

**ITEM No ...5.....**

**REPORT TO:** CITY DEVELOPMENT COMMITTEE – 6 MARCH 2023

**REPORT ON:** GRANTING OF SECTION 18 LICENCE UNDER THE COAST PROTECTION ACT 1949 AND AMEND SCHEME OF DELEGATION FOR UNPLANNED EMERGENCY WORKS ON THE DUNDEE FORESHORE

**REPORT BY:** EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

**REPORT NO:** 46-2023

**1 PURPOSE OF REPORT**

- 1.1 To seek Committee approval for the Executive Director of City Development to grant a licence under Section 18 of the Coast Protection Act 1949 to Catchment Tay Ltd for undertaking manhole repair work at Douglas Terrace foreshore. These works are scheduled for Spring 2023.
- 1.2 To agree to amend the Scheme of Delegation to Officers of the Council for the Executive Director of City Development to grant future licencing under Section 18 of the Coast Protection Act 1949 for unplanned Emergency works on the Dundee foreshore.

**2 RECOMMENDATION**

- 2.1 It is recommended that the Committee:
  - a authorise the Executive Director of City Development to grant a licence under Section 18 of the Coast Protection Act 1949 to Catchment Tay Ltd for undertaking manhole repair work at Douglas Terrace foreshore; and
  - b agree to amend the Scheme of Delegation of Powers to Officers of the Council to add the following under the powers delegated to the Executive Director of City Development in terms of Heading 8 Engineering, (b) Coastal Protection Act 1949, (ii) to grant future licencing under Section 18 of the Coastal Protection Act 1949 for unplanned emergency works on the Dundee foreshore.

**3 FINANCIAL IMPLICATIONS**

- 3.1 The cost of issuing the Section 18 Licence will be contained within the City Development revenue budget for 2022/2023.

**4 BACKGROUND**

- 4.1 Dundee City Council (Dundee Seashore – Prohibition of Excavation and Removal of Materials) Order 1999 requires a licence to be granted by Dundee City Council, as Coast Protection Authority, under Section 18 of the Coast Protection Act 1949 for excavation or removal of any materials on, under or forming part of any portion of the seashore.
- 4.2 Catchment Tay Ltd have notified the City Engineer that they intend to undertake works to repair a manhole on the foreshore at Douglas Terrace which will involve excavation of an area of the foreshore.
- 4.3 The works are scheduled for Spring 2023 and it is recommended that Committee approve the granting of a licence under Section 18 of the Coast Protection Act 1949.
- 4.4 During the preparation of this licence, it has been identified that the current approval process does not allow for a rapid response to unplanned emergency works. Although such emergencies are infrequent occurrences, delay in the approvals process could potentially result in significant environmental damage occurring from sewerage release into the Tay Estuary.

- 4.5 To mitigate this risk, approval is sought for the City Engineer to have authority to grant a licence under Section 18 of the Coast Protection Act 1949 for emergency repairs where these present an immediate threat of environmental damage. Any such licencing granted will be retrospectively reported to Committee.

## **5 FUNDING**

- 5.1 No funding is required.

## **6 POLICY IMPLICATIONS**

- 6.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

## **7 CONSULTATIONS**

- 7.1 The Council Leadership Team were consulted in the preparation of this report.

## **8 BACKGROUND PAPERS**

- 8.1 None.

Neil Martin  
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Robin Presswood  
Executive Director of City Development

NM/GB/MS/KAS

16 February 2023

Dundee City Council  
Dundee House  
Dundee