

Parish: West Wittering	Ward: West Wittering
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WW/15/02328/REG3

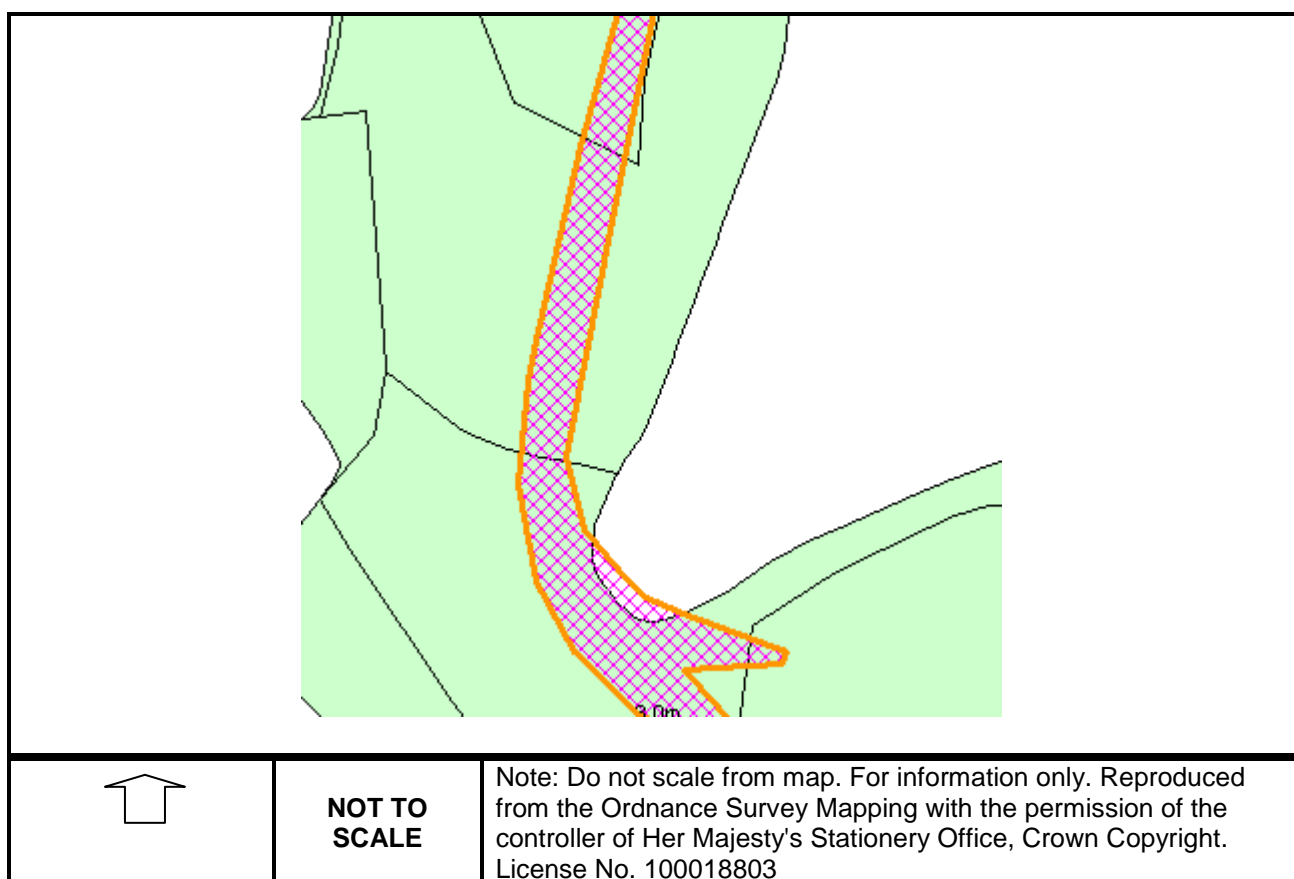
Proposal Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

Site East Head Snow Hill West Wittering West Sussex

Map Ref (E) 476713 (N) 99192

Applicant Mr Dominic Henly (Chichester District Council Coast and Land Drainage)

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Applicant is Chichester District Council

2.0 The Site and Surroundings

2.1 East Head is a dynamic sand and shingle spit to the east of the Chichester Harbour entrance. The site is covered by a number of environmental designations, including

SSSI, SAC, SPA, Ramsar and AONB. East Head is particularly recognised for its sand dune system. There is a network of public rights of way within the East Head area including on the beach.

3.0 The Proposal

3.1 The proposal comprises the recycling of up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

3.2 The application site itself is formed of two parts. The shingle/sand will firstly be excavated from an area of around 1,800sqm on the western edge of the northern part of the spit, before being transported along the beach to an area just to the east of the groynes C21-C24, where a bund will be formed with a footprint of approx. 1,200sqm. This bund will follow the shoreline. The total area affected by extraction and deposit is around 0.3ha.

