

# Public Document Pack



Date: **11 August 2014**  
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## OVERVIEW AND SCRUTINY PANEL

**19 AUGUST 2014**

A meeting of the Overview and Scrutiny Panel will be held at **7.00 pm on Tuesday, 19 August 2014** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Gideon (Chairman); Councillors: Campbell (Vice-Chairman), Driver, Dwyer, Fenner, Gibson, I Gregory, K Gregory, Hornus, Huxley, Matterface, Moore, Poole, D Saunders, M Tomlinson, Worrow and Johnston

## SUPPLEMENTARY AGENDA No.1

Item  
No

Subject

6. **CALL-INS - CABINET DECISIONS OF 31 JULY 2014**

6c **CALL-IN - PETITION TO COUNCIL - MARGATE HARBOUR** (Pages 1 - 16)

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## CALL IN OF DECISION - MARGATE HARBOUR SLUICE GATE

To: **Overview and Scrutiny Panel – 19 August 2014**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **Margate Central**

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**Summary:** This report sets out the reasons for call in from the Chairman of the Overview and Scrutiny Panel, together with the report that was considered by the Cabinet at its meeting on 31 July 2014.

### For Decision

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#### **1.0 Introduction and Background**

1.1 The Chairman of the Overview and Scrutiny Panel on behalf of Councillor Mrs Tomlinson requested that the Democratic Services Manager call in the Cabinet decision regarding the Petition to Council – Margate Harbour, made at its meeting on 31 July 2014.

1.2 The Cabinet decision was as follows:

“THAT Cabinet agrees Option 1 as described in section 6.1 of the report and rejects the request to reopen the sluice gates”.

1.3 The Chairman has on behalf of the Panel invited the Cabinet Member for Operational Services and the Director of Operational Services to attend and give evidence at the meeting.

#### **2.0 Reasons for Call In**

2.1 The reasons for the call in given by the Chairman of the Overview and Scrutiny Panel on behalf of Councillor Mrs Tomlinson are that:

- 1) There are many local residents that hoped the Council would take the petition seriously and were very disappointed that the item was only discussed for two minutes.
- 2) The Sluice gate always used to work and I (Mrs Tomlinson) and many others believe that there needs to be more vigorous checks undertaken as to the reasons why the Cabinet feel that it would not in the future.
- 3) There are several local residents who work within the environment (including Lifeboat) who would like their input considered.

2.2 The report to Cabinet on 31 July 2014, together with the two annexes thereto, are attached at Annexes 1, 2 and 3.

#### **3.0 Options**

3.1 Under the call-in procedure as outlined in the Overview and Scrutiny Procedure Rule 15.0:

- 3.1.1 If, having considered the decision of Cabinet, the Panel is still concerned about it, it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council.
  - 3.1.2 If referred to Cabinet, Cabinet shall then reconsider within a further 15 working days from the date of this meeting, amending the decision or not, before adopting a final decision.
  - 3.1.3 If the Panel does not refer the matter back to Cabinet, the decision shall take effect on the date of this meeting.
- 3.2 The Overview and Scrutiny Procedure Rule 15.0 also provides for a referral of the decision by the Panel to full Council. If that is the case, Council should meet within 15 working days of referral and if it objects to the decision, it will refer it back to Cabinet, together with its views on the decision. Cabinet would then have to convene to reconsider within 15 working days of the Council meeting.

#### **4.0 Corporate Implications**

##### **4.1 Financial**

- 4.1.1 The financial implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.2 Legal**

- 4.2.1 The legal implications of the cabinet decision are as outlined in the Cabinet report attached.
- 4.2.2 The procedure for calling in Cabinet decisions is as prescribed by Overview & Scrutiny Procedure Rule 15.0.

##### **4.3 Corporate**

- 4.3.1 The corporate implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.4 Equity and Equalities**

- 4.4.1 The equity and equalities implications of the Cabinet decision are as outlined in the Cabinet report attached.

