

Application No: Y16/0673/SH

Location of Site: Bakers Gap Jointing Chamber Coronation Parade
Folkestone Kent

Development: Formation of a rock revetment east of Coronation Parade and timber fendering installed along front of Coronation Parade arches.

Applicant: Mr Andrew Blaszkowicz
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Date Valid: 28.06.16

Expiry Date: 23.08.16

Date of Committee: 29.11.16

Officer Contact: Mr Paul Howson

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The application is for the formation of a rock revetment east of Coronation Parade and timber fendering to be installed along the front of the Coronation Parade arches. Submitted with the application in support of the proposal, are a consultation letter from Natural England dated 13th July 2015, drawings of the site location, arch fendering details, revetment plan, revetment cross sections, an aerial plan, and an Environmental Statement (an Environmental Statement was required in response to the screening opinion from Shepway District Council 17/08/15).
- 1.2 The site contains a curved coastal defence wall which wraps around Sunny Sands beach, and doubles as a promenade. It features concrete arches along the top edge of the beach, which allow waves to break under the structure at high tide to dissipate the impact. The site area also includes an area of beach required to access the site, and within the site is a National Grid Transco Station on the eastern end of the wall, with a boulder covered area adjacent to the eastern end of the seawall / National Grid Station.

- 1.3 The proposal is to provide a rock revetment to the east of Coronation Parade, which is a barricade of rocks to absorb the energy of incoming water creating a barrier to wave action. This would protect the foot of the cliff assisting slope stability, and protect the National Grid station from erosion by wave action, storm surges, currents and outflanking (water moving round the side and cutting behind the existing sea wall and National Grid station defences). The proposal also involves structurally repairing the promenade, inclusive of a cathode protection system to prevent further deterioration of the steel within the concrete, and to provide timber plank fendering to the front of the concrete arches to absorb the energy of the water and protect the seawall from erosion from sand and rocks carried in the water, all as part of wider protection from coastal erosion, which is anticipated to extend the life of the sea wall by 100 years.
- 1.4 The rocks will be delivered by sea onto Sunny Sands at high tide, and transported by dumper trucks to the revetment area along a marked route at low tide. The rocks would then be moved into position by an excavator, using a grab. The rock armour would be 60m long made up of 3-6 tonne rocks on a layer of bedding rock. The crest level of the revetment would be 6.1m above sea level, with a 4m level berm at the top. The works are scheduled for late summer 2017, to avoid the main tourist season. To maintain adequate protection the rock revetment would need to be re-aligned to the base of the cliff every 25 years to allow for the receding coastline.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 Coronation Parade is a curved promenade on the coastal frontage to the east of Folkestone inner harbour, and is backed by 20m high cliffs. The Parade provides maintenance access to the National Grid Interconnector at the eastern end of the sea wall, known as Bakers Gap. Bakers Gap is an area of cliffs on the eastern end of Coronation Parade. The application site includes the entire length of Coronation Parade and an area for the rock revetment, which extends into Bakers Gap directly to the east of National Grid station. Outside the application site toward the harbour end of Coronation Parade is a Southern Water pumping station. To the west of the site is Folkestone Harbour, and to the north of the grassed cliff top and highway is a residential urban area of East Folkestone.
- 2.2 The Local Plan Proposals Map shows the site to be mostly outside of the Folkestone settlement boundary, which wraps around the site on western and northern sides. However, a small section of the western side of the beach is within the defined settlement boundary, although, not a part of the site where the proposed works will be carried out. The site is partly within the Kent Downs Area of Outstanding Natural Beauty (AONB), and the Special Landscape Area (SLA). The site is also a defined Area of Open Space Value, a Latchgate Area, and a very small section of the eastern part of the site is within a Site of Special Scientific Interest (SSSI), a Local Nature Reserve, and the Folkestone and Dover Heritage Coast. The site is

adjacent to (on the western side) but not within the conservation area. Martello Tower (No.3) on the East Cliff is an Scheduled Ancient Monument.

