

**Executive – March 2008**

**Castle Cove, Dartmouth**

**Report of Strategic Director (Community)**

**Statutory Powers:** s.2 Local Government Act 2000

**Financial Implications:** If the recommendation in this report is supported, there will be a cost to the Council of up to £35,000, which will be funded from capital resources. However, whilst ongoing maintenance liabilities for the structure would be the responsibility of the trust, which will be established locally, it is likely that South Hams Council will have greater liability in relation to the cliff's stability above the new path. The costs of this are very difficult to estimate at this stage but could be potentially significant.

### **Purpose**

This report sets out proposals for the re-creation of a link path at Castle Cove between the existing footpath and the bathing platform. It seeks approval for a funding contribution from South Hams Council towards the project, subject to an equivalent contribution being generated locally.

### **Recommendations**

**That the Executive RESOLVES that:**

- a. **A contribution of up to £35,000 is allocated to the project for re-instatement of the path to Castle Cove bathing platform subject to an equivalent level of contribution from locally generated sources; and**
- b. **That following re-instatement of the path, ongoing liability for its repair and maintenance is transferred to a local trust which will be set up for this purpose.**

### **Background**

1. The majority of the land around Castle Cove, Dartmouth is in the ownership of South Hams Council. It forms part of the Castle Estate which was transferred to the Council in 1974 as part of arrangements for Local Government reorganisation at that time.
2. The land immediately adjoining Castle Cove comprises cliffs which have been subject to considerable erosion over many years; some works having been undertaken by the Council periodically to try and stabilise them. These have, however, met with limited success and the cliffs are an ongoing potential liability.
3. There is a public footpath (identified on Devon County Council's definitive map) which provides access from the car park beside Dartmouth Castle, down across the cliffs to Castle Cove. Whilst the path is on South Hams Council's

land, the responsibility for its upkeep sits with Devon County Council as the highways authority. However, South Hams Council, as landowner, does have some liability with regard to ensuring there is no risk to users of the path from its adjoining land.

4. Following storms several years ago, the path was closed by the County Council because part of it was washed away and access to the cove via the path was no longer safe. After some years the County Council agreed to reconstruct the path so that access could again be opened to Castle Cove, and these works were undertaken in 2006/7. At the same time, South Hams Council undertook stabilisation works to the cliffs and these are still required on an ongoing basis. Members will no doubt be aware that there had been considerable public pressure for the path to be rebuilt.

### **The Bathing Platform**

5. Whilst access to Castle Cove is now possible via the Public Footpath, there are still concerns locally with regard to access to what is known as the Bathing Platform. This is an area of land, in the custodianship of English Heritage, which had been used for many years as a base for access to the water, particularly at high tide. It used to be accessed via part of the public footpath which runs down the cliffs and then across a path and bridges which run parallel to the cliffs. This route is no longer available because of erosion.
6. The plan attached at **Appendix 1** shows the public footpath from points A to B and the old bathing platform access from points C to D. The bathing platform itself is shown hatched on the plan.
7. There is a strong feeling in the local community that the access to the bathing platform should be rebuilt. There have been several instances over the last 12 to 18 months where members of the public have accessed the bathing platform from Castle Cove (via the public footpath) at low tide and have then been cut off as the tide has come in. Having considered the options for replacing the old access route, this would have to be done by the construction of a timber structure attached to the cliff face. The costs, including stabilisation of the cliffs above the path, have been estimated in the region of £65,000 to £70,000. The drawing attached at **Appendix 2** shows the proposed structure.
8. Officers are of the view that South Hams Council has no legal duty to provide or re-instate this path. It is not on the County Council's definitive map and is therefore not their responsibility. However, the District Council is the landowner and there has been a path provided to the bathing platform previously, which it is likely was maintained by South Hams Council.

9. Officers have had lengthy discussions with representatives of the local community who clearly have a strong view about the importance of the bathing platform and access to it. To this end they have stated that if South Hams Council is prepared to fund half of the capital costs of re-construction they will raise the balance. In addition, once the new path has been provided, a local trust will be established to take responsibility for its ongoing maintenance, thus avoiding this liability for the Council. Members should be aware, though, that the cliff face will remain the Council's responsibility and when a path is placed along it this may well lead to additional costs of maintenance which will fall to South Hams Council. The Council's Senior Engineer has recently been involved in arranging for cliff stabilisation works to be undertaken, and has serious concerns about the potential for significant further works being required in the vicinity of the new path in the short to medium term. It is suggested that a review of cliff stability is undertaken prior to any works for installation of the path so that this decision can be reconsidered if major issues are identified.
10. Should Members wish to allocate part funding to this project, it is recommended that the Council does not incur any expenditure until the matched funding from the community is in place. This will help to reduce the risk of the Council failing to recover the 50% of the cost of the project.

### Value for Money

11. If the recommendation of this report is supported then the Council will incur a capital cost of up to £35,000. However, whilst it will pass the liability for future maintenance on to the local trust which is to be established, the Council could be exposing itself to potential major costs of future cliff stabilisation works.

### Risk Assessment

12. There are several risks related to this report and these are set out below

Risk	Action to Mitigate
Works are undertaken and the community fails to secure 50% of the funding for the project	<ul style="list-style-type: none"> <li>No works are to be commenced until the balance of the funding is fully secured and banked.</li> </ul>
Cost estimates for the project do not accurately reflect the actual costs which then lead to the budget being exceeded	<ul style="list-style-type: none"> <li>No contract will be awarded until officers are confident that costs will be within budget. If tenders exceed the budgeted figure this will be referred back to Members for consideration.</li> </ul>
Ongoing rock falls create risks to path users and additional costs for the Council	<ul style="list-style-type: none"> <li>Works to the cliff face are included in the cost estimates for the work. However, ongoing risk of failure is difficult to mitigate in this exposed environment.</li> <li>The stability of the rock face to be reviewed prior to commencing any works to install the path, and in the event that movement is evident which would lead to significant costs the Council's decision to part fund the project shall be reviewed.</li> </ul>

<p>Local trust is not established to take responsibility for ongoing maintenance of the structure</p>	<ul style="list-style-type: none"><li>• The local community will have to be clear that if the path is constructed South Hams Council will not take responsibility for its ongoing maintenance in any case.</li></ul>
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## **Human Rights Act**

13. There are no obvious human rights issues arising from this report.

## **Conclusion**

14. Members are asked to allocate up to £35,000 (50% of the estimated cost) for the re-instatement of this access path to the bathing platform at Castle Cove. If approved, the community will have to secure funding for the other half of the scheme.

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Head of Property Services

Executive  
6 March 2008