

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	19/01/2021
Planning Development Manager authorisation:	TC	19/01/2021
Admin checks / despatch completed	ER	20/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.01.2021

**Application:** 20/01704/FUL                      **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Tom Stanley - Environment Agency

**Address:** Seawick Sea Defences Beach Approach St Osyth

**Development:** The construction of two separate rock revetments to be installed on the seaward side of an existing sea wall in order to protect the toe from further erosion.

### **1. Town / Parish Council**

Mr Parish Clerk St Osyth  
Parish Council                      No objections.  
22.12.2020

### **2. Consultation Responses**

Natural England  
18.01.2021

Thank you for your consultation which we received on the 07 December 2020. However, despite best intentions Natural England has not been able to fully assess the potential impacts or opportunities of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on this application. It is however likely that our position on this application would be consistent with the earlier submission of the Seawick Sea Defences (20/00580/FUL) therefore we refer you to our response issued 22 July 2020 for consideration.

If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Essex Wildlife Trust No Response

Tree & Landscape Officer  
11.12.2020 No important trees or other significant vegetation will be adversely affect by the development proposal.

ECC Highways Dept  
18.01.2021 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

i. the parking of vehicles of site operatives and visitors

ii. loading and unloading of plant and materials

iii. storage of plant and materials used in constructing the development

iv. wheel and underbody washing facilities

v. construction vehicle route to the site should be clearly signed and put in place

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. The public's rights and ease of passage over public footpath no.18 (St Osyth\_ 178) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: Although a temporary footpath closure Order and temporary diversion of the existing definitive right of way (footpath no. 18, St Osyth\_178) is in place should there be a requirement to extend this beyond the 1 March 2021 the applicant will need to apply to the TTRO Team (details on Essex Highways website)

for an extension to the temporary diversion of the PROW during works in good time (currently a 12-week lead-in time).

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways

Colchester Highways Depot,

653 The Crescent,

Colchester

CO4 9YQ

3: As per the previous planning application 20/00580/FUL a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, once the works are completed and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

Environmental  
Protection  
22.12.2020

20/01704/FUL - Seawick Sea Defences, Beach Approach, St Osyth, Essex

I have reviewed the above application and have the following comments to make:

Noise

I have looked at the noise report relating to the construction of the sea defence and recommend the following:

The recommended mitigation outlined in part 6 of the report is implemented on site to minimise noise disturbance to nearby noise sensitive properties.

As per the previous application EP recommend that prior to these works taking place, Environmental Protection would require the submission of a section 61 application under the Control of pollution Act 1974 (especially for any works that are undertaken outside the standard working hours). This should be agreed with the Environmental Protection Team including any necessary steps that may be necessary to minimise the noise

impact on residents in each area of the works. I would also advise that the EP team are kept up to date with progress and timescales in order to handle any queries that may arise from those affected by the noise from the works.

We have no comments to make in relation to the noise assessment relating to noise on public roads.

Environment Agency  
31.12.2020

Thank you for your consultation dated 7 December 2020. We have reviewed the application as submitted and have no objections.

#### Environmental Permitting

This application does not require a Flood Risk Activity Permit as it does not trigger a flood risk activity as outlined under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1.

#### Biodiversity

We have no specific biodiversity concerns with the extra details that this planning application adds to the existing (larger and granted) planning permission.

We trust this advice is useful.

Essex County Council  
Ecology  
22.12.2020

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

#### Summary

We have reviewed the documents submitted by the applicant relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that a previous proposal for the installation of two separate rock revetments in this location (20/00580/FUL) was approved in September 2020. The Planning, Design and Access Statement (Jacobs, November 2020) identifies that work has already commenced. However, additional erosion damage has been identified within Huntleys Gap, and this proposal is an amended application to rectify this damage and now also includes:

- "Replacement of the damaged concrete platform sections and safety railings to reinstate the existing Hutleys Gap platform;
- Removal of damaged gabion baskets and placement of rock armour along the southern extent of the platform to tie in with existing rock armour to the west and the new rock revetment in the east, to provide erosion protection to Hutleys Platform. This rock will replace rock armour that was previously in place along the frontage that has been displaced due to wave action and foreshore erosion, and;
- Installation of new access steps at the western end of the new 250m section of rock armour to the west of the groyne field at St. Osyth Beach."

