Frequently Asked Questions

We understand this is a complicated issue and have set out answers for some of the main questions that have arisen to help clarify some of the key points.

Who is responsible for what parts of the beach and coastal area?

- **Crown Estate**: Own the foreshore and seabed to 12 miles offshore.
- **Fareham Borough Council**: lease the foreshore between the average high-water mark and the average low water mark from the Crown Estate.
- **Environment Agency**: responsible for the strategic management of the coast, and allocation of the Flood Defence Grant in Aid funding on behalf of Defra.
- **Private Landowners**: there are different levels of responsibility:
  - Some landowners have responsibility for the beach extending down to the average high-water mark. Where accessible to the public, owners have a legal duty of care to maintain public safety under the Occupiers Liability Act.
  - Some strips of beach between the average high-water mark and the back of the property boundary are unregistered. However, it is usually the owner of the property who benefits most from it that has responsibility for the area.

How can I check my responsibilities as a Landowner?

You can find out if you have responsibility for the beach by checking the details in your property’s title. Details of any title can be requested from the Land Registry for a small fee: [www.gov.uk/get-information-about-property-and-land/copies-of-deeds](http://www.gov.uk/get-information-about-property-and-land/copies-of-deeds)

If your property backs onto an unregistered piece of beach (as shown below) then you should take independent legal advice about your potential responsibilities, as land ownership along the coast is often unclear in these situations.
What are the responsibilities of the Council for the beach area?

As leaseholder, the Council has a number of responsibilities relating to the maintenance of the foreshore (such as keeping the foreshore clean and tidy, and keeping works in good repair and condition). However, there is no Council responsibility for the repair of the failed sea defences. We are currently negotiating a lease renewal with the Crown and will let you know once it is signed.

Why isn’t it the responsibility of the Council to repair the coastal defences behind my property?

The Council as a Coastal Authority does not have a legal duty (Coastal Protection Act 1949) to provide or maintain coastal defences for private properties. The responsibility for this rests on the landowner.

The Council can carry out coastal protection works on private land at the landowner’s request when we consider it in the public interest and/or the landowners are able to fund the work.

How does the Council decide whether or not something is in the public interest?

The Council follows the policy recommendations set out in the Coastal Strategy (as mentioned below), however it is important to note that these policies do not include a funding commitment. In considering funding requests towards new private defences, the Council will balance the potential significant burden on public finances, versus the wider public benefit from the proposed defences.

Why did the Council work to remove the exposed steel defences further down the beach?

The Council has a legal duty to maintain public safety. The exposed defences were considered a risk to the public and were therefore removed.

What Council policies are in place for this stretch of shore?

The Council has in place a Shoreline Management Plan (SMP) along this coastal area, that aims to keep the position of the shoreline the same. This is known as ‘Holding the Line’.

The Council has no current plans to replace or construct new defences at Hill Head Road, and accept that the current low beach levels will block access along this stretch of beach at high tide.

You can find out more by reading the River Hamble to Portchester Coastal Flood and Erosion Risk Management Strategy (ODU 22 on page17) at www.escp.org.uk.

Would the Environment Agency (EA) fund work on the foreshore behind my property?

Funding is prioritised by the EA towards areas where properties are at greatest risk of direct flooding or erosion. The properties along Hill Head Road are at an elevated position and set back from the coastline meaning there is a low probability of flooding.

There is a higher risk of flooding in the gardens and outbuildings to the rear as they are at a lower elevation. However, the Environment Agency consider the protection of gardens and outbuildings a low priority. This means that it is very unlikely that the Environment Agency will provide any Flood Defence Grant in Aid funding.
What can the Council do to help?

There are a number of ways in which we plan to help:

1. Meet with Hill Head Road landowners to understand your aspirations and how these align to the Coastal Strategy Policy and objectives of the Beach Management Plan (in preparation).

2. Provide advice and reasonable technical assistance to help the Hill Head Road landowners to procure, develop proposals and secure funding for their own coastal protection project, to reduce the risk of flooding and erosion to their land.

3. Continue to monitor beach levels, undertaking routine surveys, post storms surveys, and share this information with interested parties.

4. Set out the relevant local authority and environmental regulations to allow consents and approvals to be secured.