3.3 The proposal builds upon the works undertaken pursuant to 05/00837/REG3 and 09/00273/REG3, where deposits taken from an excavation area of around 18,000sqm to the east of the application site, again on the northern tip of the spit, were relocated across three areas to the south of the spit close to the groynes. The total site area affected previously was significantly larger at 2.82ha than the current proposal.

4.0 History

05/00837/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end to replenish eroded beach, including maintenance until Spring 2007.
83/00746/WW	NOOBJ	Construct new groynes C12A, C14A and C15A and reconstruct existing groynes C20 and C24.
08/05043/REG3	APPRET	Variation of Conditions 1 and 2 of planning permission WW/05/00837/REG3.
09/00273/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end behind "The Hinge" and adjacent to area of beach placed in 2005.

Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	YES
- Flood Zone 2	YES
- Flood Zone 3	
Historic Parks and Gardens	NO

6.0 Representations and Consultations

Parish Council

6.1 None received

Environment Agency

6.2 No objections

Natural England

Designated sites

6.3 The application site is within a Nature 2000 site, the Solent Maritime Special Area of Conservation (SAC) and the Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Ramsar site and Chichester Harbour Site of Special Scientific Interest (SSSI) and therefore has the potential to affect the features of interest within these designated areas.

6.4 The LPA is advised to have regard for any potential impacts of a plan or project. The conservation objectives for each European site may be helpful in assessing any potential impacts of a plan or project.

6.5 A Habitat Regulations Assessment has been submitted by the LPA as the competent authority. Natural England advises that the proposal is necessary for the

conservation management of the site, the first test under Regulation 61 of the Habitat Regulations, for the following reasons.

1) The application is directly linked to the removal of the hard defences, namely the breastworks between groynes C20 and C23. The removal of these structures will help facilitate natural coastal processes and allow the neck to readjust to a more sustainable position. This will minimise erosion and beach lowering, and will allow sediment to move naturally and more freely within the system. Natural England has worked in partnership with local stakeholders to remove the breastworks, which are preventing the hinge evolving naturally. The recharge is a key part of the application in place to provide reassurance to partners that sufficient material is available for coastal processes to work on to roll the beach back to a more sustainable position, whilst maintaining access to East Head. New sediment will be available then the defences are removed and the site can function more naturally in response to coastal processes.

2) The application has demonstrated that all SAC, SPA and Ramsar features will not be detrimentally affected through the HRA which assesses construction and operational phases.

3) The removal and placement of this sediment is based on strong evidence and expert opinion that demonstrates that the transfer of material from East Head will not lead to the loss of any interest features now or in the future.

6.6 It is only under these very specific circumstances that Natural England agrees with the conclusions of the HRA.

6.7 Other auxiliary benefits such as maintaining public access are positive but not primary to the objective of the proposal.

6.8 No objection raised, subject to specific conditions, summarised below:

1) Material movement to take place between 1 April and 30 September to avoid the main overwintering bird season. If work is to be undertaken outside these times, an ecological watching brief should be maintained, with work suspended and Natural England consulted if birds start to show signs of disturbance.

2) The removal of the breastworks is to take place in accordance with the action plan triggers as set out in the East Head Adaptive Management Plan, and existing consent for works between groynes C21 and C22 (expires Feb 2016). If it is necessary to deviate from the Management Plan, expert advice will be required.

3) Natural England should be consulted on and agree to a detailed method statement for the works

Protected landscapes

6.9 The proposed development site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Development is expected to be of the highest quality, which should conserve and enhance local landscape character or distinctiveness. Full regard should be paid to the Chichester Harbour AONB Management Plan (2014-2019)

Chichester Harbour Conservancy

6.10 No objection, subject to compliance with the submitted method statement for implementation. The applicant's Habitat Regulations appropriate assessment has concluded no significant adverse effects and that the works are necessary to safeguard nature conservation interests.

6.11 It is noted that the Environment Agency and Natural England, as part of East Head Coastal Issues Advisory Group, have been involved throughout and that this is the third time since 2005 that this preferred adaptive management technique has been employed. The previous interventions produced no adverse effects. It is noted that the tonnage sought now is less than on previous occasions.

6.12 Viewed from the sea, the gradual removal of the breastworks between the groynes will leave the beach profile with a more natural appearance in the landscape and that the raising of the 'hinge' by 1 m will not have a significant landscape impact, behind the Tamarisk line. It has also been noted that an element of sand bank at the north end of East Head, proximate to where the excavation will take place has recently naturally eroded along a 20m stretch in recent time, indicating the dynamic nature of this geomorphological coastal feature.

