

Application Details	
Application Reference Number:	3/26/22/010
Application Type:	Full Planning Permission
Earliest decision date:	14th March 2023
Expiry Date	04th October 2022
Extension of Time Date	24th March 2023
Decision Level	Planning Committee
Description:	Construction of coastal erosion risk management scheme to protect the B3191 comprising of the construction of rock armour revetment, cliff-face re-enforcement, re-profiling of the upper cliff face and other associated works to include stockpiling areas and construction compounds
Site Address:	Land adjacent to Blue Anchor Pub and section of the Blue Anchor foreshore and cliff at Blue Anchor
Parish:	26
Conservation Area:	Not applicable
Somerset Levels and Moors RAMSAR Catchment Area:	Not applicable
AONB:	Quantock Hills
Case Officer:	James Holbrook
Agent:	Mr Dave Turner
Applicant:	Mr Stephen Hughes
Committee Date:	30th March 2023
Reason for reporting application to Committee	Significant nature of scheme which has been submitted by an officer on behalf of SWT (as Coastal Protection Authority)..

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 This planning application relates to the construction of coastal protection works to protect the cliffs at Blue Anchor from erosion, and to prevent loss of land and potential damage to the B3191 highway. It is being presented to this committee as the application is considered to be of a significant nature and the applicant is SWT (as Coastal Protection Authority).

The proposed development and intervention will ensure that existing communities and businesses continue to have good connectivity along this section of Somerset Coast both by road and the England Coast Path. The scheme is in compliance with national and local plan policy relating to the delivery of infrastructure to protect from the effects of climate change.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time Limit (3 years)
- Approved Plans
- Archeological Access/Watching Brief
- Protection of hedges to be retained
- Preconstruction Ecological Walkover Survey
- Proposed Development to be carried out in accordance with OCEMP and prior to commencement the submission of a Construction and Environmental Management Plan (CEMP).
- Works to be carried out in accordance with Archeological Desk Based Assessment (ADBA)
- Works to be carried out in accordance with Ecological Impact Assessment (EclA)
- Prior to commencement - submission of a Construction Traffic Management Plan (CTMP)

3.2 Informatives (full text in appendix 1)

- Public Rights of Way Informative
- Informative ensuring that planning permission is not construed as granting rights to carry out works that require consents from other regimes (Marine Licences, Environmental Permits, Temporary Closures etc.)

3.2.1 Proactive Statement

3.3 Obligations Not applicable

4. Proposed development, site and surroundings

4.1 Emergency works

Emergency works were completed in November 2020 following a joint site visit by SWT, the Environment Agency (EA), Kier and WSP. Priority areas for rock armour placement were agreed with the aim of providing protection to the cliff toe from wave attack over the short-term until such a time a long-term protection scheme could be installed. The aim of these works was to stabilise the wall and reduce the risk of collapse.

4.2 Details of proposal

The development associated with this planning application consists of the following:

- At the bottom of the slope, geotextile is proposed to be installed beneath the rock armour and any existing rock/concrete debris/loose material will initially be removed. The geotextile will be laid beneath the rock armour to prevent washout and the type of material has been chosen to allow water to naturally soakaway, but at a reduced rate compared to if the cliff remained unprotected.

On the middle section of the slope, geogrids and drainage blankets will be installed to protect the cliff from erosion associated with wave overtopping. On the upper cliff, geogrids and drainage blankets will be installed to help stabilise the regraded upper slope. In total, approximately 2,700m² of geotextile will be required beneath the rock armour.

- Following the establishment of the geotextile filter, rock armour will be installed. This will be installed on the lower part of the slope up to a similar height to the existing seawall at the western end of the site and toed into the mudstone below. At the interface between the proposed rock armour and the existing foreshore, the toe will be at least 1.1m to 1.5m deep. A minimum of two layers of rock armour will be installed, with a crest width of two rocks. Approximately 13,000 tonnes of primary rock armour and 3,300 tonnes of core rock will be required. As part of the redesign and additional information submitted in February 2023, the rock armour structure has been reduced by approximately 20 metres.
- Re-grading of the upper slope from the crest of the rock armour requires a combination of material excavation and import. The works required on the upper slope will seek to create a new slope at 1:3 (originally 1:2 when first submitted) from the crest of the proposed rock armour projecting landward to the existing ground level. This will protect against erosion from wave overtopping and reduce the risk of slip failures, protecting the upper slope whilst the vegetation establishes. The grading of the upper slope is anticipated to require 37,000m³ of soil to be cut from the existing cliff and 26,500m³ to be sorted and replaced.

