

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	02/04/2019
Planning Development Manager authorisation:	SCE	08.04.19
Admin checks / despatch completed	SB	09/04/19

Application: 18/02062/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Mr Gary Chaplin

Address: East and West Foreshore Wrabness Essex

Development: To repair and maintain sea defences along the foreshore at Wrabness, Sites A, B and D a proposed low height gabion barrier and site C reconstruct damaged area with a hidden gabion wall.

1. Town / Parish Council

Wrabness Parish Council No comments received

2. Consultation Responses

Environment Agency Marine Management Organisation Licence

These works will require a Marine Management Organisation licence. The granting of a MMO licence can mean that works will not require a Flood Risk Activity Permit as they, under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 2, and can be considered an Excluded Activity. For these works to be Excluded the Environment Agency must be consulted via the MMO licencing process. During this consultation we may wish to add conditions to the licence.

If an MMO licence is not required, then the applicant may need to apply for a Flood Risk Activity Permit.

Flood Risk

This sites lies within Flood Zone 3 presenting a high probability of flooding therefore we would normally expect to see a Flood Risk Assessment. We are not requesting a full Flood Risk Assessment provided the applicant can show the development site will be safe during construction, there will be no risk of equipment being washed away and that staff will be signed up to flood warnings. Issues of this nature will be covered within the permitting process.

Biodiversity

The defences are planned on the edge of the Stour Estuary SSSI and the defences and the proposed beach recharge have the potential to have an impact on the overall estuarine habitat and geomorphology however these appear to have been designed to keep the impacts to a minimum.

Hard defences such as these can exacerbate erosion problems as

they cause the overall impact to be transferred elsewhere. It is therefore quite likely that hard line of defence will be outflanked as has happened with the larger seawall at the Western end of this frontage. Natural England will be the lead on the ecological issues here.

Natural England

Coastal and Estuary Works with a lower impact on sites designated for Nature Conservation

Natural England is unable to provide bespoke consultation advice for this planning application. It is our assessment that these works are likely to have a lower impact on statutory sites designated for nature conservation reasons (including SPA / SAC / Ramsar / SSSI / NNR), provided the following thematic advice is applied.

1. Natural Processes and Coastal Squeeze

-Is the proposal compatible with the local Shoreline Management Plan, Coastal Strategy, or Estuary Plan policies for the area?

Saltmarshes, mudflats, sand dunes and beaches are dynamic habitats which move and change naturally in response to coastal change. In doing so they act as natural defences, protecting inland areas and hard defences from erosion and flood risk.

Engineering works are best designed to operate with these natural processes. This avoids significant detrimental effects on habitats, the natural protection they provide, and the wider functioning of an estuary or the coast. 'Coastal Squeeze' is the name for the effect when habitats are constrained by defences and are not able to respond to change; they are 'squeezed out' between high tide and the defences.

As a result of this natural dynamism and interconnectedness, defence works in one location often have effects elsewhere, so it is important to consider cumulative effects and effects in-combination with other works.

These strategic natural process issues are explored at a policy level in the local Shoreline Management Plan, in more detail in any existing local Coastal or Estuary Strategy, and in depth in any existing Coastal or Estuary Plan. If there is no plan or strategy in the area of the works, or if these are large scale works, then further work may be needed to explore potential coastal process impacts. This will particularly be the case if the works are new or novel, or an upgrade, as opposed to replacing existing defences in a like for like manner.

-Coastal and estuary works have the potential to cause wider impacts as a result of their effects on natural processes. These impacts should be considered in the local SMP, Strategy or Plan.

-Small scale works, where they are compatible with SMP Policies, an agreed Strategy, or an approved Plan, are not likely to result in significant coastal process impacts, alone or in-combination with other works. Any linked assessment work under the Habitats Regulations will already have been completed as part of the SMP.

2. Landscape and visual impacts

-Coastal and estuary defence works have the potential to result in landscape and visual impacts, and they are often located within, or in the setting of, Areas of Outstanding Natural Beauty. The advice of the local AONB unit should be sought where works are within the AONB, or within its setting.

-Small scale works are not usually likely to result in significant landscape and visual impacts, but the advice of the local AONB unit should be sought.

3. Potential unforeseen secondary use of the structures

-Might the works result in unintended secondary recreational use of the wider protected area?

New structures can potentially change the way people use and access coastal and estuary areas. The structures might for example be attractive to people, for sitting, or perhaps mooring, or cycling, or might provide access routes into previously undisturbed areas. Additional recreational activity can then have consequences for protected habitats and species including birds, as part of a designated site. Where necessary, these issues should be considered as part of the design process, and suitable measures incorporated to mitigate any impacts.

-Small scale works, or works with inbuilt mitigation should not cause problems through secondary use, but if necessary, further information should be sought so that these issues can be explored and mitigated.

4. Footprint of the Works

-Will the location of the structure result in the direct loss of designated habitat, or designated species?

