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Coastal Works - Walton on the Naze – Planning Statement

Introduction

Works are proposed to be carried out at Walton on the Naze, Essex for the purposes of providing continued protection, in the short term, against inundation as a result of failure of the formal sea defences, failure of the soft cliffs, and historic remains of a short length earth embankment former sea wall. The works being intended to protect against loss of areas of national and international ecological importance while decisions are made, and discussion take place which will lead to this decisions, on future long term policy. Without these short term works by the time future decisions are made relating to the long term policy it will be to late to maintain some of the areas to which this policy may relate.

A planning application was submitted in 2021, and consent granted, that permitted the carrying out of works that met with the above objective. The planning consent being 21/0145/FUL. The wroks were divided into 4 areas, locations, these being;

Location 1; Short Wall

Location 2; Groynes

Location 3; Gabion protection to low level cliffs

Location 4; Access arrangements to allow access to the foreshore so that the works to the other areas, locations, may be undertaken.

Since the granting of the consent works have been carried out, and to all intents and purposes, to one of the locations, Location 3, Gabion Protection to low level cliffs. The works being undertaken by the Naze Protection Society.

To allow the remaining consented works to be undertaken, the access as formed part of the previous consent is no longer able to be used without the undertaking of additional works to reinstate the access. This is due to increased erosion that has taken place in the vicinity of that access. The access previously consisting of a “clay ramp” that had been in place for many years, and which provided a means of gaining access to the foreshore. The ramp existing as a result of the historical activities that had been carried out in the vicinity over the past 100 years when the location was used for military purposes amongst other things. The ramp no longer being in existence with, where the ramp existed, there now being an approximate 1.6m high vertical face.

The loss of the ramp has also removed the potential for others to gain access to the foreshore for the carrying out of duties associated with the adjacent RAMSAR, SPA , SAC, and the SSI extending towards Crag Walk, along with access for Emergency Services, Coastguard etc. to access the foreshore should the need arise. (There is no other vehicle access to the foreshore between Walton on the Naze, beyond Crag Walk to the south, and the full extent of

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Handford Water to the north west. Previously it being possible to access the foreshore via Hall Lane and the access over the sea wall that lead to the “ramp” to the foreshore.)

This document is intended to inform how the proposed works to the location of the proposed access, reference location 4 under 21/0145/FUL, as required to allow the remaining very necessary, and consented works to be carried out, comply with local and national planning policy as set out within the consented application 21/0145/FUL.

This document is prepared as part of a formal application for the granting of planning permission for the works, and should be read in conjunction with the other supporting documentation and drawings.

Prior to the submission of the current application discussions were held with the local planning authority, Tendring District Council, given the nature of the proposed works and the sensitivity of the environment in which they are located, to ascertain whether the required works were able to be treated as a variation to the consent granted under 21/0145/FUL. It was confirmed as a result of those discussions that a further full planning application was required for the amended proposals.

Relevant Policies

National

National Planning Policy Framework (NPPF 2019)
National Planning Guidance

Local

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

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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

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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
PPL2: Coastal Protection Belt
PPL1: Development and Flood Risk
PPL3: The Rural Landscape
PPL4: Biodiversity and Geodiversity
PPL9: Listed Buildings
PPL4: Biodiversity and Geodiversity
CP1: Sustainable Transport and Accessibility

Recent Planning History

The only recent planning history in the adjacent area, besides application 21/0145/FUL are understood to relate to vegetation (tree) works and the replacement of a site hut and refurbishment of a tool storage container on an adjacent nature Reserve.

Site Location

The application site is located north of Walton on the Naze within the Naze Peninsular with the work area being some 50m to the north of the formal sea wall at the end of Old Hall Lane. The material storage and welfare compound associated with the works remaining as proposed under consent 21/00145/FUL as are the works / means of gaining access from Old Hall Lane to the foreshore itself. The material storage and welfare compound being located, off Old Hall Lane, opposite an entrance, and the buildings associated with Walton on the Naze Sewage Treatment Works, as operated and maintained by Anglian Water. All as shown on the Site Location Plan.

A private road, existing concrete surfaced track, extends from the location of the compound to the formal sea wall to the north, this being the intended access route for transportation of materials to the works areas from the compound.

Ownership of the land in question belongs to Tendring District Council.. The formal flood wall, to the south, is the responsibility of the Environment Agency, and not Tendring District Council. The area around the planning application site comprises of public open space extending from the formal flood wall.

There are no residential dwellings in the immediate locality the nearest being some 900m away.

The site is located outside any settlement boundary as defined within the emerging and adopted local plans.

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The area to the southwest of the formal flood wall consists of Local and National Nature Reserve's including John Weston Nature Reserve. The area provides important habitat to migratory birds, and rare flora and fauna. This is recognised with the foreshore, mudflats, saltmarsh, tidal ponds, with an area to the southwest of the proposed works being internationally designated. This being the Hamford Water (SPA) Special Protection Area, Hamford Water Special Area of Conservation (SAC) and the site is also a RAMSAR location again internally designated. (All of which are in danger of being lost / significantly depleted if action is not taken to maintain the current position while future policy is considered and debated)

These areas relate to the following:

- Special Areas of Conservation (SACs) – animal and plant habitats designated under the Habitats Directive
- Special Protection Areas (SPAs) – wild bird habitats designated under the Wild Birds Directive
- Ramsar sites – wetlands of international importance.