Three stockpiling areas for construction materials were originally proposed be located within the site; two to east of the Blue Anchor Pub on the clifftop, and one on the foreshore. This approach has now been amended with the removal of two material stockpiling areas located on the clifftop.

4.3 Sites and surroundings

The total site area is approximately 8.88 hectares (ha) and extends approximately 1.36km along the Bristol Channel, along the foreshore of Blue Anchor Beach.

The main area of the site is located along the coastline to the east of Blue Anchor, adjacent to a cluster of residential properties on Blue Anchor Bay Road and the Blue Anchor Free House. At its closest point, the Blue Anchor Free House is located approximately 21 metres from the cliff edge. The cliff top area comprises of two separate parcels of land (one area of scrubland and the other agricultural land).

The existing sea defences at Blue Anchor consists of multiple lengths of mass concrete sea wall, which have been constructed at different times in the past. The agents for the scheme, who have designed the proposed development, consider that the existing slipway and adjoining return wall were constructed in the 1920's, with subsequent modifications and repairs having taken place over the years. These structures are in poor condition with large cracks and deep vertical fractures visible. Notwithstanding these defects, these structures currently remain intact, however

their gradual failure can be attributed to environmental conditions, such as wave action, salinity and freeze thaw effects etc.

A lower concrete sea wall is also in place and this is also in a variable condition along the length of the structure. Between this wall and the exposed cliff face, a small section of gabion baskets have been used in the past to try and retain part of the cliff which is expected to significantly erode in the immediate future due to its exposure to the marine environment.

Beyond the existing line of defences, large pieces of concrete have been placed at the cliff toe to form a low-lying defence. Further sections have been placed perpendicular to the cliff line, to create a small groyne.

There are two locations (Cleeve Hill and close to the Blue Anchor Public House) where the road is threatened by cliff erosion. The cliff face is approximately 12-15 metres high and is comprised of Triassic Mercia Mudstone, which is particularly vulnerable to weathering. The whole length of the coastal cliffs at Blue Anchor are actively eroding and it is expected to result in the future loss of land to the sea. The proposed development consists of coastal protection works to shield the coastal cliffs at Blue Anchor from erosion in the medium to long term (60 years) and to prevent loss of land and the B3191 highway.

The agents for the scheme consider that this proposed development and intervention is critical for the following reasons:

- It will ensure that existing communities and businesses continue to have good connectivity along this section of Somerset coast.
- To prevent adverse impacts on the tourist and wider economy (notably within Blue Anchor) as a result of any road closures.
- To retain resilience of the local highway network.

4.4 Construction Phasing

The anticipated construction sequence comprises of the following actions to avoid destabilisation of the existing sea wall:

- the first works will include the removal of existing rock armour (if required), initially from above the sea wall;
- then in front of the sea wall; and
- subsequently any loose material will be removed.

Following this approach, the installation works can commence and the project will take approximately five months to complete, working around the tidal restrictions for elements of the work.

5. Planning (and enforcement) history

Not applicable.

6. Environmental Impact Assessment

The European Union Directive 85/337/EEC (the Environmental Impact Assessment (EIA) Directive) requires that an EIA is undertaken by the promoters of certain types of development to identify and assess the significant environmental effects of certain projects before development consent is given.

The Proposed Scheme is considered to constitute a Schedule 2 development under the Town and Country Planning (EIA) Regulations 2017 and Marine Works Regulations 2017 under the following criteria:

10(m)/59 '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'.

A Screening Opinion Request was submitted to SWT (as Local Planning Authority) with a response received on 12th October 2021 (Ref: EIA/26/21/001) which concluded that despite exceeding the criteria of Schedule 2, the proposed works were assessed and would not have significant environmental effects and so would not require an Environmental Impact Assessment (EIA).