3.0 RELEVANT PLANNING HISTORY

82/0178/SH - Construction of cable jointing chamber was approved in 1982.

4.0 CONSULTATION RESPONSES

4.1 Folkestone Town Council

No Objection

4.2 Building Control Officer

This application will not need the Latchgate condition applied.

4.3 Natural England

Wildlife and Countryside Act 1981 (as amended)

No objection — with conditions

This application is partially within the Folkestone Warren Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We have come to this conclusion as we consider the footprint of the revetment to be upon site fabric, with the construction and operation of the scheme also not having a significant adverse effect on the features of which the site is designated. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

Given the sensitivity of the designated site as well as the Shoreline Management Plan (SMP) Policy for the unit to the east of the revetment being No Active Intervention (NAI), we do not see it suitable that the 'Realignment every 25 years' of the revetment is deemed routine maintenance and be covered through this application. As such we deem it appropriate that either an Assent from Natural England is sought or Planning Application attained for either the maintenance of the scheme or realignment in the future. Realignment of the structure would indicate an alternation to the current footprint and could have a damaging effect to the area of which the SSSI is notified. Through consultation with Natural England in future these potential effects can be minimalised and/or avoided.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Folkestone Warren is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations\(@naturalengland.org.uk\)](mailto:consultations@naturalengland.org.uk).

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of BIOBLOCKs¹ within the scheme itself, which could potentially increase the species richness within the site. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.* Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.*

4.4 Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

Although we have no comments on this application, the applicant may be required to apply for consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have regulatory role in issuing and monitoring them/

The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required.
<https://www.gov.uk/environmental-permit-check-if-you-need-one>

If you feel we should assess this planning application in more detail due to local issues please contact me or email kslplanning@environment-agency.gov.uk

4.5 East Kent PROW

Please note we do not have any objections to the application as there are no recorded public rights of way on the definitive map and statement at the

location specified within the application. Therefore, we would request that the site location plan is resubmitted to remove the public right of way status on the plan. Coronation Parade is classified as a private street on the Highway Gazetteer.

I have made a colleague aware who is implementing the England Coast Path which incorporates Coronation Parade therefore you may hear from the directly.

4.6 Environmental Health

Environmental Health has no objection to the above planning application.

4.7 Kent Downs AONB Unit

No comments received.

4.8 KCC Planning Archaeology

No comments received.

Chase up re-consultation 17/11/16

4.9 KCC Ecology

No comments received.

Chase up re-consultation 17/11/16

4.10 Marine Management Organisation

The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended).

Marine and Coastal Access Act 2009: Coronation Parade Coastal Defence Works

Thank you for your request for a screening opinion from the Marine Management Organisation (MMO) in respect of the proposal to construct a rock revetment at the eastern end of Coronation Parade, Folkestone. The MMO is required to consider such requests in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the MWR").

MMO Screening Opinion

On reviewing the information you supplied with the application, in particular the Coronation Parade Coastal Defence Works Environmental Statement, the MMO are of an opinion that the works proposed would fall under Annex II, 10 (k) Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment:

Annex II, 10 (k) refers 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.*

Deferral of EIA consent decision and conclusion

Article 10(1)(b)(i and ii) of the MWR provides an appropriate authority (the MMO) the ability to determine that an EIA is not required in relation to a regulated activity if it is satisfied that assessment of the effects on the environment of the project in question has already been, is being, or is to be carried out by the appropriate authority or by another consenting body.

On 17 August 2015, Shepway District Council determined that the works would fall under Schedule 2, 10 (m) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Schedule 2, 10 (m) refers 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.*

Shepway District Council will issue an EIA consent decision for Coronation Parade Coastal Defence Works.

The MMO has determined that an EIA under the MWR is not required for the proposed regulated activity, by virtue of article 10(1)(b)(i and ii) of the MWR, on the basis that assessment of the effects of the project will be carried out by Shepway District Council under The Town and Country Planning (Environmental Impact Assessment) Regulations, 2011.