#### **5.0 Recommendations**

- 5.1 The Panel is invited to decide whether it wishes to:
  - a) Take no further action
  - b) Refer the issue back to Cabinet or Council.

#### **6.0 Decision Making Process**

- 6.1 If the Panel refers the decision to Cabinet it may be possible to include it in the agenda for the Cabinet meeting of the 11 September 2014. If the decision is referred to Council for reconsideration it would be necessary to organise an extraordinary meeting to discuss the matter.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Paul Cook, Interim Director of Corporate & Regulatory Services & Deputy 151 Officer

### Annex List

Annex 1	Cabinet Report – Petition to Council – Margate Harbour
Annex 2	Photographs to support petition ( <i>annex 1 to Cabinet report</i> )
Annex 3	Petition letter ( <i>annex 2 to Cabinet report</i> )

### Background Papers

Title	Details of where to access copy
<i>None</i>	

### Corporate Consultation Undertaken

Finance	<i>Matthew Sanham, Finance Manager (Service Support)</i>
Legal	<i>N/A</i>

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**PETITION TO COUNCIL – MARGATE HARBOUR**

To: **Cabinet – 31<sup>st</sup> July 2014**

Main Portfolio Area: **Operational Services**

By: **Mike Humber – Technical Services Manager**

Classification: **Unrestricted**

Ward: **Margate Central**

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**Summary:** This report discusses the proposals put forward by a petition and letter received in March 2014 concerning seaweed and sediment in the Margate Harbour area. The report discusses the disused harbour sluice and provides a summary of local coastal processes including the interaction with local maritime structures. The report also proposes the adoption of a recommendation that does not involve the re-opening of the closed sluice.

**For Decision**

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**1.0 Introduction and Background**

- 1.1 On 24<sup>th</sup> April a petition was reported to Council containing 207 signatures and was focused upon sediment volumes and the potential nuisance caused by the odour from seaweed which settles in Margate Harbour. Due to its length a copy of the wording of the petition is attached to report as Annex 2.
- 1.2 The petition suggests that an easy solution to the sediment, seaweed, odour and associated nuisance is to reopen the sluice which passes through the stone pier. This report focuses upon the subject of seaweed and the sluice and the potential for its reopening.
- 1.3 The report also provides an overview of considerations relating to sediment volumes at Margate which are a fundamental factor in beach shape and the deposition of seaweed. The report draws on previous research undertaken in 2011 by Technical Services on this subject, as a result of works funded by the Environment Agency.

**2.0 The Current Situation**

- 2.1 Detached seaweed carried by tidal currents along the Thanet coastline is regularly deposited in the sheltered waters of Margate Harbour. As the tide ebbs the seaweed becomes stranded and decomposes over time. The smell of this decomposition is considered to cause a nuisance around the Harbour and often in the wider Old Town area. Year on year variations in weather affect the amount of seaweed that collects in the harbour, and the rate of decomposition. The disturbance of the sediment in the Harbour by mechanical plant is thought to exacerbate the smell issue due to the presence of degraded organic matter in the sediment itself. Some sampling work was carried out by the Environment Agency in December 2011 to analyse the sediment at various depths. The results of this work confirmed that organic matter is entrained in the sediment below

the surface. The anaerobic decomposition of this material is very likely to contribute to the odour associated with the seaweed at Margate.

- 2.2 Where accumulated seaweed on Thanet's shoreline is deemed to cause a nuisance it is mechanically removed and taken to farms just outside the Thanet area for agricultural purposes under licence by the Environment Agency. The maximum consented volume for this operation is 2762 tonnes per annum across Thanet. The seaweed must meet particular standards before it can be deposited under this licence. The seaweed which collects in Margate is often contaminated with sand and other material and therefore fails to meet this standard.
- 2.3 In 2011 Technical Services undertook study work as part of the Margate Flood and Coast Protection Scheme to investigate sediment behaviour in the bay at Margate and to look for practical solutions to the seaweed problem. A primary part of this work involved the evaluation of the effectiveness of reopening the sluice through the Stone Pier. Other options investigated included reducing the sediment level in the Harbour area so as to shorten the tidal window when the area dries and therefore reduce the length of time per tide that an odour is released.