Furthermore, the area is protected by a nationally designated Site of Special Scientific Interest (SSSI) 'The Naze' to the south and, as noted above, the John Weston Nature Reserves and The Naze Nature Reserve.

A public footpath (number 39) runs along the formal sea wall and in close proximity of the top of the soft cliffs. This footpath has had its alignment changed over time, to still follow the sea wall and cliff top, but following the regressed cliff top as a result of erosion due to tidal and wave effects. The cliff top now being a significant distance to the west of its current position as a result.

The site also falls within the Coastal Protection Belt under local policy EN3

Summary of proposals

The purpose of the proposals under application 21/0145/FUL is to protect the existing sea wall, which is being eroded by the action of the sea, along with the immediate length of the soft cliffs, where the topography is such that the land slopes from the cliff top down to the level of the ground behind the sea wall. This being where the gabion works have been undertaken. The soft cliffs being eroded as noted above, and their failure, loss, will result in inundation of the area behind the wall and consequentially rapid erosion of the unprotected, soft, rear of the wall. The works being proposed to be short term to control the continued erosion whilst a longer-term solution is determined for the area. By protecting the sea wall from further damage, the proposals will also protect the surrounding farmland, the Anglian Water sewage treatment works and other assets such as Hamford Saltmarshes, which includes part of the SPA and Ramsar site. All being in significant danger of being irreparably damaged, or lost, should the sea wall or soft cliffs be breached.

The drawings provided indicate the specific location for the works, identified as Location 4 and provides the access from the compound to the works areas.

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Review of Planning Considerations

The main planning considerations, as previously identified by Tendring District Council (TDC) Planning Department in response to the pre-application enquiry associated with 21/0145/FUL as being;

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

The considerations as identified by TDC were as follows;

1. Principle of development

The Naze is a low-lying area of land and as such is naturally at risk from coastal flooding. To reduce the risk, the area is protected by an existing sea wall which extends to the northern limit of the London Clay cliffs.

The current Essex and Suffolk Shoreline management Plan identifies the policy relating to the wall as being Htl+ (Htl + being Hold the Line with + identifying that the policy is to maintain, or upgrade, the current Standard of Protection) for Epoch 1 (Present day to 2025) and Epoch 2 (2025 to 2055). The sea wall was put in place as part of the 'Hold the Line' policy needed to protect assets inland, such as the Anglian Water sewage treatment works. In 2019, a clay embankment was built to provide the land behind the sea wall some additional protection against tidal surge and erosion. The proposals therefore are conforming to this policy. The area of the natural cliffs immediately to the south of the formal wall is identified as having the policy of NAI (No Active Intervention) over the same period, allowing the cliff to realign as part of the natural process. These 'soft' cliffs are actively eroding at an average rate of 2.5m/year. This is greater than the publicised rate of 1.03m/yea. The aim of these currently proposed works is to manage the coastal erosion at this point.

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 proposed works are considered to be within the remit of what is permitted to take place at such locations.

With regards to the ecology and biodiversity protection in the NPPF. These areas are covered within Chapter 15, paragraphs 174 to 177. This application is being submitted with a number of supporting documents relating to these matters and these should be referred to for the purposes of demonstrating compliance.

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The previous application was considered to adhere to the requirements of NPPF, and the amended access proposal are also considered to do so in that if not implemented it prevents the consented works protecting and enhance both biodiversity and geodiversity in such internationally designated sensitive areas, for the reason that the se works will be unable to be implemented for reasons of there being no access available.

The pre application enquiry to the consented application confirmed the adopted local plan 2007 covers such coastal and geophysical protection within policies; COM32 (Sea Defence), EN3 (Coastal Protection Belt), EN11a (Protection of International Sites) and EN11b Protection of National Sites. The emerging plan reflects these polices areas in policies PPL2 (Coastal Protection Belt), PPL1 (Development and Flood Risk) and PPL4 (Biodiversity and Geodiversity).

The pre-application repose also identified that the adopted local plan assesses the amenity and highway related impacts via policies QL9 (Design of New Development), QL11 (Environmental Impacts) and TR1a (Development Affecting Highways). With emerging policies SPL3 (Sustainable Design) and CP1 (Sustainable Transport and Accessibility) supporting the objectives.

The response further stated the area is located within a sensitivity landscape for ecological, geological and recreational reasons. However, the works are proposed by Tendring District Council in relation to their responsibility for coastal protection. By, amongst other things, protecting the sea wall from further damage, the proposals will protect the surrounding farmland, Anglian Water sewage treatment works that serves the surrounding population and other assets such as Hamford Saltmarshes, which includes part of the SPA and Ramsar site. The justification for the works were accepted by the pre-application review, and the fact that they were subsequently consented, it was however also stated there will be some deterioration of the visual amenity of the area which should be accepted. These factors still remain, and as noted above without the proposed access works will suffer irreparable damage.