CDC Environmental Strategy

6.13 Agree with Natural England's comments that it is a measure necessary to the management of the SPA / SAC and therefore screened out from the need for Appropriate Assessment. So with measures in place to mitigate potential impacts on protected species (any vegetation clearance to be done outside of bird nesting season) during the work we would support the application.

6.14 No third party comments received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan Key Policies 2014-2029 and all made neighbourhood plans and Development Plan Documents (DPD).

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty

Policy 44: Development around the Coast

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraphs 6-13 (sustainable development principles), 17 (core planning principles), 94, 99, 105-107, 109, 113-115, 117-119 (natural environment), decision taking and implementation.

7.5 National Planning Practice Guidance is a material consideration, including sections ID4, ID6-ID8.

Other Local Policy and Guidance

Chichester Harbour AONB Management Plan 2014-2019: Policies LS1-LS3, NC1-NC2, NC4, BD1-BD2, WW2, CD1 & CD3

Chichester Harbour Conservancy Planning Guidelines: B6, B8, E5, E7 & E8c

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

B3 - Environmental Resources

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- (i) principle and justification for the works
- (ii) construction impacts
- (iii) environmental impacts

Principle and justification

8.2 Policy 22 of the Local Plan recognises the manhood peninsula is at significant risk from coastal erosion and flooding, which needs to be managed and mitigated in the face of climate change. Paragraph 13.3 references the Council document 'Towards Integrated Coastal Zone Management on the Manhood Peninsula', a spatial plan suggesting management options for the coastal zone. Policy 22 supports proposals and initiatives that, amongst other objectives, address proposals for the coastline and coastal communities set out in Coastal Defence Strategies and Shoreline Management Plans (criteria 2), contribute to greater safeguarding of property from flooding/erosion and/or enable the area to adapt to

change (criteria 3), and provide resources to improve the process of harbour and coastal management (criteria 4). This policy sits directly with paragraph 105 of the NPPF, which encourages Integrated Coastal Zone Management practices.

8.3 The Pagham to East Head Coastal Defence Strategy (PEHCDS) recommended the policy for this frontage should be 'Adaptive Management' and the strategy was adopted by the Council in 2009. The same policy was also confirmed under the North Solent Shoreline Management Plan adopted by the authorities in 2010.

8.4 The East Head Coastal Issues Advisory Group, a group of key stakeholders including CDC, Natural England, the Environment Agency, Chichester Harbour Conservancy, have defined adaptive management as actions to: "preserve the social, economic, environmental, navigation and amenity value of East Head to the community for the life of the Strategy. The emphasis will not be on trying to lock the feature in its present size, shape and location, nor should it be encouraging orientation in a pre-determined direction". The Advisory Group have prepared an 'Action Plan for the Continuing Implementation of the Adaptive Management Policy' dated May 2015. This document forms part of this application.

8.5 The works subject of this application directly affect the southern end of East Head spit, in a location known as 'The Hinge'. Here, sediment amounts are limited, and shingle and finer sediments are unable to stabilise and protect the underlying geology below from erosion. If this process continues, the underlying clay will be further eroded, resulting in the need for more substantial defensive structures.

8.6 In order to implement the policy objectives set out above, the Advisory Group recommend that further beach recycling should be undertaken in the area of the hinge. Effectively, this is a relocation of shingle from the north to the south of the spit, from an area where there is excess sediment, to an area where sediment is needed to protect the spit from further erosion.

8.7 The proposed works are similar in kind but smaller in scale to the recycling operations carried out in 2005 (05/00837/REG3) and 2009 (09/00273/REG3). The 2005 and 2009 applications together involved an excavation area of around 18,000sqm to the north of the spit, with the material deposited across three areas to the south of the spit. The 2005 project relocated 13,000 tonnes and the 2009 works recycled 9,000 tonnes.

8.8 This application seeks the recycling of just 3,000 tonnes. Excavation will take place in an area of around 1,800sqm to the western edge of the northern part of the spit, with deposits allowing the creation of a shingle and sand bund to the immediate east of groynes C21 to C24 with an approximate footprint of 1,200sqm. This relocation and formation of a bund is deemed necessary to reduce the risk of a tidal breach and loss of access following the timber breastworks failure. The provision of this additional material will facilitate the change towards more natural processes of coastal change while minimising the risk of a breach or loss of access to East Head.

8.9 The engineering works are therefore deemed necessary to ensure the stability of the spit, and will support policy objectives set out in the Local Plan and supporting documents.

Construction impacts

8.10 The material used for the construction of the bund will be sourced from the extraction area at the north end of East Head. This is the same area as used in both 2005 and 2009 and there have been no reported adverse effects. The supporting information demonstrates there are sufficient deposits in the northern part of the spit.