### **3.0 Margate Bay and Harbour – Summary of Local Coastal Processes**

- 3.1 Margate has for several centuries had some sort of pier or jetty to the east of the bay and at least two previous structures have historically succumbed to storms. In 1815 the existing Stone Pier was completed.
- 3.2 A small stone landing jetty which remains today was constructed in the mid 1800's to the west of the bay on the chalk reef (Nayland Rock). This jetty was constructed by the then Margate Harbour Company to act as a groyne to encourage sand to settle on the beach in the main bay which at that time consisted only of a small amount of stone and shingle. Throughout the 1800's the beach at Margate was fully submerged twice a day at high tide with deep water against the sea wall at Marine Terrace. In recent years the last time the tide even reached this sea wall was during the significant storm surge event on 5<sup>th</sup> December 2013.
- 3.3 The Stone Pier located at the east of the bay was designed as a safe haven for vessels but also acts as a groyne structure. The Stone Pier has a pronounced effect on coastal processes and significantly increases the capacity of the bay to trap and hold sand away from the natural sediment transport process. To the west of the bay the landing jetty also increases the capacity of the reef at Nayland Rock to stop more of the sand escaping westwards to Westbrook Bay.
- 3.4 In the 1930's Marine Tidal Pool was built on the Nayland Rock just to the north of the small landing jetty. This significant structure also acts as a groyne and significantly increases the capacity of the bay to hold sand.
- 3.5 Today the tidal pool along with the adjacent landing jetty and the Stone Pier across the bay all play a part in controlling sediment levels at Margate. Data has been collected on beach levels for more than 20 years in Thanet and this suggests that the beach volume at Margate has now reached a state of equilibrium after a long period of steady accretion due mainly to the existence of these man-made structures. It should be noted that the volume of sediment in the bay influences the position of the high water mark and therefore has a direct impact on Margate's flood defence provision. Indeed it is because of the level of the beach that the recent flood defence scheme did not need to extend further westwards onto Marine Terrace. Whilst the silting of the harbour may be considered to have a negative impact on navigation due to the accretion of material, the process has also produced a large positive attribute in the form of the wide sandy beach with its associated amenity value.



- 3.6 Sediment and sand at Margate could be reduced through major dredging activities subject to licence approval. This could reduce the odour issue by shortening the tidal window when the harbour dries out. However depending upon the scale of operations dredging could be an extremely expensive option which would require regular maintenance due to the continued influence of natural coastal processes. A larger and therefore more effective dredging operation could also compromise the amenity value of the beach and flood defence provision on Marine Terrace.

#### **4.0 The History of the Sluice in the Stone Pier**

- 4.1 Approximately 50m from the start of the Stone Pier there is a culvert (the sluice) constructed through the pier. The history of the sluice is not completely clear but it is thought that it was installed in the early 1800's not long after the stone pier was completed. This may indicate that sand accretion within the harbour was an issue from fairly early on in the Stone Pier's history.
- 4.2 It is likely that the sluice was installed with the intention of allowing the escape of silt from the harbour area. At low tide it was also used as a route to the foreshore outside the harbour for horse drawn carts loaded with sand from within the harbour area.
- 4.3 Conflicting information exists on when and why the sluice was blocked and the Council holds no records on this. The sluice may have been sealed as early as 1838 because it was found to be ineffective at reducing silt levels and was also the cause of unacceptably turbulent conditions in the harbour at high tide. However some anecdotal evidence suggests that it was blocked up in the last 40-50 years as a result of a serious accident involving a member of the public.
- 4.4 From inspection of the existing plug that blocks the sluice it can be seen that the material used (Portland stone) is almost identical to that used in the construction of the pier, (it is thought unlikely that Portland Stone would have been specified for this in the 1960's or 70's). There is however a smaller bricked section in the centre of the stone plug. This may therefore suggest that the sluice was sealed in the 1800's and then partially reopened in the 20<sup>th</sup> century for some time before being sealed once more. Such a scenario would fit well with the evidence that can be seen on site.
- 4.5 Photographs of the area and sluice are included in Annex 1.