7. Habitats Regulations Assessment

The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulations 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 28 February 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 14 July 2022

8.4 Site Notice Date: 25 July 2022

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
<u>Old Cleeve Parish Council</u>	No objections in principle to this planning proposal,	Addressed in the officer report but technical

	<p>subject to four issues being considered and/or addressed. The following comments and observations were made:</p> <ul style="list-style-type: none"> i. The site is included in the Blue Anchor to Watchet section of a SSSI. ii. Assurance is required that reinstatement of the regraded cliff will contain the plant species compatible to the soil conditions and enhanced plant species included for increased biodiversity. Protection such as temporary fencing to be provided until such time that habitat has been re-established. iii. Articulated lorries should use the B3191 via Carhampton/Blue Anchor. iv. Ideally we would like to see the Outline Construction Environmental Management Plan in order to assess how some of our concerns are going to be addressed, namely the routing of heavy vehicles, drainage issues on the site and the proposed storage of soil on a cereal field. 	<p>specialists have commented on any potential impacts on the SSSI and no adverse comments have been raised.</p> <p>OCEMP has been submitted by the agent as additional information in support of the planning application.</p>
<p><u>Highways Development Control</u></p>	<p>Response confirming that they were considering further but no final response at time of writing for planning committee.</p>	<p>Planning officer will continue to liaise with colleagues in Highways Development Control but has proposed a pre-commencement condition requesting a Construction Traffic Management Plan to be submitted in advance of works commencing. This will ensure that the LPA has adequate information to monitor.</p>

<u>Landscape</u>	No comments received	Addressed in the officers report.
<u>SCC - Ecologist</u>	No comments received	Addressed in the officers report.
<u>Environment Agency</u>	No objections to this proposal as the scheme is inline with the Shoreline Management Plan (SMP)	Addressed in the officers report.
<u>Rights of Way Protection Officer</u>	No objection to this proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way or National Trail. Proposed a 'Grampian-style' condition with regard to timing.	Addressed in the officers report but it is considered that a Grampian style condition is not the most appropriate mechanism to use and that the issue of the England Coast Path (National Trail) can be adequately controlled by an informative as other legislation is in place outside of the planning regime to control this issue.
<u>Somerset County Council - Flooding and Drainage</u>	No objections to this scheme.	Addressed in the officers report.
<u>SCC - Historic Environment</u>	No objection subject to the developer being required to investigate the heritage assets and provide a report on any discoveries.	The agent subsequently submitted an Archeological Desk Based Assessment (ADBA). The assessment does make reference to a Written Scheme of Investigation (WSI) which can be carried out under a planning condition. At the time of writing, the LPA has not received an additional response from the Historic Environment team but will continue to proactively liaise with them and report back verbally to the committee if there is any update. Further addressed in the officer report.

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

No letters have been received from local residents or interested parties.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032

- SD1 - Presumption in favour of sustainable development
- OC1 - Open countryside development
- CC2 - Flood Risk Management
- CC3 - Minehead to Blue Anchor Coastal Change Management Area
- CC4 - Coastal Zone Protection
- NH1 - Historic environment
- NH2 - Management of heritage assets
- NH5 - Landscape character protection
- NH6 - Nature conservation and the protection and enhancement of biodiversity
- NH13 - Securing high standards of design
- ID1 - Infrastructure Delivery

Neighbourhood Plans:

No neighbourhood plans in place in this area.

Supplementary Planning Documents:

District Wide Design Guide, December 2021
Climate Positive Planning

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

Statement on Planning for the Climate Emergency (March 2022)

The Carbon Neutrality and Climate Resilience Plan (September 2020)

National Planning Policy Framework (NPPF)

Shoreline Management Plan (SMP2)

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

SWT has declared a climate emergency and is committed to working towards making the Council and the area as a whole carbon neutral by 2030. The Carbon Neutrality and Climate Resilience Plan (September 2020) has therefore been produced and has a specific section focusing on coastal change management, as parts of the West Somerset coast are particularly vulnerable to the impacts of climate change.