Estuary and coastal works are often at the edge or on the boundary of sites which are protected for nature conservation reasons. Careful examination of maps of the proposed works and the designated site boundary should reveal whether parts or all of the works fall within the protected site. Further consideration may then be required to determine whether the proposed works will result in a significant impact on any habitat or species for which the protected site is designated. It may be possible to modify the design in order to avoid these impacts, or to locate it on the other side of the protected site boundary. Seawalls, borrow dykes, and transitions between tidal and inland habitats often support rare and specialised plants and animals which may be a feature of the protected site. (For Example, rare plants of seawall, and Whorl snails (*Vertigo* spp.). They may also be the location of important bird roost sites. Surveys may be needed to locate populations of these species, or significant bird roosts, and to provide suitable mitigation if they are affected.

-Small scale works, where considerably located, are not likely to have significant effects on designated site features. Developers should be mindful of the potential wider impacts, and planning proposals should be supported by surveys and mitigation plans where necessary.

Seawalls are also often popular as habitat for reptiles and can provide locally important hibernacula (hibernation sites) for snakes. These Protected Species could be killed or disturbed if the works are carried out at the wrong time, or without consideration of protected species

-Ensure that works are compatible with Protected Species requirements.

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species.

5. Disturbance and Damage during construction

-Are the works likely to cause damage during the construction phase? Where works are close to the boundary of a designated site, or within it, then there is a risk of damage to habitats during construction, particularly if the designated site is used for access, or for storage of materials, machinery, fuel or oil. There is also a risk that the noise and activity generated by construction activities could cause disturbance to birds. This will be particularly significant if the works are close to an important roosting or feeding area, and if they are carried out during the winter period. -Ensure working area, access routes, material stock piles etc. are outside the designated site. If this is not possible, ensure that the developer manages construction activities to minimise or avoid direct impacts to habitat features.

-All activities should be covered by an agreed construction method

statement, including for the management of hazardous materials.

-Will wintering or breeding birds be disturbed?

Consider the sensitivity of the works area. Is it important for roosting, feeding or breeding birds? How will the works be timed (summer, autumn, winter, spring)? In autumn and winter, huge numbers of migratory birds may be present in the locality of the proposed works. In the summer, breeding birds could be impacted. In winter, birds are likely to be weak & vulnerable during prolonged periods of exceptionally cold winter weather and works should be avoided at these times.

Also consider the nature of the works; Will they be noisy, Is piling involved, Will there be many trucks or diggers, Will there be people on site moving around and inadvertently disturbing birds?

-Where there is potential for significant impact on birds, planning applications should be supported by surveys and mitigation plans where necessary. In sensitive areas, appropriate timing and working methods, and not working in severe winter weather conditions, can lead to the avoidance of any impacts.

-Where bird disturbance issues have been fully explored, small scale works are not likely to have significant effects on designated site features. Developers should be mindful of the potential impacts and planning proposals should be supported by surveys and mitigation plans where appropriate and proportionate.

Suffolk Coastal Heaths Project

We do not have any concerns about the scheme to repair the sea defences along the foreshore at Wrabness in principle. The AONB team consider that the proposed design of the replacement defences and the materials proposed to construct them are appropriate for the location and will deliver visual enhancements. This is important as the site is located within a candidate area put forward to Natural England to extend the Suffolk Coast & Heaths AONB.

The Variation Order for the extension to the Suffolk Coast & Heaths AONB boundary was issued for public consultation on Tuesday 12 February 2019 for 28 days.

The LPA should therefore assess the proposal in the context that the area has been assessed as meeting the requirements for national designation and the process has entered the legal stage prior to designation. As such as the determining authority, the LPA should be satisfied that the proposals put forward will help conserve and enhance the natural beauty and special qualities foreshore at Wrabness.

3. Planning History

02/00043/FUL	Road realignment	Approved	22.02.2002
05/02159/FUL	Sea defence	Approved	12.01.2007
16/01407/FUL	Provision of 2 no. 54,000 litre water tanks with underground pipework to new fire hydrants and fire appliance laybys, one each to be located on the West Shore and East Shore.	Approved	28.10.2016

18/02062/FUL	To repair and maintain sea defences along the foreshore at Wrabness, Sites A, B and D a proposed low height gabion barrier and site C reconstruct damaged area with a hidden gabion wall.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

COM32 Sea Defences

COM35 Managed Re-Alignment

EN1 Landscape Character

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises 2 separate areas on Wall Lane and Stone Lane on Wrabness Foreshore.

The north side of both sites is the shore to the River Stour. Along the shore are located the Wrabness beach huts, behind this is an access track and then a grassed field. The other boundaries of the site face onto farmland. The site is located close to the Stour Estuary Site of Special Scientific Interest (SSSI), which is also part of the Stour and Orwell Estuaries Special Protection Area (SPA) and Wetland of International Importance (Ramsar site).

Proposal

The current proposals are for the maintenance of the existing sea defences and installation of new sea defences along the foreshore in the four locations with the aim of reducing beach erosion. A description of the proposed works at each site is outlined briefly below:

Site A: Gabions (wire cages normally filled with rocks or concrete) to be installed in front of the existing sea wall for approximately 20 metres.

Site B: 36 metres of gabions to be installed in front of the existing damaged gabions.