The mitigation measures identified in the Mitigation Plan (Jacobs, March 2020), the Vegetation Surveys and Addendum (Environmental Agency, February 2020 and September 2019), the Ecological Site Survey (Jacobs, December 2018), the Habitats Regulation Assessment (Environment Agency, March 2020), the Reptile Mitigation Plan (Jacobs, March 2020), the Winter Bird Survey (Environment Agency, March 2019) and the Environmental Action Plan (Environment Agency, February 2020) should be secured and implemented in full. We note that this is necessary to conserve and enhance protected and Priority species and habitats.

We support the conclusions of the Habitats Regulation Assessment and Appropriate Assessment produced by the Environment Agency (March 2020) that, with mitigation, the proposal will not result in an Adverse Effect on the Integrity of the Habitats sites. We also agree with the MCZ Screening assessment that the proposal does not have the potential (alone or in-combination) to cause effects on the Blackwater, Crouch, Roach and Colne Estuaries MCZ site feature.

We support the measures to compensate for the predicted impacts on saltmarsh (designation feature of Colne Estuary SSSI and Priority habitat).

We also note that all planning applications should secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

Reasonable biodiversity enhancements should be included in a Biodiversity Enhancement Strategy and secured as a condition of any consent.

This will enable LPA and Environment Agency to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Mitigation Plan (Jacobs, March 2020), the Vegetation Surveys and Addendum (Environmental Agency, February 2020 and September 2019), the Ecological Site Survey (Jacobs, December 2018), the Habitats Regulation Assessment (Environment Agency, March 2020), the Reptile Mitigation Plan (Jacobs, March 2020), the Winter Bird Survey (Environment Agency, March 2019) and the Environmental Action Plan (Environment Agency, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

**3. Planning History**

19/00177/EIASC R	Request for screening opinion as to whether the proposed Seawick Sea Defences Scheme constitutes EIA development.		06.02.2019
20/00580/FUL	Construction of two separate rock revetments to improve the sea defences.	Approved	16.09.2020
20/00727/MMO	The Seawick Sea Defence Improvement Scheme comprises of the construction of two separate rock revetments (referred to as Hutleys Gap and the Secondary Area) which will be installed on the seaward side of two existing sea walls in order		20.07.2020

to protect the toe from further erosion.

20/01292/DISCO N	Discharge of conditions 4 (closure notice), 5 (construction method plan), 6 (construction environmental management plan) and 11 (construction vehicle route) for approval 20/00580/FUL.	28.09.2020
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20/01704/FUL	The construction of two separate rock revetments to be installed on the seaward side of an existing sea wall in order to protect the toe from further erosion.	Current
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#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

##### **Tendring District Local Plan (2007)**

QL3 Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

COM1: Access For All

COM7: Protection of Existing Recreational Open Space

COM32: Sea Defences

EN1: Landscape Character

EN3 - Coastal Protection Belt

EN6: Biodiversity

EN6a: Protected Species

Policy EN11a. Protection of International Sites: European Sites and Ramsar Sites

EN11b: Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological/Geomorphologic sites

EN23: Development within the Proximity of a Listed Building

TR1a: Development Affecting Highways

TR3a: Provision for Walking

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

SP1: Presumption in Favour of Sustainable Development

SPL3: Sustainable Design

PPL 2 - Coastal Protection Belt

PPL 1 - Development and Flood Risk

PPL3: The Rural Landscape

PPL 4 - Biodiversity and Geodiversity

PPL9: Listed Buildings

CP1: Sustainable Transport and Accessibility

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight



in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site location

The host site is located on the coastal frontage, adjacent to St Osyth Beach Holiday Park, near Jaywick to the east. The site comprises approximately 3.5 hectares, which includes the two revetment footprints, associated haul roads and work compounds / storage areas. The storage areas are shown within the St Osyth Beach Market overflow car park to the east, and immediately south of Hutley Caravan Park near the sea wall.