The materials to be used in the consented works, and their mass, were considered to be unobtrusive and incorporate material of natural appearance as much as is possible to ensure disruption of the visual amenity is kept to a minimum. The option of not undertaking works would result in a total change to the visual appearance of the area in question, and would also result in the loss of the public footpath, the route of the footpath being "driven" inland thus loosing the views that are currently available from a route immediately adjacent to the foreshore. The materials to be used in the amended proposals for the access being exactly as proposed within the other works, and for which consent was granted.

The 'details' of the proposal were considered key at the pre-application stage for application 21/0145 /FUL with the following comments / considerations being made;

Of key importance are the details on the exact materials to used in Location 2 and Location 3. Information on these materials has been provided with this application along with information relating to the amount required. The latter can be seen to be minimal when compared with the vast majority of works undertaken to control coastal erosion, and far less that will be required should the Anglian water Sewage Treatment Works be

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impacted upon as a result of no action being taken, or works undertaken after the formal wall is breached / soft cliffs lost to try and recover the position. Information is also provided on traffic movements relating to the delivery of materials to the compound, which again can be seen to be insignificant.

The details of the current proposals are considered to be completely in harmony with those that received consent.

2. Design and visual impact

The previous advice identified that 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 required to be judged, including requirements for development to be well designed, appropriate to their surroundings and undertaken with minimal adverse impacts, and that the consented proposals were in keeping with those requirements. The amended access arrangement to reinstate the ramp as shown on the supporting drawings, as noted above, adopt the use of the same materials and the hence visual impact is considered to be the same. The mass of the proposed works is suggested as being of less impact than those consented and undertaken.

The review of the information submitted with the previous proposals identified that the Planning Officers accept the proposed works are critical to the coastal defence infrastructure. The review identified that Officers did not object to visual impact on the proposals, noting the area is remote from the nearby built up area of Walton on the Naze to the south and is not heavily used as a recreational beach. This remains the case in the area of Location 4, the access. With regard to the proposed use of gabions, these are already in place on the beach in the locality, being used at the implemented Location 3 and also historically, where they have been placed in recent years to try and slow down the erosion to the area to the front of the formal wall. Therefore it remains that the works will ultimately not look particularly incongruous once completed within the existing setting of the beach.

The conclusion was previously reached in the pre planning review for the consented works, that the proposals were critical to maintain the flood defence measures and were considered appropriate. Without the amended works to form the access these "critical" works can not be implemented beyond those already carried out, which will be detrimental to the area of the salt marshes associated with Hamford Water if the works to the short wall can not be implemented, or maintained noting that the works to the locations yet to be implemented are specifically not as robust as they are not heavy engineering works so as to comply with the principle of the proposals. This being confirmed in that it was stated in relation to the consented works that any consideration that they are robust in nature was considered to be incorrect, given the nature of that achieved when compared with measures that would be required to be implemented if they were not to limit further loss of the former sea wall to allow consideration to be given to the making of possible changes to current long term policy objectives.

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The visual impact of the works remains as being minimised by the location of the compound, outside the area of the amenity provided, and by adopting the methodology of materials only being on site for immediate use. The disruption therefore being an absolute minimum.

3. Impact on natural environment

The policies relating to the natural environment, as previously identified in the consented application are Policies EN11a and EN11b (Protection of International Sites: European Sites and Ramsar Sites and Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological/Geomorphologic sites)

In support of the consented application a Stage 1 Habit Regulations Assessment (Ecology Link, Aug 2020, updated Aug 2021), was submitted. A separate document relating to Location 1 and Locations 2 and 3. Both documents relate to Location 4.

Again referring to the Pre Application response, the response provided stated; “This report (the HRA) provides certainty for the LPA of the likely impacts on protected and priority species & habitats.”

An outline Construction Environmental Management Plan (CEMP) was also provided in support of the Application with the CEMP being developed to include any outcomes of the Planning Process.

Further comment was also provided in the pre application response in relation to Policy COM32 . The response stating the following;– *Sea Defences and Policy EN3 - Coastal Protection Belt sets 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 sewage works and nature reserves nearby. 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.*

In support of the current application a report “Naze Ecological Reports – Update 2023” has been prepared and is submitted with the application. The report considers the previous reports and provides comments on their current status and implication of the proposed amended access works. The conclusions drawn at the time of the consented application 21/0045/FUL are still suggested as being relevant, and appropriate.

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4. Residential amenity

Considering the location of the works areas themselves, they are considered to have no impact on residential amenity. The nearest residential property being some 900m away.

Considering the impact of construction traffic, the vehicular movements generated by the development will be minimal, and as stated in the accompanying documentation the route used by vehicles associated with the works will follow the route used by tankers etc. associated with the Sewage Treatment Works. The seasonal farm traffic using Old Hall Lane is likely to be greater in volume than that arising as a result of the works. Any impact on the local road network will, as a result be, to all intents and purposes, imperceptible by local residents. The amended access proposals will have minimal, if any, change and will not increase traffic movements above those which already exist as noted above.

Working hours will be continue restricted to be within daylight hours.