Policy SD1 of the West Somerset Local Plan refers to a presumption in favour of sustainable development and to secure development that improves the economic, social historic and natural environmental conditions in the area. The key element of this scheme and its compliance with this policy relates to the environmental conditions and that it is helping to mitigate and adapt to climate change.

The nearest residential properties are approximately 100m away from the application site, whilst the Blue Anchor Free House is approximately 25m away. The most likely disruption to ongoing amenity will be caused by noise created during the construction period, rather than when the works are complete and in operation. The NPPF advises that development should mitigate and reduce to a minimum potential adverse impact resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposal will not increase noise and disturbance levels in the long term but, as with many construction projects, may lead to some short-term noise. The applicant has provided an Outline Construction and Environmental Management Plan (OCEMP) which outlines mitigation measures which can be

implemented through this period to reduce any potential impacts. These measures can be implemented and monitored by condition therefore complying with local and national policy.

The design process, undertaken by the consultant team, on behalf of SWT, has sought to ensure that there has been the opportunity to improve the character and quality of this section of coastline. The existing coastal defence structures have large cracks and deep vertical fractures visible. Although these structures remain intact, they are in poor condition. This proposed scheme has been designed to provide the required level of flood protection and this will result in some physical and visual changes along this section of coastline. One of the key aims of the scheme is to retain and therefore enable the enhancement of the quality of the area over the lifetime of the development.

It should be noted that Policy CC3 (Minehead to Blue Anchor Coastal Change Management Area) of the West Somerset Local Plan makes specific reference to this area of Blue Anchor in the supporting policies map. It seeks to ensure that any development within this coastal change management area is limited to temporary, tourism-related development. It emphasises that no development would be permitted within parts of the coastal change management area due to its vulnerability to rapid coastal erosion. However, the policy also includes reference to development that can be permitted exceptionally where it is necessary for sustainable development purposes. In addition, the policy makes reference to the sea defences and their maintenance in the long term, which is the aim of this proposed development and therefore it is considered that this proposed scheme can be carried out in accordance with Policy CC3.

Policy CC4 is also of relevance to this planning application, as it relates to the Coastal Zone Protection and this policy refers to development that will only be permitted for use and activities for which a coastal location is essential and cannot be located elsewhere. Due to the nature of this proposed development (coastal sea defence) it is essential that the scheme is located in this coastal location to ensure that it is functional and it has been designed to ensure that it does not inflict unacceptable damage on the coastal environment.

10.1.2 Transport and Access

The site and construction traffic will be accessed from the wider road network via the B3191 at Carhampton. Vehicles will then be directed to an access for plant and machinery to the north of the train station and travel across the foreshore.

The delivery of rock armour and the majority of core rock will be via barge. Vehicle movements and delivery of materials will take place Monday-Friday with May 2023 (the approximate start date in the OCEMP) consisting of the peak of the vehicle movements.

Rocks delivered via barges will be delivered to an offshore coastal anchorage in two consecutive cargoes (total approximately 13,000 tonnes) using a self-unloading excavator equipped vessel and then transferred to a dedicated armour stone barge. One barge with cargo will land at the beach landing area per high tide. Rock would then be moved to the top of the foreshore within a tidal cycle to ensure any disturbance

is minimised.

10.1.3 Ecology/Environment

An Ecological Impact Assessment was submitted in February 2023 due to some technical design changes to the proposed scheme, whilst the planning application was live and in advance of it being determined by the Local Planning Authority. The results of the desk study, ecological constraints walkovers and biodiversity net gain assessment have identified habitats and species within the site that will require mitigation measures to be put in place in order to alleviate any impacts arising from the proposed scheme. These habitats include four Habitats of Principal Importance within the Site;

- Lowland calcareous grassland.
- Maritime cliffs and slopes.
- Intertidal mudflats; and
- Hedgerows.

The protected species considered to require mitigation measures includes bats, badgers, hazel dormice, birds, reptiles and amphibians. The site was considered of limited suitability to support other protected or notable species.

The updated design for the Proposed Development results in a reduced working footprint and consequently a reduced loss of habitat, which is an improvement over the originally submitted scheme. As a result of the Proposed scheme, additional maritime cliff and slope habitat will be created, offsetting any minor losses of habitat resulting from the development.