Ownership of the land in question belongs to Mileshead Properties and separately, St Osyth Beach Estate.

The area around the planning application site in Seawick generally comprises a mixture of holiday parks, brick built holiday chalets and isolated permanent residential dwellings.

The area which the scheme will be built is on the beach front itself where a series of rock built groynes have been built. There is also a single offshore revetment reef near the centrally positioned flood gate. The Sailor Boy, Public House / Cafe off Beach Road is central to the Holiday Park venue, this located near the sea wall flood gates.

To the south-west of the host site, there is an area that is part of the Colne Estuary. This is recognised within the local plan as an internationally designated Special Protection Area (SPA), Special Area of Conservation (SAC) and a Ramsar site. Jaywick Martello tower is located to the east of the application site, this is a designated scheduled monument and Grade II listed building.

A public footpath runs along the landward side of the seawall no.18 (St Osyth\_ 178). No protected trees are present on the application site. The site falls within the Coastal Protection Belt under local policy EN3.

### Summary of proposal

Due to the tidal flood risk to Seawick, the Environment Agency states there is a need for improvement works to the sea wall. The current sea wall has weathered as a result of both

natural processes, aging existing defences and as a result of human intervention along the coastline.

The existing problems to the sea wall is being reinforced with rocks at two locations, Hutleys Gap and at a site some 200m to the west of Hutley Gap (unnamed). The works take place to the seaward side of the wall. A near identical scheme was approved via Planning application 20/00580/FUL, 'Construction of two separate rock revetments to improve the sea defences'.

This new application includes, within the original red line boundary, the following which are reflected on revised drawings and in the accompanying environmental supporting information:

- Replacement of the damaged concrete platform sections and safety railings to reinstate the existing Hutleys Gap platform;
- Removal of damaged gabion baskets and placement of rock armour along the southern extent of the platform to tie in with existing rock armour to the west and the new rock revetment in the east, to provide erosion protection to Hutleys Platform. This rock will replace rock armour that was previously in place along the frontage that has been displaced due to wave action and foreshore erosion, and;
- Installation of new access steps at the western end of the new 250m section of rock armour to the west of the groyne field at St. Osyth Beach.

The applicant is the Environment Agency themselves.

The Scheme will help maintain the existing flood defence by reducing the risk of sea wall breach/failure which would result in tidal inundation. The scheme will reduce flood risk to 370 residential and 103 non-residential properties, in addition to approximately 1800 static caravan plinths in the park behind the sea wall at Seawick that would be subject to frequent flooding if the sea wall were to breach.

## Assessment

The main planning considerations are:

1. Principle of development
2. Design and visual impact
3. Impact on natural environment
4. Heritage impact
5. Residential amenity
6. Highway Safety
7. Other matters

### 1. Principle of development

In this case, the original Planning Application, Ref: 20/00580/FUL, was approved in 2020 has been in construction since September/October 2020 and is nearly complete.

Of this application the agent in forms the LPA of the following.

- All rock deliveries complete
- Secondary area (250m) - complete
- Hutley's Gap (75m) - 65m complete to leave room for platform repairs which are being undertaken at the moment.

Case law has confirmed to avoid what could amount to a considerable delay and possible lost opportunity, applicants can submit planning applications for as many options as required and they can all be submitted at the same time. This principle was underlined in the case of (*Pilkington v Secretary of State for the Environment 1973*). Permission could be granted for any number of the options and in those circumstances, it would be at the applicant's discretion as to which option was acted upon.

This host application replicates the details of that approval (nearing competition) and adds:

- Replacement of the damaged concrete platform sections and safety railings to reinstate the existing Hutleys Gap platform;
- Removal of damaged gabion baskets and placement of rock armour along the southern extent of the platform to tie in with existing rock armour to the west and the new rock revetment in the east, to provide erosion protection to Hutleys Platform. This rock will replace rock armour that was previously in place along the frontage that has been displaced due to wave action and foreshore erosion, and;
- Installation of new access steps at the western end of the new 250m section of rock armour to the west of the groyne field at St. Osyth Beach.

