

Lease renewal: Foreshore at Happisburgh	
Executive Summary	<p>The Council's existing 21-year peppercorn lease for the foreshore at Happisburgh expired on 9 February 2024.</p> <p>This lease provides the Council with the necessary rights to undertake coastal protection, drainage and water management works under the Coast Protection Act 1949 and associated legislation. Renewal of the lease is essential to ensure continued access and operational capability in an area of coastline that remains highly vulnerable to erosion and flood risk.</p> <p>It is proposed that the Council renews the lease on similar peppercorn terms for a further 21-year period commencing 10 February 2024. This renewal will secure the Council's ability to deliver statutory coastal protection functions, maintain long-term coastal management activities, and support the resilience of the local community and infrastructure.</p> <p>Approval of the lease renewal represents a low-cost, practical and strategically important step in sustaining the Council's coastal management responsibilities.</p>
Options considered	An option was considered not to renew the lease, however this was rejected due to benefit the lease provides.
Consultation(s)	Coastal Management Cllr Luke Patterson Assistant Director Sustainable Growth
Recommendations	That Cabinet resolves to agree: <ul style="list-style-type: none"> • A lease renewal for 21 years • Delegate approval to the Asset Strategy Manager to agree the exact terms of the lease.
Reasons for recommendations	Ensuring the Council can continue to manage and maintain the Happisburgh foreshore
Background papers	N/A

Wards affected	Happisburgh
Cabinet member(s)	Cllr Harry Blathwayt Cllr L Shires
Contact Officer	Renata Garfoot. Asset Strategy Manager Renata.Garfoot@North-Norfolk.Gov.UK

Links to key documents:

Corporate Plan:	Our Greener Future: Protect and transition our coastal environments.
Medium Term Financial Strategy (MTFS)	The proposal makes no change to the current MTFS
Council Policies & Strategies	Asset Management Plan 2018 – 2022

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	Not Exempt
Details of any previous decision(s) on this matter	N/A

1. Purpose of the report

- 1.1. The purpose of the report is seeking Cabinet's approval to complete a lease renewal of the Foreshore at Happisburgh.

2. Introduction & Background

- 2.1. The Council is the tenant of an existing lease agreement for the foreshore at Happisburgh, which commenced 10th February 2003 for a period of 21 years which expired 9th February 2024.
- 2.2. The peppercorn lease enables the Council to carry out works under the provision of the Coast Protection Act 1949 and other associated drainage and water act to the foreshore as defined in the lease plan.

3. Proposals and Options

- 3.1. It is proposed to renew the lease on similar terms at a peppercorn for a further 21 years commencing, 10th February 2024.
- 3.2. This will enable the Council to continue managing the foreshore to support coastal management objectives.

4. Corporate Priorities

- 4.1. This proposal aligns with the Corporate Priority: Our Greener Future: Protect and transition our coastal environments.

5. Financial and Resource Implications

5.1. The lease is for a peppercorn.

Comments from the S151 Officer:

There are no financial implications in entering this peppercorn lease, whereas there may be significant operational impacts if the Council did not have the access conferred.

6. Legal Implications

6.1. Eastlaw have provided advice and are acting for the Council on the lease renewal, which is based on the same previous terms.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section.

The existing lease, which expired on 9th February 2024, is currently being held over under the security of tenure provisions. Given that NNDC want to continue to carry out coast protection works in Happisburgh (e.g. move rock armour around the beach), it is advisable for NNDC to have a legal interest in the foreshore (such as the lease), as per s4(3) of the Coast Protection Act 1949 in order to continue to carry out such works. Given that the envisaged works are likely to go beyond mere repair and maintenance work, it is not sufficient for NNDC to rely on its general powers of repairs and maintenance under s12 of the Coast Protection Act 1949 which would not require having a lease. Under the existing lease, NNDC is required to seek consent to retain any existing coastal works “such as groynes and beacons” at the end of the term and for this reason, as well as the above, it is preferable for NNDC to enter into a new lease under similar terms for certainty that it can continue to manage this part of the foreshore.

7. Risks

7.1. Under the current lease, the Council is required to seek consent to retain any existing coastal works such as groynes and beacons at the end of the term.

7.2. Whilst the Council has powers under the Coast Protection Act 1949 to maintain and repair existing works, the lease simplifies the process of doing so and

reduces the risk of seeking landowner consent to retain such works. Furthermore, the Coast Protection Act 1949 envisages that any coast protection work, which is not work of maintenance or repair (such as moving rock armour around the beach), is undertaken by way of a purchase or lease of the relevant land.

8. Net Zero Target

- 8.1. The lease renewal proposal results in no change to the Council's carbon emissions and coastal protection works form part of the wider climate adaption.

9. Equality, Diversity & Inclusion

- 9.1. The lease has no impact on equality, diversity and inclusion.

10. Community Safety issues

- 10.1. The lease does not cause any community safety issues.

11. Conclusion and Recommendations

- 11.1 Renewing the lease for the foreshore at Happisburgh on the same peppercorn terms for a further 21-year period will ensure the Council retains the necessary legal rights and access to undertake coastal protection, drainage and water management activities in accordance with the Coast Protection Act 1949 and related legislation.
- 11.2. Continuity of this arrangement is essential to support the Council's long-term coastal management strategy, safeguard local infrastructure, and enable proactive responses to ongoing coastal erosion and flood-risk challenges.
- 11.3 The renewal represents a low-cost, low-risk option that preserves the Council's ability to manage and maintain this critical stretch of coastline effectively.
- 11.4 It is recommended that Cabinet approves the renewal of the foreshore lease at Happisburgh for a further 21 years from 10 February 2024 on a peppercorn basis, enabling the Council to continue delivering its statutory coastal protection functions and supporting wider coastal management objectives.