

Meeting: Council

Date: 14 May 2018

Wards Affected: All

Report Title: Brixham Breakwater Improvements

Is the decision a key decision? Yes

When does the decision need to be implemented? As soon as possible

Executive Lead Contact Details: The Elected Mayor, Gordon Oliver, Executive Lead for Assets and Finance, 01803 207001, mayor@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat, Executive Head for Assets and Business Services, (01803) 208435, kevin.mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 A number of previous engineering assessments of Brixham Breakwater have commented that its outer face is too smooth to dissipate wave energy, thereby increasing the risk of the breakwater being over-topped by large waves during severe weather. Compounding this, sea levels are expected to rise by 0.4m over the next 60 years as a result of climate change.
- 1.2 Council approval is sought to vary the Capital Plan in order to make the proposed improvements to Brixham Breakwater and to undertake repairs following winter storm damage.

2. Reason for Proposal

- 2.1 Improvement works are vital to ensure that Brixham Breakwater remains a fit for purpose sea defence structure in the longer term. Repairs to the extensive damage caused by storm 'Emma' are required to ensure that the breakwater provides protection in the immediate future. Brixham Breakwater acts as a sea defence and flood protection structure for the town, as well as the harbour and harbour estate.

3. Recommendation(s) / Proposed Decision

- 3.1 **That, the Head of Finance, in consultation with the elected Mayor, be asked to endorse and approve the application to the Marine Management Organisation (MMO) for a European Maritime and Fisheries Funding (EMFF) grant of up to £2m.**
- 3.2 **That, a variation to the Capital Plan of approximately £3.853m, to undertake capital works that will improve Brixham Breakwater, to be funded from EMFF external grant funding and Council funding from the capital major repairs and renewals budget, be approved.**

Appendices

None

Background Documents

None

Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>A number of previous engineering assessments of Brixham Breakwater have commented that its outer face is too smooth to dissipate wave energy, thereby increasing the risk of the breakwater being over-topped by large waves during severe weather. Compounding this, sea levels are expected to rise by 0.4m over the next 60 years as a result of climate change.</p> <p>Council approval is sought to vary the Capital Plan in order to make the proposed improvements to Brixham Breakwater and to undertake repairs following winter storm damage</p>
2.	<p>What is the current situation?</p> <p>The most efficient means of overcoming both these concerns is to emplace large boulders to the breakwater's outer face so as to form a 'rough' 3 dimensional surface area to dissipate wave energy, and to raise the overall height of the breakwater by 50cm. Initial estimates had calculated the likely cost for this project as being approximately £2.6m.</p> <p>An opportunity to fund this presented itself at the start of 2018 when the Marine Management Organisation (MMO) invited applications for EMFF grant funding up to £2m for projects which inter alia improved the fishing industry.</p> <p>With TDA assistance a bid was rapidly developed and submitted to the MMO. In parallel, a competitive tender process and procurement exercise was undertaken to identify a suitable contractor to carry out the works. The cheapest return was £3.853m, but this included approximately £400k contingency to de-risk potential cost escalation due to poor winter weather (based upon the assumption that the project would take place in autumn/winter) and an additional £450k for concrete spraying of the remainder of the breakwater's eastern face.</p> <p>The successful bid can be reduced by agreeing to commence the work in summer (obviating the £400k weather contingency money). Additionally the Environment Agency have indicated that they may provide £100k towards the project.</p> <p>The funding shortfall can be met from the capital major repairs and renewals budget using the delegated authority provided to the Executive Head of</p>

	Assets and Business Services to spend against this budget. (Council decision February 2016)
3.	<p>What options have been considered?</p> <p>To proceed with the proposed recommendations. This is the preferred option.</p> <p>The Council could decide not to recommend proceeding with the project and withdraw the EMFF application. This would not mitigate any of the identified risks and could easily lead to a reputational risk with the MMO such that it prejudices any future bids. This option is not recommended.</p> <p>The Council could decide to divert the anticipated insurance pay-out for the repairs to the inner face. This would almost certainly invalidate any future insurance claim on the basis that the asset had not been kept in an adequate material state but would fund the improvement project and allow approximately 1/3 of the repairs to be undertaken. This option is sub-optimal but could be considered.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>By supporting the proposal Members are investing in a vital asset that would protect the natural beauty of Brixham, a key fishing port and tourist attraction, <i>“ensuring Torbay remains an attractive and safe place to live and visit”</i>.</p> <p>Brixham is the most significant fishing port in England & Wales, based on the value of the catch landed. By supporting the improvement of key harbour infrastructure the Council will be <i>“Working towards a more prosperous Torbay”</i>.</p>
5.	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>No obvious or direct contribution to the Council’s responsibilities as corporate parents.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>No obvious or direct link to tackling deprivation.</p>
7.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Whilst works are being undertaken there may be some disruption and restricted access to the breakwater area. The public and Harbour Users will be notified when such instances occur.</p>

8.	How will you propose to consult? Emails, social media and public notices.
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Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>The marine insurance, covering the breakwater, could become invalid should the Council's insurer consider the works, or lack of works, to be inadequate to protect the breakwater structure.</p>
10.	<p>What are the risks?</p> <p>There is a risk that the EMFF grant is not offered to the Council. This would make the project financially unviable.</p> <p>There is a risk that the insurance cover for the breakwater will be invalidated if the underwriter decides that steps to protect the infrastructure have been inadequate i.e. these improvements/repair works are not undertaken.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>A procurement exercise has been undertaken and a competitive tendering process has identified a suitable contractor.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>This work has been supported by a number of previous engineering assessments of the Brixham Breakwater structure.</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>No public consultation has been undertaken on these improvement/repair works as they are urgent, necessary and beneficial. Discussions have been held with the local Ward Councillors and the Brixham Council Town Clerk.</p> <p>The Council as the Harbour Authority have a statutory duty to conserve, maintain and improve the harbour. As such the Council is a statutory undertaker and has the right to undertake these works.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None are proposed.</p>

Equality Impacts

15	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	There are no cumulative impacts identified.		
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	There are no cumulative impacts identified.		