8.11 Material will be loaded on to 3 No 10 tonne dumper trucks by a small 360 degree excavator and driven south along or seaward of the Mean High Water (MHW). The volume of material excavated will require 300 full dumper movements (600 two way movements) along this 850m (approx.) route. These movements will take place along the beach. There will be a need for signage and clear route demarcation to ensure minimum disruption to the beach or beach users, including those using the public rights of way. The haulage route will avoid any impact on the existing dunes and will leave sufficient space above MHW for safe access. Once the plant has been delivered to site there will be no requirement for additional lorry movements until contract completion.

8.12 The bund will be constructed immediately behind The Hinge over the area of beach recycling completed in 2009 using a small 360 degree excavator to place and shape. The location where the material is going to be moved to holds no designated features (i.e. saltmarsh, sand dunes and vegetated shingle). The public will be kept clear of the construction area during the works and public rights of way will be maintained. It is anticipated that works will take approximately 2 weeks. Once the material is in place, it will be monitored and managed under normal beach management protocols.

Ecological impacts

8.13 The application site is a highly sensitive ecological area, designated as part of a Nature 2000 site, the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Ramsar site, Chichester Harbour Site of Special Scientific Interest (SSSI) and Chichester Harbour Area of Outstanding Natural Beauty (AONB). Works within these areas therefore has the potential to affect the features of interest within these designated areas. Policies 43, 49 and 50 of the Local Plan and section 11 of the NPPF apply.

8.14 One of the primary reasons for the designation of East Head is the sand dune system and the coastal geomorphology. It is therefore important to ensure these special features are protected. A Habitat Regulations Assessment has been submitted by the applicant which demonstrates the proposal is necessary for the conservation management of the site as:

- 1) The recharge is an important part of the more comprehensive works to minimise erosion and help facilitate natural coastal processes which will result in a more sustainable position and improved natural evolution in the longer term
- 2) The application has demonstrated that all SAC, SPA and Ramsar features will not be detrimentally affected through the HRA which assesses construction and operational phases.
- 3) The removal and placement of this sediment is based on strong evidence and expert opinion that demonstrates that the transfer of material from East Head will not lead to the loss of any interest features now or in the future.

8.15 It is on this very specific basis, and in the context of the detailed evaluation and justification provided in the application, that Natural England has agreed the proposal complies with the Habitat Regulations and the need for Appropriate Assessment has been screened out. These conclusions are supported by CDC's Environment Officer provided that measures are in place to mitigate potential impacts on protected species during the construction and relocation processes.

8.16 Due to the short programme of construction (2 weeks) and the time of year (late November/early December) construction is likely to take place, no further ecological mitigation is required. The proposal therefore complies with Local Plan policies 43, 49 and 50 and the NPPF on this issue.

Other matters

8.17 The height of the beach, currently at 3.5m Above Ordnance Datum (AOD) is 0.2m above the current 1:200 year flood level which means that overtopping will only occur during extreme weather events. The height of the new bund at 4.5m AOD means that overwashing is very unlikely to have an adverse effect in the medium term. By 2115 the 1:200 year flood level will be 4.5 AOD which matches the proposed height. There is no need for positive drainage as the material is porous. The proposal complies with policy 42 of the Local Plan.

8.18 Public rights of way cross East Head, including routes on the beach near the area of deposition and the southern part of the haulage route. The northern part of the spit is free from formal rights of way. During the fortnight's programme of construction, there may be some localised disruption of the rights of way close to the southern part of the spit depending on the finer details of the construction management plan, however the public access will be fully restored thereafter.

Environmental Impact Assessment

8.19 The proposal has been assessed against the criteria within the Town and Country Planning (EIA) Regulations 2011. The site lies within a 'sensitive area' under the regulations. Schedule 2 category 10 (m) applies to "Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works". This project is considered to comprise the "reconstruction of such works" given the location and nature of the project being the construction of a bund in the location of the 2009 approved works.

8.20 While the indicative thresholds do not apply in a sensitive area, they are a guide as to when a project may be considered significant. Here, the indicative threshold for coastal defence works is 1ha. The proposed areas of beach to be recycled comprise 0.3ha. The statutory consultees have confirmed there will be no discernible negative impacts on the designated areas, indeed the proposed works will allow more natural flows of sediment and reduce the rate of erosion of these important sand dunes. Accordingly, no Environmental Statement was required with this application.

Significant Conditions

8.21 The proposed works must be undertaken in full accordance with the submitted detailed documents and plans, and a detailed method statement.

Conclusion

8.22 Based on the above assessment, it is considered the proposal complies with development plan and national policy and specialist environmental advice and therefore the application is recommended for approval.

Human Rights

8.23 In reaching this conclusion the Human Rights of all parties concerned have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT

- 1 A02F Time Limit - Variable
- 2 U97587 - Plans and documents
- 3 U97588 - Method statement

INFORMATIVE

- 1 W44F Application Approved Without Amendment

For further information on this application please contact Naomi Langford on 01243 534734