#### **5.0 The Effectiveness of Reopening the Stone Pier Sluice – Discussion**

- 5.1 In order for the sluice to have any impact on sediment levels within the harbour, it would be necessary to generate a flow of water through this opening in the Stone Pier. The study work in 2011 looked in detail at the mechanisms which might cause sediment to leave the Harbour area through the sluice. These are summarised below:
- 5.1.1 **Bedload Transport** - This mechanism would require the sluice to generate a velocity sufficient to mobilise the sediment. A difference in hydraulic head of around 0.05m would be required for this. Whilst this does not appear to be a particularly significant difference in water level, when it is considered that this has to be achieved within a relatively short distance, i.e. between one side of the Stone Pier and the other it represents a hydraulic gradient of around 1 in 300. Such a gradient would require forcing factors such as waves or tidal flows, which can result in a 'set-up' of water levels. The required conditions for either of these external factors to cause sufficient set up do not exist in this location and the sediment will therefore not be removed as a result of this mechanism.
- 5.1.2 **Suspended Sediment Transport** - The transport of sediment suspended in the water column takes place at times when sufficient wave energy is present to agitate the seabed to an extent that the sediment is held in suspension. It is this process that causes the accretion of material in the harbour because the protected nature of this area means that there is no longer sufficient wave agitation of the seabed and thus the sediment falls out of suspension. The degree of agitation and tidal flow required to lift sediments into

suspension and then to transport them out of the harbour would require conditions that do not exist within the harbour. When the harbour was full of boats with hundreds of vessel movements during each tide this may have provided one of the mechanisms required (the agitation). However the negligible tidal flows in this area would have produced little flow of any potentially suspended material through the sluice.

- 5.1.3 **Localised Scour** – The likelihood of bed level lowering resulting from the local redistribution of material either side of the sluice was also explored. Bed levels are higher within the harbour than in the area immediately west of the Stone Pier. The distance between the inner and outer entrance to the sluice is around 15m and based on the vertical change in bed levels between these two points, it is possible to determine that the gradient of the seabed within the sluice would be around 1 in 15 (7%). This gradient is shallower than the natural angle of repose of this material and as such without any agitation of the surface, a flow of sand will not occur. However, the area immediately outside of the harbour is subject to focussed wave energy. In a similar fashion to normal alongshore processes, scouring of the sediments within the sluice could occur as the wave runs back out of the sluice. Whilst there will not be any significant net flow of water in either direction within the sluice, the fact that there is a physical gradient of the sand between the inner and outer ends of the sluice suggests that the mobilised sediment will migrate down the slope. Consequently, all of the time that there is a difference in the level of sand between the inside of the harbour and the beach on the outside, this mechanism has the potential to transport sediment from the inside of the harbour, through the sluice and onto the beach to the east of the Stone Pier.
- 5.2 The above suggests that the mechanism of localised scour may reduce sediment levels in the harbour via the sluice. It is likely that the re-opening of the sluice will result in a local lowering of bed levels in the immediate vicinity of the sluice opening within the harbour. However the volume of material moved will not be significant and the influence on seaweed in the harbour is likely to be very limited.
- 5.3 There are other issues to consider before reopening the sluice. Immediately outside the Stone Pier the foreshore is designated as a Special Area of Conservation, this designation refers to the internationally important chalk reef. The Habitat Regulations would require the re-opening of the sluice to be subject to the assent of Natural England as there is potential for an alteration to local coastal processes. The Stone Pier is grade 2 listed so the work would also require listed building consent. A marine licence from the Marine Management Organisation would also be required to undertake such works on the tidal foreshore.
- 5.4 An open sluice would represent a significant H&S risk to beach users. This risk could be mitigated by fitting steel grills on either end, the bars of the grills would need to be close enough together to stop unauthorised entry and robust enough to resist damage by floating objects, vessels etc. The grills would likely require regular cleaning to remove flotsam and weed and frequent inspection due to the high risks associated with the sluice. A method of closing the sluice during rough weather would be required. This would most likely be a hydraulic gate system on the external face of the Stone Pier. Without such a facility it might be possible for structural damage to the sluice and Stone Pier to occur and for unacceptably rough conditions to be experienced within the harbour area. An annual servicing budget would therefore be required to maintain the open sluice.