Site C: An existing storm damaged revetment to be moved back by three metres and reinforced with either gabions or rocks.

Site D: New section of gabion sea defence to be installed in front of eroding cliff of approximately 20 meters in length.

The applicant has confirmed that the works are unlikely to take any longer than 3 weeks to complete.

Visual Impact

The siting, scale, design, massing and materials of the proposed sea defences are not considered to have a significant adverse impact upon the appearance and character of the river foreshore, and set against the backdrop of the adjoining cliff-side, which rises steeply behind the development areas, will not detract with the appearance and character of the locality.

The site is within a candidate area put forward to Natural England to extend the Suffolk Coast & Heaths AONB. Consequently, the views of the Suffolk Coasts and Heath AONB Team were sought. They comment as follows;

We do not have any concerns about the scheme to repair the sea defences along the foreshore at Wrabness in principle. The AONB team consider that the proposed design of the replacement defences and the materials proposed to construct them are appropriate for the location and will deliver visual enhancements.

Residential Amenity

It is considered that the impact of the works upon local residents would be fairly minimal. The minor nature of the proposed works along with the short 3 weeks construction phase means that any impact upon residents residing nearby in terms of noise and disturbance from the works and traffic movements would be low. The applicant has confirmed that the works would attract 2-3 lorry loads of traffic movements likely to be delivered on one day. Coupled with the fact that the majority of nearby residences are holiday homes it means that the impact upon local resident's amenity would be minimal.

Ecology

Natural England has stated that they are unable to provide bespoke consultation advice for this planning application. It is however their view that the works are likely to have a lower impact on statutory sites designated for nature conservation reasons (including SPA / SAC / Ramsar / SSSI / NNR) providing their advice is followed.

In particular the advice states that small scale works are not likely to result in significant coastal process impacts, alone or in-combination with other works. In this instance the works replace existing defences and are compatible with the Shoreline Management Plan (SMP) Policies. Consequently, the wider impacts from the works effects on natural processes are considered to be minimal. Natural England also confirms that any linked assessment work under the Habitats Regulations will already have been completed as part of the SMP.

Natural England's advice also confirms that small scale works, where considerably located, are not likely to have significant effects on designated site features. However, applicants should be mindful of the potential wider impacts, and planning proposals should be supported by surveys and mitigation plans.

Therefore a preliminary ecological appraisal has been provided which concludes the following;

- The site is located on the foreshore of the Stour and Orwell Estuary SSSI, Ramsar site and SPA. No impacts to the habitats or wildlife within these sites are expected in connection with the proposed sea defence work.

- Given the scale, location, the timing to avoid the autumn and winter months, and the short duration of the proposed works, it is considered unlikely that the proposed works will have any impacts on the wintering waterfowl or autumn passage birds of the River Stour.

A condition will therefore be applied to ensure works do not take place during the Autumn/Winter period to avoid any impacts on the wintering waterfowl or autumn passage birds of the River Stour.

Flood Risk

The Environment Agency has provided the following advice;

We have no objection to the works as planned we have taken the opportunity to provide advice around Flood Risk, biodiversity and Marine Management Organisation licences.

These works will require a Marine Management Organisation licence. The granting of a MMO licence can mean that works will not require a Flood Risk Activity Permit as they, under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 2, and can be considered an Excluded Activity. For these works to be Excluded the Environment

Agency must be consulted via the MMO licencing process. During this consultation we may wish to add conditions to the licence.

This sites lies within Flood Zone 3 presenting a high probability of flooding therefore we would normally expect to see a Flood Risk Assessment. We are not requesting a full Flood Risk Assessment provided the applicant can show the development site will be safe during construction, there will be no risk of equipment being washed away and that staff will be signed up to flood warnings. Issues of this nature will be covered within the permitting process outlined above.

The defences are planned on the edge of the Stour Estuary SSSI and the defences and the proposed beach recharge have the potential to have an impact on the overall estuarine habitat and geomorphology however these appear to have been designed to keep the impacts to a minimum.

Other Considerations

Wrabness Parish Council has not commented upon the proposals. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions /

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plans (Scale 1:1250)
- Site A - Block Plan and Section Plan Revision Final1
- Site B - Block Plan and Section Plan Revision Final1
- Site C - Block Plan and Section Plan Revision Final1
- Site D - Block Plan and Section Plan Revision Final1.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 All construction works associated with the approved development must be carried out between April - August only.

Reason - In the interests of biodiversity and to avoid any impacts on the wintering waterfowl or autumn passage birds of the River Stour.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Environment Agency Informative

These works will require a Marine Management Organisation licence. The granting of a MMO licence can mean that works will not require a Flood Risk Activity Permit as they, under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 2, and can be considered an Excluded Activity. For these works to be Excluded the Environment

Agency must be consulted via the MMO licencing process. During this consultation the Environment Agency may wish to add conditions to the licence.

If an MMO licence is not required, then the applicant may need to apply for a Flood Risk Activity Permit.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p><input checked="" type="radio"/> NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p><input checked="" type="radio"/> NO</p>