The National Policy Planning Framework sets out within paragraphs 166 to 169 the policies for the protection of areas at risk from Coastal change. As the proposed works are fundamentally designed to improve coastal defences and stabilise the coast, the works fall within the remit of what is permitted to take place in such places.

With regards to the ecology and biodiversity protection in the NPPF. These areas are covered within Chapter 15, in particular paragraphs 174 to 177. The original application was received with a number of supporting documents relating to these matters. The Local Planning Authority has undertaken consultation with amongst others, Natural England and Essex County Council Ecology. Subject to the findings of the technical reports and associated mitigation strategies being acceptable. The application would adhere to the requirements of NPPF to protect and enhance both biodiversity and geodiversity in such internally designated sensitive areas. Where necessary this decision notice shall inform the applicant that the approved consents under the earlier application 20/00580/FUL remain relevant and are still in force.

The works are proposed by the Environment Agency in relation to their responsibility for coastal protection. The area is located within a sensitivity landscape for ecological, geological and indeed recreational reasons. The justification for the works were established in the original planning application. This is effectively a 2% increase in overall rock placements on site. Also, the works are required for public safety reasons and the justification is accepted, although Officers accept there will be some deterioration of the visual amenity of the area.

The 'details' of the proposal are key a successful outcome for all parties concerned, these factors are further assessed below.

## 2. Design and visual impact

Policies QL9, QL10 and QL11 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan set out the criteria against which all development proposals are judged, including requirements for development to be well designed, appropriate to their surroundings and undertaken with minimal adverse impacts.

Each of the key elements is assessed below.

- Replacement of the damaged concrete platform sections and safety railings to reinstate the existing Hutleys Gap platform

This element involves the replacement of existing structures relating to the Hutley Gap platform, including the safety railings. As such this vital public safety undertaking is not objectional from a visual impact perspective, it is of course a 'replacement'.

- Removal of damaged gabion baskets and placement of rock armour along the southern extent of the platform to tie in with existing rock armour to the west and the new rock revetment in the east, to provide erosion protection to Hutleys Platform. This rock will replace rock armour that was previously in place along the frontage that has been displaced due to wave action and foreshore erosion

The structures will be made from rock armour material and will not protrude above existing sea walls. There are several examples over similar sea protection works having been undertaken nearby within the immediate area, especially with regards to Hutleys Gap. Against this back drop and the existing setting of the beach front, no objection is raised.

- Installation of new access steps at the western end of the new 250m section of rock armour to the west of the groyne field at St. Osyth Beach.

The Landscape Officer has accepted via email on the 18/01/2021 that this element of the proposal is not objectional from a visual impact perspective. These findings are backed up in the Landscape and Visual Impact Assessment submitted with the application. The mitigation measures suggested within this report are covered by other ecological planning reports included in this decision notice. Also, the use of 'wooden footbridges' over the salt marsh is not supported due to the maintenance of such features and the difficulty of then staying algae free, thus safe to use.

Overall, officers have no objections to the visual impact of the proposal.

## 3. Impact on natural environment

- Policy EN11a. Protection of International Sites: European Sites and Ramsar Sites
- EN11b: Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological/Geomorphologic sites

A screening opinion was originally undertaken via application 19/00177/EIASC. The conclusion was that the application did not require an Environmental Impact Assessment. The applicant has provided an update to this original research incorporating the development proposed as part of this application.