## 6.0 Options

### 6.1 Option 1 Continue with current management practice.

- 6.1.1 That Cabinet agree that the proposal made by the petition to reopening the sluice is rejected. This being on the grounds that study work undertaken does not adequately support the suggestion that opening the sluice would mobilise and reduce the impact of deposited seaweed. Furthermore it is likely that the source of the odour is not just

seaweed but also the anaerobic digestion of organic material in the harbour sediment itself.

- 6.1.2 This is the second summer season following the receipt of a licence by TDC to remove seaweed to farms in East Kent. This is a big step forward in controlling seaweed quantities as it reduces cost and increases opportunity for frequent removal. Deposited seaweed levels are monitored and removed periodically by in-house staff. This is a cost effective solution but tidal, weather and environmental restrictions can limit the timing of removal along with the need to work outside peak hours to avoid beach users. This year permission has also been granted by the Environment Agency for a trial operation involving the mechanical skimming of the seaweed in the harbour and its deposition outside the harbour wall. This is not in itself new but the focus of the trial will be to carry out this movement of seaweed on spring tides or during periods of strong offshore winds when the current/conditions are most likely to mobilise and dissipate the seaweed away from the bay.

## **6.2 Option 2 Re-open Sluice on trial basis**

- 6.2.1 That Cabinet recommend to Council that the sluice is reopened on a temporary basis for a trial period. This could be for a period of one year, during which time beach levels and other coastal processes in and around the harbour would be monitored, along with the structural integrity of the sluice. The information gained over this period would then enable a much better informed decision to be made as to the long-term operation of the sluice. The temporary opening would require a marine licence, the installation of metal grills and the assent of Natural England, as well as listed building consent.
- 6.2.2 From the evidence on site it is likely that the sluice has already been reopened at least once in the history of the Stone Pier. The complex interaction of hydrodynamic and sediment transport processes, combined with the wide range of tidal and weather conditions that are prevalent at this location mean that it is not possible to predict the effectiveness of reopening the sluice with absolute certainty. The temporary opening of the sluice would cost in the region of £22k for the year long trial and would require careful management to mitigate local risk. Permanent reopening would require further funding (in the region of £65k) and an annual maintenance budget of approximately £7k.

## **7.0 Corporate Implications**

### **7.1 Financial and VAT**

- 7.1.1 The approximate cost of option 2 is indicated in section 6.2 above. The expenditure on seaweed removal around the whole Thanet coastline in 2013/14 was approximately £12k. This was mainly plant hire costs, and any costs at this location would be in addition to the current spending.

### **7.2 Legal**

- 7.2.1 Licences are in place for current seaweed management activities. There are no known legal implications resulting from the recommendations of this report although consents are required with Natural England, the Environment Agency and Listed Buildings at the council before implementing Option 2.

### **7.3 Corporate**

- 7.3.1 The odour that is apparently associated with seaweed at Margate has become a high profile issue in recent years. The issue has potential to damage corporate reputation and visitor perception.