Retention of woodland, scattered trees, and hedgerow habitats have been included within the Proposed Development design and this includes retention of all hedgerows.

An Outline Construction and Environmental Management Plan (OCEMP) was submitted in February 2023. This document is drafted as a 'live' document and is designed to ensure that the appointed contractor complies with environmental legislation. The submitted document acts a framework and a full (Construction and Environmental Management Plan) CEMP will be conditioned as part of any decision notice issued for this planning application.

Retained habitats will be securely fenced to prevent accidental damage by machinery, materials and personnel, as requested by the Parish Council in their consultation response to this planning application. These measures will be captured within the Construction and Environmental Management Plan (CEMP).

Mitigation measures incorporated into the design have included the avoidance of key habitats for protected and notable species and the inclusion of best practice working methods, captured in the OCEMP. Impacts on Important Ecological Features (IEFs) have also been reduced following revisions to the engineering design since the planning application was originally submitted.

However, the construction may require a limited amount of calcareous grassland

habitat along the edge of the Local Wildlife Site (LWS), which runs from Lilstock to Blue Anchor. It should be noted that this has been assessed as a negligible loss of habitat by technical specialists, in the fields of Ecology and Environmental Management. It should be noted that if the proposed development was not carried out (i.e., a do-nothing approach), a larger area would be lost due to ongoing erosion.

Potential measures to mitigate this impact as far as possible, will be set out in the CEMP and will include a pre-construction ecological walkover survey and ecological supervision of the works.

10.1.4 Public Right of Way (PRoW)

The Somerset County Council Rights of Way Team have raised no objections to this scheme subject to the provision of a safe and suitably convenient alternative to for the England Coast Path during the works. The applicant would be able to manage this through an application for temporary closure, if required.

Somerset County Council (SCC) have confirmed that they do not object to the proposal subject to the applicant being informed that the grant of planning permission does not allow for the obstruction of a public right of way or National Trail. SCC have proposed a 'Grampian style condition' to ensure that none of the development interferes or compromises the use of England Coast Path National Trail unless an alternative route has been agreed with the Local Planning Authority. Having reviewed the documentation and plans submitted in support of this planning application, it is considered by SWT, as LPA that this issue can be adequately controlled by way of an informative rather than a 'Grampian style condition', as other legislation outside of the planning regime is in place to ensure that a developer does not unduly obstruct or block a Public Right of Way.

10.1.5 Construction

The majority of rock placement and cliff stabilisation works will occur above the MHWS (Mean High Water Springs). Rock placement below MHWS are not expected to affect the water quality in coastal waterbodies and this is controlled by way of a marine licence from the Marine Management Organisation (MMO).

The intention is that plant will be located within a site compound when not in use and when vessels are utilised, they will be moored at a suitable distance from the beach.

Mitigation measures within the Construction and Environmental Management (CEMP) will include best practice methods such as ensuring the suppression of dust, minimising vehicle speeds in areas of potential dust generation; and maintaining vehicles and plant to ensure they adhere to emission standards. This can be adequately controlled by way of a condition.

10.1.6 Biodiversity Net Gain (BNG)

A Biodiversity Net Gain (BNG) Assessment has been submitted in support of this planning application. BNG is the result of a process applied to a proposed development so that, overall, there is a positive outcome for biodiversity.

The original proposed development would have resulted in a 9% net loss of Habitat Units and a 0% net loss in Hedgerow units. The revised scheme has reduced the area of land taken for the works and reduced the stockpiling locations so the results would be improved but have not been recalculated. It should be noted that the implications of a 'do nothing' approach (whereby no coastal protection is provided and natural erosion processes are allowed to happen) would result in a significant loss of habitat. The biodiversity they support would be lost within 30-50 years based on coastal erosion projections (based on predicted cliff recession lines).

Under the Environment Act 2021, all planning permissions granted in England will have to deliver at least 10% biodiversity net gain but this will be a requirement from November 2023 and it not mandatory yet.