<b>Subject Area Considered within the EIA</b>	<b>Additional Impact as a result of 20/01704/FUL</b>	<b>Conclusions</b>
<p><b>Landscape and Visual Impact.</b></p> <p>The original rock revetment consisted of 1 x 250m revetment and 1 x 75m revetment. Assessed to have no negative impact.</p>	<p>Proposed development of the new 15m revetment increases the previously approved revetment length by 4.5% and mass of rock on site by 250t meaning only a 2% increase in rock volume on site. The new revetment will be built upon the existing revetment in front of the platform to better protect it. Area has lots of rock revetments to support the local flood risk management strategy.</p> <p>Set of permanent steps at western end of secondary area to replace existing ladder that was broken and not fit for purpose. Width to be restricted on landward side to reduce impact on footpath.</p>	<p>The additional landscape and visual impacts are minor.</p>
<p><b>Highways impact</b> 20 lorry loads per day approved.</p>	<p>No additional lorry loads, as all the rock is now onsite within existing 20 loads per day.</p>	<p>No impact</p>
<p><b>Noise</b> Original revetment work planned to take up until April.</p>	<p>Still due to complete all works including this additional section and steps by April. S60 granted for work detailing noise reduction measures.</p>	<p>Negligible impact as no increase in noise duration</p>
<p><b>Ecological issues</b> Initial application included environmental mitigation measures and an Environmental Action Plan.</p>	<p>Given Minor increase in a non-sensitive area Natural England (Michael Parkin) informally consulted by our Ecological Clerk or Works, and agreed only minor impact.</p>	<p>Minor impact</p>
<p><b>Flooding</b> Structure is intended to reduce flood risk to community of Seawick.</p>	<p>New revetment will link to previously assessed revetment and increase resilience of platform.</p> <p>Steps will not negatively impact the performance of the Seawall as a flood risk structure. Design being developed in conjunction</p>	<p>No negative impact</p>

	with Environment Agency Coastal Engineer.	
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Officers have reviewed and accepted these findings; and are of the view that this proposal remains 'screened out' of requiring an Environmental Impact Assessment under the Environmental Regulations 2007.

In relation to the mitigation measures locally on site. A thorough assessment on the Environmental receptors effected by the original proposal was undertaken during the previous approved application. The findings and conditions associated with this earlier application remain prevalent and in force.

The application is for a small approximately 2% increase in works on site. Essex County council Ecology have confirmed no objections, noting the mitigation measures identified in the Mitigation Plan (Jacobs, March 2020), the Vegetation Surveys and Addendum (Environment Agency, February 2020 and September 2019), the Ecological Site Survey (Jacobs, December 2018), the Habitats Regulation Assessment (Environment Agency, March 2020), the Reptile Mitigation Plan (Jacobs, March 2020), the Winter Bird Survey (Environment Agency, March 2019) and the Environmental Action Plan (Environment Agency, February 2020) should be secured and implemented in full. This is considered necessary to conserve and enhance protected and Priority species and habitats.

Furthermore, the conclusions of the Habitats Regulation Assessment and Appropriate Assessment produced by the Environment Agency (March 2020) that, with mitigation, the proposal will not result in an Adverse Effect on the Integrity of the Habitats sites has been agreed by ECC Ecology. As have the findings within the MCZ Screening assessment that the proposal does not have the potential (alone or in-combination) to cause effects on the Blackwater, Crouch, Roach and Colne Estuaries MCZ site feature.

Overall, the HRA screening/likely significance test undertaken within the accompanying Environmental Information Report concludes that there will be no likely significant effects as a result of the construction or operation of the proposed scheme on any qualifying features of the European Sites.

Subject to planning condition as stated above, Officers agree with this finding this the application adheres to Policy EN11a, EN11b and the associated NPPF guidance on such matters in Chapter 15.

- Policy COM32 – Sea Defences and Policy EN3 - Coastal Protection Belt

These policies set out the requirements on coastal protection works which may be permitted. The type of defence appropriate for a location will depend on a number of factors, including the type of erosion, nature of the land effected, nature of the land effected, nature conservation and length of coast concerned.

The proposal is essential for ensuring the continued effectiveness of the sea defence infrastructure. Also, the works would ensure protection of the holiday accommodation and permanent residences, thereby protecting both human life, property and residential amenity. In this case the use of 'soft engineering' is not considered an appropriate measure due to the imminent threat of tidal flooding. The 'hard' revetments features are deemed essential to ensure public safety. As such no objection to this policy is raised.

#### 4. Heritage impact

The NPPF states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Whilst there may be some short term disturbance to the Martello Tower during the construction processes. The works are taking place in the 'off season' for tourists, this shall be controlled by condition. The applicant plans to finish works by March 2021. Officers are content that the significant public benefits of improved coastal defences in this location clearly outweigh any short or medium term harm to the setting of the listed building. No objection is raised.

#### 5. Residential amenity

With regards to the revetments on the beach themselves, they shall have no demonstrable impact upon residential amenity.