7.3.2 The option to reopen the sluice carries with it H&S risk associated with the management of the open sluice and the protection of the public.

#### 7.4 Equity and Equalities

7.4.1 There are no equity and equality issues associated with either of the options considered in the report.

#### 8.0 Recommendation

8.1 It is recommended that Cabinet agree Option 1 as described in section 6.1 and reject the request to reopen the sluice gates.

#### 9.0 Decision Making Process

9.1 This is a non-key decision that is within the delegated authority of Cabinet.

9.2 As the report follows a petition Cabinet's decision will be reported to a future meeting of Council.

Contact Officer:	Mike Humber, Technical Services Manager 01843 577083
Reporting to:	Mark Seed, Director of Operational Services

#### Annex List

Annex 1	Supporting Photographs
Annex 2	Petition Letter

#### Background Papers

Title	Details of where to access copy
Council Report - Petition to Council – Margate Port	Agenda Report Pack- Council 24 <sup>th</sup> February 2014

#### Corporate Consultation Undertaken

Finance	Matthew Sanham, Finance Manager (Corporate Finance Manager)
Legal	Steve Boyle, Interim Legal Services Manager & Monitoring Officer

CABINET REPORT CONCERNING PETITION TO COUNCIL TITLED – MARGATE STINK PORT  
Annex 1 – Supporting Photographs



Margate – showing accretion of sediment within the Bay



Marine Terrace before 1887 – The tide reached the sea wall twice daily under normal conditions



Margate Harbour Sluice –Portland Stone and Brick sealing wall to culvert viewed from outer face of Stone Pier



Margate Harbour Sluice –open end of culvert viewed from inner face of Stone Pier



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**ARTHUR MARTIN****34 GODWIN ROAD, MARGATE, KENT, CT9 2HF****e.mail: stinkport@gmx.com****MARGATE STINK PORT****PETITION LETTER**

**This is a petition to Thanet District Council.**

**It is about our Margate Cinque Port Harbour that has for many years been allowed to build up with rotting, decaying mud rubbish, sediments and seaweed. This is creating a methane sewage emitting smell, that smells similar to urine and the stench is airborne because of the build up of sediments over ongoing years. It is putting people off from coming to our Heritage Cinque Port Harbour. The Council are advertising Our Town as a unique port and that Cinque Ports are to look after sailors when coming into Margate.**

**As the Council are in charge of maintaining our beaches which is included in peoples rates, the smell that the harbour emits is putting people off coming to our town. The main problem seems to have started when the sluice arched part got bricked up on the outer side of the harbour wall which allowed water to pass through and clear the inner harbour of unwanted sediments, mud and seaweed. This would take it out to the sea. We the petitioners are disgusted that this has been allowed to happen over many years which would not bring prosperity to our town. The problems are easy to resolve, i.e re-open the sluice with a big gated gate to allow water pass through clearing the harbour of decaying debris. There was once a time when the harbour was full of vessels of all types, including yachts and cargo boats. Now only smaller crafts can enter our harbour as its been allowed to clog up with debris of all kinds. This is putting off our holiday makers and people who visit our Turner Centre and some wouldn't want to come again. We the petitioners feel that**

**businesses are suffering in the area. It is a disgrace for our Heritage Town. The Council have recently spent millions of pounds on steps and an Art Gallery. It is a small amount of money to re-open the sluice gate and would solve the problems for good. Under Maritime Law and Cinque Port Laws which the Council advertise this build up should never of happened as sailors cannot get boats in any more, as the sand has built up over the years. How is this neglect helping sailors and our ports? That is why Cinque Ports were made, many many years ago to look after sailors mainly.**

**We hope that our petition will sort this problem out for Margate. We hope our Port will be a better attraction for all in the future once this sluice gate is re-opened.**

**Below is a list of all the names and comments from boat owners to businessmen and the general public who agree with this petition.**