Policy NH6 (Nature Conservation and the Protection and Enhancement of Biodiversity) of the West Somerset Local Plan seeks to ensure that the proposed development will not generate unacceptable adverse impacts on biodiversity. The Local Plan seeks a net gain in biodiversity (where possible). SWT have worked closely with the applicant and agent to mitigate impacts as much as possible for this engineering scheme. It is considered that this proposed development complies and is in accordance with Policy NH6.

10.1.7 Flood risk and Drainage

A Flood Risk Assessment (dated May 2022) was submitted in support of the planning application. In accordance with the NPPF, the Proposed Scheme is classified as 'Water-Compatible Infrastructure' using the flood risk vulnerability classification. This type of infrastructure is considered acceptable development within all Flood Zones.

The Flood Map for Planning indicates that the majority of the site is within Flood Zone 1. There is a small area to the north-west part of the site, which is within Flood Zone 2 and Flood Zone 3. This area comprises part of the access road to the beach via the slipway.

The cliffs above the beach within the proposed scheme site sit at an approximate elevation of 9m AOD (Above Ordnance Datum) at the west of the site, which gradually rises to 21m AOD at the eastern end of the site. The majority of the site is therefore at any elevation exceeding the predicted 1 in 1000-year water level at the end of the proposed scheme design life in 2082.

It should be noted that the proposed scheme does not involve any change to the existing elevation of the cliffs, and therefore there is no predicted increase in flood risk as a result of the construction of the proposal. One of the key aims of the proposed scheme is to prevent further erosion of the cliffs in the area and construction of the proposal will help in maintaining the existing level of flood risk from the sea by retaining the current elevations of the cliff.

The risk of flooding from surface water and sewer sources is considered low. The proposed area for the scheme consists of grassy fields, cliffs and foreshore and will not impact on surface water drainage in the area, and therefore would be unlikely to increase risk from this source as a result. The risk of the site flooding from groundwater and other sources is also considered to be low.

The Local Lead Flood Authority were originally consulted and requested further information in relation to issues associated with surface water. They confirmed in correspondence in November 2022, that the information provided in meetings and written correspondence from the agent and design team addressed the issues raised and they had no further requirements in regard to this matter.

The Environment Agency (EA) have raised no objection to this planning application as the scheme is inline with the Shoreline Management Plan (SMP) policy which is stated as hold the line. The EA had been consulted extensively by the Local Planning Authority during the development of the scheme and support the delivery of the scheme that has been developed.

The EA have requested that safeguards should be implemented during the construction phase to minimise the risks of potential pollution from the construction of the proposed development. A number of the measures/safeguards that they have referred to could easily be captured within the CEMP and controlled by way of a condition.

Policy CC2 of the West Somerset Local Plan refers to Flood Risk Management and seeks to ensure that development should, where possible, contribute towards the resolution of existing flooding issues. It is therefore considered that this proposed development is in full alignment with this local policy.

10.1.8 Heritage impact

An Archaeological Desk Based Assessment (ABDA) has been carried out in support of the planning application. There are no nationally designated heritage assets within the site, however there are designated assets in the immediate vicinity outside of the red line boundary for this planning application (and the Marine Licence submitted to the MMO).

There are two Grade II structures within the immediate vicinity of the site and these consist of a WWII concrete infantry pillbox which was used historically for the defence of Blue Anchor Beach and is located approximately 25m from the site boundary; and an early 19th Century brick kiln approximately 95 metres from the site boundary.

The site has been categorised as having a 'moderate risk' in terms of the presence of significant archaeological remains. The greatest archaeological potential is for:

- Remains of former World War II (WW2) defensive structures although other than the Grade II listed pillbox in the site, there are most likely confined to foundations/footings of low heritage significance.
- Post-medieval remains of the former 19th century rifle range at the eastern end of the Site and possible former fish traps/weirs and remains of boats on the beach;
- Prehistoric remains of medium or high significance, particularly on the cliffs in the eastern part of the site which is close to an extensive Mesolithic site; and
- Later medieval remains of exploitation of the foreshore (e.g., fish traps etc.).

It should be noted that there will have been the potential for previous impacts to the archaeological remains within the vicinity of the site due to partial excavation of Blue Anchor Beach and the reprofiling of the existing cliff and the construction of temporary compounds and access routes in the past.

Policy NH2 (Management of Heritage Assets) of the West Somerset Local Plan seeks to ensure that development proposals “demonstrate an appropriately evidenced understanding of the significance in sufficient detail to allow the potential impacts to be adequately assessed”.

In addition, South West Heritage Trust were consulted and provided a response in August 2022, requesting (in accordance with Paragraph 205 of the National Planning Policy Framework (NPPF)) that the applicant investigated the heritage assets on the site and provided a report on any discoveries made.

The ADBA report provided in February 2023 concluded that an archaeological watching brief during preliminary ground preparation and ground excavation will ensure that any previously unrecorded archaeological assets, if present, were not removed without record.

South West Heritage Trust have been reconsulted to establish whether they consider that a planning condition may be required for an archaeological watching brief during preliminary ground preparation and ground excavation. At the time of writing this report, this response has not been received and will be reported verbally to the committee.

10.1.9 Any other matters

It should be noted that a Marine Licence has also been submitted to and approved by Marine Management Organisation (MMO). Due to technical design changes that have been proposed whilst this planning application has been live, the agent (on behalf of the applicant) has submitted information to the MMO to enable a variation to the licence to be approved. SWT, as Local Planning Authority (LPA) has been consulted and have responded to the MMO to ensure that any marine and land based consents are consistent and do not directly conflict with one another.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the

policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions. In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

Location Plan 70075264-31402-5200 (REV P03)
Site Works Plan 70075264-31402-5201 (REV P04)
Block Plan (Proposed) 70075264-31402-5202 (REV P04)
Proposed Elevations 70075264-31402-5203 (REV P04)
Typical Cross Section 70075264-31402-5204 (REV P02)

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

3. No intrusive ground works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access which will be afforded to a named archaeologist to observe and record all preliminary ground preparation and ground excavation during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

Reason: To enable the remains of archaeological interest which may exist within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

4. Hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

5. No removal of trees or shrubs or works to or demolition of structures shall take place unless a competent ecologist has undertaken a

preconstruction ecological walkover survey immediately before the vegetation is cleared or works to or demolition of structures commences.

Reason: In the interests of nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

6. Any facilities above the ground for the storage of oils, fuels or chemicals shall be sited on an impervious base. The volume of any bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be detailed to discharge into the bund.

Reason: To prevent pollution of the water environment.

7. The development hereby permitted shall be carried out in accordance with the approved Outline Construction Environmental Management Plan (OCEMP) document (February 2023 Rev B). Prior to the commencement of development on the site, a full Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority and approved in writing.

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure that mitigation measures outlined in the OCEMP can be adequately monitored by the Local Planning Authority.

Reason for pre-commencement: The Outline Construction and Environment Plan (OCEMP) was designed to accompany the planning application and will be developed into a full Construction and Environmental Management Plan (CEMP) by the principal contractor. Ensuring that the Local Planning Authority has an updated, detailed CEMP will enable the Local Planning Authority to adequately monitor the development to ensure compliance with the mitigation measures that have been outlined in the OCEMP.

8. The development hereby permitted shall be carried out in accordance with the approved Archaeological Desk Based Assessment (ADBA)(Rev B).

Reason: To ensure that the Local Planning Authority can adequately monitor the development.

9. The development hereby permitted shall be carried out in accordance with the approved Ecological Impact Assessment (EclA)(Rev B).

Reason: To ensure that the Local Planning Authority can adequately

monitor the development.

10. Prior to the commencement of the approved development, a Construction and Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the Local Planning Authority can adequately monitor the development.

Reason for pre-commencement: The Outline and Construction Environmental Management Plan (OCEMP)(Rev B, February 2023) submitted in support of this planning application outlines that a Construction Traffic Management Plan (CTMP) will be drafted detailing how the delivery of plant/materials will be safely undertaken and how any risks will be managed.

Notes to applicant.

Development, insofar as it affects the right of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Permission shall not be construed as granting rights to carry out work that also requires other consents to be secured, such as Marine Licences from the Marine Management Organisation (MMO), Environmental Permits from the Environment Agency (EA) and Temporary closure orders from Somerset County Council (SCC).