The methods of construction shall however have some impact on the on the amenity of nearby residents. However, these matters shall be controlled either by Planning Condition or if works are taking place outside normal working hours by the Section 61 process that allows for extended working hours for a limited time frame.

A Construction Management Plan has been provided. A condition will be imposed to secure a final Construction Management Plan dealing with issues such as public safety, amenity, operating hours, noise and vibration controls, air and dust management, waste and materials re-use, and traffic management in the interests of amenity and highway safety.

#### 6. Highway Safety

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

There is a public footpath that is being diverted as part of this application. The County Highways Authority have not objected to this arrangement. There are no new Highway Implications as a result of this development. A traffic management plan and construction management plan have been submitted and will be conditioned as part of this application. No highway objections are raised.

#### 7. Other Matters

- Drainage

The works are not related to flood protection. The applicant is a protected undertaker, as defined by the Environmental Permitting Regulations 2016 Schedule 25 Part 3, Sub-paragraph (2), therefore these works are not considered to be a Flood Risk Activity (according to the previous Schedule, Part 1) and subsequently do not require a Flood Risk Activity Permit.

- Public Safety

Officers note the prominent position of the Hutleys Gap revetment in particular with regard to location to the nearby holiday camps and their associated 'social areas'. During construction the works site shall be suitably fenced off, signed posted and illuminated. This shall be governed by the Construction Management Plan, via planning condition. Post construction, members of the public will be able to walk on the new revetments. However, this is the case already with the revetment groynes in the beach area. Officers do not believe any additional safety measures are needed to be installed post construction.

- Biodiversity

All planning applications should secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The previous application secured such measures via Planning Condition. No additional measures are considered necessary at this time.

## 6. Recommendation

Approve

## 7. Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. The proposed works shall take place between the months of September and March only.

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. In the interest of residential amenity.

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

Env0001264c-ch2-00-zz-c-dr-0009	Detailed plan Received on	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0003	Section a	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0005	Sections b and c	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0001	Site plan	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0002	Site layout plan 1	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0004	Site layout plan 2	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0006	Works location plan	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0007	Block plan	26 Nov 2020
704171ch/001/001	Environmental features plan	26 Nov 2020



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

3. The public's rights and ease of passage over public footpath no.18 (St Osyth\_ 178) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Mitigation Plan (Jacobs, March 2020), the Vegetation Surveys and Addendum (Environmental Agency, February 2020 and September 2019), the Ecological Site Survey (Jacobs, December 2018), the Habitats Regulation Assessment (Environment Agency, March 2020), the Reptile Mitigation Plan (Jacobs, March 2020), the Winter Bird Survey (Environment Agency, March 2019) and the Environmental Action Plan (Environment Agency, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

5. All the mitigation and management measures and/or works shall be carried out in accordance with the details contained within the Traffic Management (Team Van Oord, September 2020), Noise Assessment (Jacobs, March 2020), Construction Phase Plan (Team Van Oord , Aug 2020) and Environmental Management Plan (Mackley, Sept 2020)

Reason - To ensure adequate residential amenity and highway safety levels are maintained.

## **8. Informatives**

1: Although a temporary footpath closure Order and temporary diversion of the existing definitive right of way (footpath no. 18, St Osyth\_178) is in place should there be a requirement to extend this beyond the 1 March 2021 the applicant will need to apply to the TTRO Team (details on Essex Highways website) for an extension to the temporary diversion of the PROW during works in good time (currently a 12-week lead-in time).

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester

CO4 9YQ

3: As per the previous planning application 20/00580/FUL a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, once the works are completed and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

4. Prior to these works taking place, Environmental Protection would require the submission of a section 61 application under the Control of pollution Act 1974 (especially for any works that are undertaken outside the standard working hours). This should be agreed with the Environmental Protection Team including any necessary steps that may be necessary to minimise the noise impact on residents in each area of the works. I would also advise that the Environmental Protection team are kept up to date with progress and timescales in order to handle any queries that may arise from those affected by the noise from the works.

5. This application should be read alongside the previous approval 20/00580/FUL that is nearing completion. The conditions relating to that planning permission also remain in force.

6. 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO

