

Report to: **Cabinet**



Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Seaton Tram Halt access boardwalk and footbridges

Report summary:

The Seaton Tram Company was successful in applying for a Heritage Lottery Fund bid to develop the heritage and educational features of their tourist attraction, which included funds to cover the costs of a tram halt and associated wooden boardwalk. This project is part of the planned programme of visitor infrastructure improvements known as the Seaton Wetlands link projects which has been presented to both Scrutiny and Cabinet Committees in 2020. This project would help provide an important physical link between the two attractions and so help further develop Seaton's visitor economy. It is intended that the structure to be erected by the Tramway on not just their land, but also the Council's land and land owned by the Burgesses of Colyford will (save for the part erected on their land) transfer to the Council. It is requested that Cabinet provide authority for the Council to enter into a deed of easement with the Tramway and the Burgesses of Colyford as adjoining landowner (tripartite if necessary) for the erection and maintenance of the structures and a Management Agreement or similar with the Tramway to enable the Council as site managers of the Seaton Wetlands, to take on the maintenance responsibility for the boardwalk and footbridge crossing the Colyford Common Local Nature Reserve. Heads of Terms will need to be agreed with Seaton Tram Company who have agreed to pay an annual management fee of £2,000 to the Council for an initial five year period. No management fee applies for any subsequent period. It is requested that Cabinet provide authority for the Council to take on ownership of the boardwalk upon completion as an infrastructure asset within the nature reserve.

Recommendation:

Cabinet to recommend:

1. Approval to enter into any necessary agreements with Seaton Tramway (Enterprises) Ltd and the Burgesses of Colyford to enable the construction, retention and use of a boardwalk across Colyford Common.
2. Upon completion, for the Council to take responsibility for the boardwalk on both the Council's land and on the land owned by the Burgesses of Colyford that is managed by EDDC Countryside as an infrastructure asset of the Colyford Common Local Nature Reserve for a period into perpetuity.
3. If needed, to enter into a 5-year management agreement with the Tramway for EDDC Countryside to recover the agreed annual fee for a five year period only.
4. Delegated authority to be given to Service Lead – Place, Assets & Commercialisation to agree the detailed terms of agreements for recommendations 1 & 3 in consultation with Service Lead - Countryside & Leisure in consultation with the Portfolio Holder for Coast, Country and Environment

Reason for recommendation:

To enable the Council to enter into the required legal agreements to facilitate the construction of the boardwalk and footbridge across Colyford Common which is managed by the Countryside Team under a management agreement with the Burgesses of Colyford as part of the Seaton Wetlands, so linking with the proposed tram halt construction.

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The financial implications are contained within the report

Legal implications:

What is proposed is within the legal powers of the Council. Legal have been involved in the transaction and preparation of relevant document and continued support will be provided as the transaction proceeds. Otherwise the report details the arrangements that will be put in place.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1. [Background](#)

1.1 For the entirety of the Seaton Wetlands project development it has been an aspiration to include a public access point via the popular Seaton Tramway. The Tram Company was successful in applying for a Heritage Lottery Fund bid to develop the heritage and educational features of the tourist attraction, which included funds to partially cover the costs of a simple halt and associated wooden boardwalk. Many locations were discussed, but the final decision for its location, shown on the map linked to the report, ensures minimal disturbance to both wildlife and people enjoying the nature reserve.

1.2 On 20 May 2020 a Cabinet report was taken and signed off under Senior Officer Delegation due to the urgent nature of the decision and that the planned Cabinet meeting had been postponed due to the onset of COVID-19 and the national lockdown restrictions. The report set out the terms of agreement between the Seaton Tram, East Devon DC and the Burgesses of Colyford who own the land on which the construction is due to take place (which EDDC

Countryside manage on their behalf known as Colyford Common). One of the recommendations was that EDDC Countryside would undertake the long term maintenance of the boardwalk for an annual fee to cover costs as the site, Colyford Common LNR, forms part of the wider Seaton Wetlands complex.

2. Current position

2.1 Since that report was taken there have been a series of discussions with Seaton Tram to clarify the construction, draft Heads of Terms and consequently who ultimately will own the boardwalk and footbridge structures and its long term maintenance between East Devon DC Countryside, Estates and Legal teams. The original report's recommendations in May 2020, as far as Seaton Tram were concerned, did not provide the precise details on the ownership of the boardwalk after its construction. Following these discussions between Officers and the Seaton Tram a subtle clarification was agreed to the wording in the May report. So that now it is requested that permission be given for East Devon District Council to take on the ownership of the completed boardwalk running over land owned by the Burgesses of Colyford and managed by EDDC's Countryside team as site manager's of the Colyford Common LNR. EDDC Countryside will take on maintenance responsibility for the boardwalk crossing the Burgesses of Colyford land for which Seaton Tram Company have agreed to pay an annual management fee of £2,000 for the first five years.