5.0 PUBLICITY

5.1 Site Notice (EIA). Expiry date 11th November 2016

Press Advert. Expiry date 17th November 2016

Secretary of State notified 21st October 2016

6.0 REPRESENTATIONS

6.1 No representations have been received in response to the publicity for the application.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, CO1, CO4, CO6, LR9

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, CSD4, CSD5

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: Paragraph: Chapter 10 and paragraphs 115, 118

National Planning Policy Guidance

8.0 APPRAISAL

Background

8.1 The cliffs have a history of landslides and erosion, thus the proposed works are required to aid land stability at the foot of the cliff, and to protect the National Grid station from erosion. Currently the National Grid station is inadequately defended from the sea, and if left undefended it is predicted it would be written off within the next 30 years, because if the erosion of the cliffs is left unchecked, the sea water threatens to outflank the sea defences, and undermine the housing for the undersea cables. The connector station is of national strategic importance, providing up to 5% of the UK's peak electricity demand through trade with the continent, via a cross channel power cable. As such, the key objective is to protect the coastline, including the residential area on the cliff top, and the infrastructure assets such as the National Grid station and a Southern Water pumping station towards the western end of the parade (outside of the application site).

8.2 A request for a screening opinion was submitted to the local planning authority on 15th July 2015. The screening opinion issued on the 17th August 2015 concluded that an Environmental Impact Assessment was required.

It was the opinion of the Local Planning Authority that the proposed development falls within the description of Paragraph 10 Infrastructure Projects (m) – 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; and as such the proposed development is classified as Schedule 2 development of the 2011 Regulations.

A screening opinion had been requested in 2010, when an initial assessment of the coastal defence structure was being undertaken, and a number of options were being considered. Since that time option '5c' had been selected as the preferred option, the details of which were considered in the screening opinion. The designated sensitive areas identified that fall

partly within the site have to be given special regard as to whether the proposed development would have significant effects on these sensitive environments. Schedule 3 of the regulations requires the 1) characteristics of the development must be considered; together with 2) location of the development, which in this instance include environmentally sensitive geographical areas likely to be affected by the development; and 3) characteristics of the potential impact.

Consultations were sent to Natural England, Kent Wildlife Trust, Affinity Water, Southern Water, Environment Agency, Environmental Health, Kent Downs AONB, Historic England, and KCC Archaeology. Of those that responded, the following comments were provided:

- Natural England, confirmed the proposed development would be within, or in close proximity to the environmentally sensitive Folkestone Warren SSSI. They were concerned that the proposed development could have significant direct impacts on this designated site and that further assessment was required, particularly in relation to the installation of a rock armour revetment within the SSSI. Primary concern with regards to this was the potential damage to the features, and if there is any planned mitigation for this encroachment into the SSSI. They expressed it is likely the footprint of the proposal falls within areas of interest for which the SSSI was designated i.e. its geological and biological interests and the foreshore.
- Southern Water had no objection, but noted that there is a decommissioned combined sewer crossing the site.
- Environment Agency no longer comment on Screening Opinions.
- Kent Downs AONB Unit, were satisfied that the proposed works would not have effects with regards to the AONB and Heritage Coast that would warrant the submission of an Environment Statement with any planning application.
- Historic England confirmed the proximity to the designated heritage asset (Martello Tower), and that there is potential for the discovery of undesignated heritage assets of both marine and terrestrial nature in this location. As such, they recommend that any planning application should be accompanied by a Heritage Statement that assesses any potential impacts from the works on both designated and undesignated heritage assets. However, they state that this would not necessarily need to form part of an Environmental Impact Assessment.

All development within paragraph 10(m) of Schedule 2 is defined as “Schedule 2 development” with no threshold. In the light of the above consultation responses, it was considered that without suitable mitigation, the potential exists for the proposed development to result in likely significant effects on the environmentally sensitive designated areas, and landscapes of historical, cultural or archaeological significance. The applicant therefore was required to complete an Environmental Impact Assessment and to submit an Environmental Statement (ES) in support of a planning application for the proposed works.

Relevant Material Planning Considerations

- 8.3 The principle considerations in the determination of this application are the impact on; visual amenity, ecology, public amenity, contamination, and heritage assets, all balanced against the key objective of defending the coastline from erosion.

Policy

- 8.4 The main policy considerations are saved policies CO1, CO4 and CO6 of the Shepway District Local Plan Review which seek to protect the natural environment and important landscapes; and Core Strategy policy CSD4 and paragraph 115 of the NPPF which seek to give a high level of protection to the AONB and SSSI sites, and policy CSD5 which amongst other things seeks to maintain the coastal environment.

Visual Amenity/Landscape

- 8.5 The concrete parade and its iconic arches on the beach are a well established historic structure. It is considered the proposed works, as well as preserving the coastal protection function of the structure, would safeguard this local landmark, which is a positive outcome for residents and visitors to the beach and harbour areas. Furthermore, the rock revetment would be aesthetically pleasing compared to the deteriorating concrete if left to fail, and would be in-keeping with other recent coastal reinforcements along the seafront to the west of the harbour and beyond. Therefore, whilst there would be some temporary negative impacts during construction, in the longer term the proposal is considered to represent a positive outcome in terms of local landscape character, and in terms of the wider coastal landscape. The Kent Downs Area of Natural Beauty (AONB) Unit have confirmed during the screening process the proposed works would not be harmful to the AONB or Heritage Coast, in accordance with Core Strategy policy CSD4.

Ecology

- 8.6 The proposed 60m long rock armour would extend 35m into the Folkestone Warren Site of Special Scientific Interest (SSSI). The site is designated for its nationally important geological and biological features, inclusive of exceptional fossils. The site is also within the vicinity of the Dover to Folkestone Marine Conservation Zone, which is protected due to its biodiverse marine life and range of underwater habitats. To minimise the impact of the works, as much as is possible will take place outside the designated areas. Several options were considered as part of the wider coastal defences, and a long rock revetment was considered the preferred option for both its effectiveness of reducing erosion and outflanking to the National Grid station, and for having the least impact on the environment. The advantage of regular realignment of the rock revetment as the cliffs recede is that the rock revetment does not need to extend as far into the SSSI to maintain an effective defence as it would do without this strategy, and therefore was supported by the relevant agencies as part of the screening process. Nevertheless, Natural England would require

consultation through a further planning application when these periodic remedial works are carried out, to assess any environmental impact.

- 8.7 The applicant has submitted an Environmental Statement to accompany the application, as the proposal was screened prior to the submission of the application. The screening opinion concluded that the proposal was EIA development that required an Environmental Impact Assessment (see paragraph 8.2 above). The report acknowledges that temporary access will be necessary over existing boulders to the site (which are not a natural feature but were introduced when the National Grid connector station was built), but that this can be mitigated by careful exact repositioning upon completion of the works, and afterwards would be anticipated to be re-colonised by the marine flora and fauna. Furthermore, the introduction of non-indigenous rocks will be screened for invasive non-indigenous species. Further to this, appropriate mitigation proposals have been identified in the Environmental Statement during the construction phase, and as such are acceptable subject to the proposal being carried out in strict accordance with these details. Natural England has no objection to the proposal, as they are satisfied it would not represent harm to the designated SSSI. They consider the construction of the revetment would not adversely affect the features for which the site is designated. As such, the SSSI designation is not a constraint to the proposed development, and the effects of the project would not be considered detrimental to biodiversity; and, the ecological impact of proposed works is considered to be low due to its scale and nature.
- 8.8 Referring to Natural England's standing advice, 'Coastal Habitats' can support the following protected species; breeding birds, fish, natter jack toads, and invertebrates. Coastal works have been shown to have little impact on cliff roosting birds, which will simply relocate to another part of the cliff. The Environmental Statement does not highlight the presence of protected species, and therefore no further surveys are required. An ecological watching brief will ensure there is no harm to breeding birds, or other species. It is set out in the Environmental Statement that any short term damage to biodiversity during construction would recover quickly with the mitigation approved, and measures to enhance biodiversity and an ecological watching brief can be secured by condition to be informed by KCC ecologists once their formal comments are received.

Noise and Disturbance

- 8.9 There would be some disturbance during construction, but this would be temporary, and outweighed by the longer term coastal protection, and the aesthetic improvements to this popular leisure area.

Contamination

- 8.10 The Environment Agency considers the proposal to be a low environmental risk, and as such no remedial measures are required in this regard.

Heritage

8.11 There are several listed structures in the built area some distance from the application site including the east pier, harbour arm lighthouse, Church of St Peter, St Andrews Hotel, and Lifeboat Inn. Furthermore East Cliff Martello Tower on the cliff top is a scheduled monument. These heritage assets are considered to be sufficiently distanced from the proposed development to not be affected whatsoever, and generally would benefit from protection of the cliff. Nevertheless, Historic England identified during screening that due to the proximity to the Martello Tower there is potential for the discovery of undesignated heritage assets of both marine and terrestrial nature in this general location. As such, they recommended that any planning application should be accompanied by a Heritage Statement. Whilst one has not been submitted and the subject is referred to only briefly in the Environmental Statement, as the concerns only relate to archaeology, it is considered that from a heritage point of view the comments from KCC archaeology when received would inform any measures required. Historic England were not consulted on this application as the proposed development would not be considered likely to affect a scheduled monument site, due to the space separation. They were consulted during the screening process, as discussions prior to the screening request included several options such as a rock revetment further along the cliffs closer to the Martello Tower. This was a precautionary measure rather than a requirement.

Archaeology

8.12 Historic England have confirmed the proximity to the designated Martello Tower would mean there is potential for discovery of marine and terrestrial historic assets in this location. As such, the views of KCC Archaeology have been sought and are awaited (although the site is not within a known area of archaeological potential), and subject to their views a suitably worded condition can be imposed if appropriate.

Economic Development

8.13 The coastal defence works would avoid the loss of a predicted 258 houses to coastal erosion over the next 100 years, avoiding the severe impact on the local economy that would result. Furthermore, the visual enhancement to the promenade and beach area would conserve the continued popularity of Sunny Sands for the local community and for visitors, with the economic benefits to the local economy that result from this.

PROW

8.14 Coronation Parade is not a public right of way and is a private road, however, it is a popular connecting pedestrian route between East Cliff and the inner harbour. Nevertheless, the proposed works will not impinge on the existing pedestrian connectivity.

Human Rights

8.15 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are

relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

- 8.16 This application is reported to Committee as Shepway District Council has a significant interest. The land the subject of the proposal is owned by the Council, and the Council has appointed Canterbury City Council Engineering Services to project manage the works.

9.0 SUMMARY

- 9.1 It is considered the application demonstrates that the proposed works would result in limited harm to landscapes, local ecology/biodiversity/habitats, national designations, amenity, and contamination. It has been shown that any limited harm can be successfully mitigated, and it is considered that any limited harm would be outweighed by the key objective of protecting the coastline, including the residential area on the cliff top, and the infrastructure assets such as the National Grid station, and a Southern Water pumping station.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard 3 Year Condition
2. Materials as per page 11 of the submitted Environmental Statement.
3. The development shall be carried out as per the submitted plans and Environmental Statement.
4. Construction Method Statement to be submitted for approval.
5. Measures to enhance biodiversity and an ecological watching brief to be secured in accordance with the advice from Natural England and paragraph 118 of the NPPF.

Informative:

1. Confirmation that the permission would not include the regular realignment of the rock revetment, and that such works would require further planning permission in consultation with Natural England.

Decision of Committee

Y16/0673/SH
Bakers Gap Jointing Chamber
Coronation Parade
Folkestone

