

Coast Protection Policy



Roads and Infrastructure
Infrastructure, Environment and Economy

Approval

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1. Introduction

- 1.1. The Coast Protection Act 1949 ('the Act') defines coast protection work as - "any work of construction, alteration, improvement, repair, maintenance, demolition or removal for the purpose of the protection of any land and includes the sowing or planting of vegetation for the said purpose".
- 1.2. The Act also defines The Highland Council as the Coast Protection Authority for the Highlands and Islands, and sets out the Authority's powers in relation to the protection of the coast against erosion and encroachment by the sea.
- 1.3. The Act provides The Highland Council with powers to carry out coast protection work, whether within or outside their area, as may appear to them to be necessary or expedient for the protection of any land in their area.
- 1.4. The Highland Council has a duty to maintain roads entered on the list of public roads as the Roads Authority under the Roads (Scotland) Act 1984. Works undertaken to protect public roads against erosion and encroachment by the sea may be carried out by The Highland Council acting as the Roads Authority or Coast Protection Authority.
- 1.5. It is the aim of The Highland Council to exercise its powers under the Act where necessary to protect the coast against encroachment and erosion by the sea, within the budget allocated and in accordance with the priorities of the policy outlined in this document. Where formula based contributions are indicated, these will be applied on the basis that they will not result in a contribution greater than that provided for by the Act.

2. Scope

- 2.1. This Policy confirms The Highland Council's obligations for maintenance of existing works of coast protection for which The Highland Council is the Coast Protection Authority, and states the circumstances under which The Highland Council will consider the provision of new coast protection measures, within the limited resources available. However, each individual case will be determined according to its particular circumstances.

3. Policy

- 3.1. Under the Act, The Highland Council has discretionary powers to undertake work within or outside its boundary for the protection of land in its area. However, there is no obligation to do so. Coast protection works other than works of maintenance require an Order under the Act and would be a Scheme in the Capital Plan having followed due process. Primary responsibility for erosion management rests with the landowner of the affected site.
- 3.2. Under the Flood Risk Management (Scotland) Act 2009, The Highland Council has a duty to assess bodies of water and undertake clearance and repair work where it will significantly reduce the risk of flooding. The Highland Council also has the power to promote a flood protection scheme but is under no obligation to do so unless it is included in a Local Flood Risk Management Plan. This Act does not consider erosion unless it leads to increased flood risk. This is dealt with under a separate policy.

- 3.3. The Highland Council will maintain only those measures which were constructed by The Highland Council, or by previous coast protection authorities, as formal coast protection schemes. The Highland Council may undertake erosion protection work where its assets are at risk. These assets may typically be buildings, bridges, roads and flood and coast defence infrastructure.
- 3.4. The Council will not normally maintain formal coast protection schemes constructed by others. If failure to do so would result in serious erosion which could threaten residential property, the Council will, at its discretion, consider the funding of maintenance.
- 3.5. Where no clear responsible authority exists, The Highland Council will, at its discretion, consider the funding of maintenance. The Highland Council would presume against taking action where river or coastal erosion, or landslips affect only private land including built assets thereon.
- 3.6. The Council will work in partnership with other agencies and contribute technical advice as well as facilitating funding opportunities. Such an approach would provide a multi-agency strategy and solutions for improving coast protection measures which the Council on its own cannot provide.

4. New works

- 4.1. In the following circumstances The Highland Council will consider provision of coast protection measures, and will seek voluntary contributions from those benefiting from a protection scheme as set out below:
 - a) Existing communities**
Protection of existing communities from erosion should receive first priority; inconvenience by flooding from overtopping should receive lower priority; no charges would generally be levied against property owners benefiting from the schemes and therefore these works would remain the subject of an option appraisal on a case-by-case basis. Only worthwhile schemes with a benefit/cost ratio greater than 1 would be undertaken.
 - b) Small groups of houses and individual houses**
These would be treated as in a. above, provided that in the case of small groups of houses, at least one house (and in the case of individual houses, that house) is permanently occupied, does not constitute a second home and is not let as a business.
If however notification of potential erosion or flooding problems had previously been given during the planning process, The Highland Council will not take the lead in promoting new coast protection works.
 - c) Septic tanks**
Privately owned septic tanks would be eligible for protection provided that:
 - (i) there is reasonable evidence that at the time of its construction, the tank was situated out with the inter-tidal zone;

- (ii) attempts have been made to keep properly maintained, any privately owned coast protection measures protecting the tank; and
- (iii) a contribution of 25% be obtained from the owner benefiting, based on the total estimated cost or the final out-turn cost, whichever is the lesser.

d) Sports or recreational facilities

The general protection of Sports or Recreational Facilities, for example golf courses will only be undertaken by The Highland Council in exceptional circumstances. These actions would remain the subject of an option appraisal on a case-by-case basis, and approved by The Highland Council's committee responsible for setting the Budget.

In general, such groups should be directed to relevant external sources of funds such as sports and recreation foundations.

e) Rights of way, coastal paths and amenity areas

The protection of amenity areas to which the general public have free access will not in general be undertaken by The Highland Council.

Where other agencies are promoting protection of such amenity areas The Highland Council may, in exceptional circumstances, make a contribution towards the cost of such protection. This contribution may be in the form of technical assistance with the design and statutory procedures.

In each case the funding package and arrangements for future maintenance of the proposed protection scheme will require the express approval of The Highland Council.

f) Farm, crofting or estate land, commercial properties and caravan sites

No schemes will be funded to protect Farm, Crofting or Estate Land, Commercial Properties and Caravan Sites, however technical advice can be given to proprietors if requested.

g) Public roads

The protection of roads is a charge against the roads budget and will not be funded as coast protection measures.

h) Private roads

Coast protection works for privately maintained roads will not be normally promoted by The Highland Council. Contributions to such works will not normally be considered. Reasonable technical advice can however be given if requested.

Formal design work including the processing of statutory procedures in connection with such works will be undertaken on request at a suitable fee to be agreed in advance.

i) Other public bodies, national bodies and utilities

The Highland Council will not fund any schemes to protect land owned by this category of proprietor.