2.2 The proposed boardwalk design matches exactly the structures currently installed on the Colyford Common LNR and just recently a second planning permission has been successfully granted to Seaton Tram for the revised access route and its two associated footbridges spanning a narrow ditch and the Stafford Brook (see map). Due to the experience the Countryside team in managing and maintaining such structures on the saltmarsh for the past 18 years, we are confident that the agreed fee will cover all the necessary work and replacement materials and that revenues from this new footfall, developed over the initial five year period, will cover all future maintenance costs.

2.3 To ensure that the Council is able to take on the ownership and management of this boardwalk in discussions between Officers it is felt that the Tram will need to adhere to the following requirements which would be embodied in the Heads of Terms agreement between all parties:

- **Procurement** - the Tramway are delivering the structure for East Devon DC (via their contractor) so Senior Officers will need to cover this off with an exemption to contract standing orders.
- **Collateral Warranty** - If the Tramway's contractor is delivering the structure which we are taking responsibility for we would expect to have a collateral warranty agreement with the contractor to ensure that we have redress in the event of issues with the structure. This would mean we are not exposed in the event of premature failure of the structure.
- **Engineers Approval** – EDDC's engineers have approved the original planned structure which was specified by a structural engineer. The Tramway have subsequently altered the route which the Engineers have now approved in the revised plan but this was on the basis of the Council only be responsible for "surface" maintenance. It is Officers preference that the Engineers are asked to review this again if EDDC are taking on responsibility for the structure.
- **Land ownership** – Seaton Tram will be responsible for all the infrastructure including the footbridge crossing from their land onto the Burgesses land (see map). East Devon DC will be responsible for the 150metre stretch of boardwalk on the Burgesses of Colyford land and the second footbridge that crosses the Stafford Brook (see map) with the costs of its maintenance drawn from the annual £2,000 fee received from the Seaton Tram (received

for the first 5 years only). The terms of which will be set out in the Heads of Terms agreement between all parties.

- 2.4 The project has the positive support of the Burgesses who, collectively, own six acres of Colyford Common salt marsh for which EDDC pays an annual rental sum of £200 to manage as a nature reserve.
- 2.5 The tram halt itself is built entirely on land owned by the Tram Company and is therefore within its permitted development entitlement as a railway operator. It will consist of a small area of paved, level surface, leading directly onto a sloping boardwalk built on the side of the tram embankment. To the west at this point is an area of saltmarsh valued for its botanical diversity but not of importance for bird use, to the East is an extensive area of reedbed which shields human disturbance to any birds or mammals on the estuary itself. At point where the Stafford Brook empties into the Axe Estuary, the boardwalk will bridge the ditch and continue for 100 metres across the Burgesses of Colyford land, before bridging the brook and entering the EDDC land ownership of Stafford Marsh, near to the sand martin nesting cliff.
- 2.6 The estimated footfall directly attributable to the tram halt is thought to be in the region of 25,000 people per year, mainly during the peak tourist season. However as this adds a truly unique aspect to the attraction's already popular offer, we fully expect these numbers to grow. The route chosen will bring people directly from the tramway to the heart of the Seaton Wetlands complex at an area known as Stafford Marsh, where our engagement hub 'The Discovery Centre' is located. This will allow the team to work with a highly commercial focus for these visitors to further grow donations for the site, which before COVID19 lockdown had grown to £6,700 in the calendar year of 2019, based on an annual visitor count of c.60, 000 people.
- 2.7 Devon County Council has budgeted and will commence work on a connecting stretch of the Stop Line Way cycle path between Black Hole Marsh and Seaton Marshes nature reserves this financial year and so allow a circular exploration loop of the lower Axe estuary to be made by visitors, providing an exciting draw for both wildlife enthusiasts and tourists. This will again help to further enhance the visitor experience to Seaton and boost the local economy.

Summary

Planning permission for the revised route has recently been granted and the proposal for a 5 year management fee also has been agreed with the Tram Company. Permission is sought from Cabinet to build this structure on Council land and thereafter for the Council to be responsible for the structure into perpetuity both on the Council's own land but also on the Burgesses of Colyford land.