit £30k to the project, there are no new financial consequences of this report. However, members should continue to assure themselves that this remains a priority on which to invest the Council's resources as any further options and/or decision come forward in the future.

6.2 Financial Implications

- 6.2.1 The Council has agreed to match fund a Hampshire County Council led project up to the value of £30k from capital budget. [Agenda for Cabinet on Wednesday, 14th December, 2022, 5.00 pm | Havant Borough Council \(moderngov.co.uk\)](#) This budget currently remains unspent.

6.3 Monitoring Officer Comments

- 6.3.1 This report provides the Committee and public with an update in respect of Langstone Sea Wall – Mill Pond to Wade Lane. The report is for noting and as such there are no specific legal or governance issues arising directly from this report.

6.4 Legal Implications

- 6.4.1 The Council do not have any responsibility or legal obligation to maintain sea defences. They have Permissive Powers under the Coast Protection Act 1949 to undertake coastal protection works but only where there is a wider public benefit in doing so, such as flood risk to life and property.
- 6.4.2 Any coastal defence maintenance / repair works within, or adjacent to, the Chichester Harbour SSSI, SAC, SPA and Ramsar site would require a SSSI assent (if submitted by a

statutory body) or a consent (if submitted by a landowner) application, under the Wildlife and Countryside Act 1981 (as amended)

6.4.3 Chichester Harbour Conservancy Harbour Works Licence: Any coastal defence works would require a works licence, as a requirement of the Chichester Harbour Conservancy Act 1971.

6.4.4 Flood Risk Activities Permit: Works to the coastal defence assets are considered a regulated activity, requiring a permit from the Environment Agency, under the Environmental Permitting Regulations 2016

6.4.5 Work undertaken without a necessary permit would constitute unlawful activity.

6.5 **Equality and Diversity**

6.5.1 There are no known equality and diversity implications.

6.6 **Human Resources**

6.6.1 Officer time managing enquiries and working with stakeholders amounted to 324 hours (£15,166).

6.7 **Information Governance**

6.7.1 Ownership details for the adjacent land is held for the purposes of negotiating with Landowners on the best available options. These details have been acquired through the Land Registry records.

6.7.2 Enquires from members of the public have been received by the Council and these can include personal contact details. Personal details are not collated into any databases or spreadsheets and only used for replying to enquires.

6.7.3 Requirements of the Data Protection Act are being followed.

6.8 **Climate and Environment**

6.8.1 Chichester Harbour is environmentally protected with national and international designations, for further details refer to the following web pages: [Langstone Coastal Path Ecological Assessment — Coastal Partners](#).

6.8.2 NE identify a cause of the declining habitats within Chichester harbour to be in response to maintenance of hard defences.

Advice from both NE and CHC are that works to the sea wall would not be consented.

- 6.8.3 An approach that maintains collaboration with NE and CHC enables a more deliverable solution to the common goal of climate resilience.

7.0 Risks

- 7.1 There is a strong public campaign, mainly directed towards members and officers of THE COUNCIL, for protection of the Sea Wall. To mitigate this risk Cabinet Members and Senior Officers attend local meetings with the community and are planning wider senior level engagement with stakeholders of the multi-agency meeting. In addition, the single website is regularly updated to ensure non-contradictory messages.
- 7.2 NE and CHC have previously indicated that they could not provide assent and a licence for maintenance or improvement options for the sea wall. The publication of the independent assessment may impact these positions.

8.0 Consultation

- 8.1 A multi-agency meeting has been meeting since November 2022 to ensure all stakeholder views are included in the planning for intervention.
- 8.2 The Leader of the Council has consulted on this matter directly with:
- The Minister for Environmental Quality and Resilience, Rebecca Pow MP.
 - The Parliamentary Under Secretary for Arts, Heritage and DCMS Lords Minister, Lord Parkinson of Whitley Bay
 - The Environment Agency Area Director for Solent and the South Downs
 - The Thames and Solent Area Manager for Natural England.
 - The Chief Executive Officer for Chichester Harbour Conservancy.

Responses to the leader from the consultees are available here: [Wade Lane Letters by Coastal Partners - Issuu](#)

9.0 Communications

9.1 A public drop-in session is planned on the 12 December 2023, at the Plaza to consult on the Independent Assessment Study alongside CHC.

9.2 All partners in the multi-agency meeting have agreed to contribute to the public website updates hosted on Coastal Partners' website. The pages include information on the current status, environment assessment, consenting guidance, interested partners and responsibilities and FAQs. The communications can be viewed here:

[Langstone, Mill Pond to Wade Lane, Havant — Coastal Partners](#)

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Liz Fairhurst	27/11/2023
Executive Head:	Lyall Cairns	21/11/2023
Monitoring Officer:	Jo McIntosh	27/11/2023
Section151 Officer:	Steven Pink	27/11/2023