

EDDC Draft Local Plan – Comments on Strategic Policy 36

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Summary

- The CCMA methodology and maps do not provide the **best available evidence** in accordance NPPF guidance on CCMA's. They are not robust enough for the proposed policies. For example at Sidmouth the CCMA 100-year recession line is six times further inland than the BMP 100-year recession line.
- The evidence base does not include an assessment of the **uncertainties and margins of error** in the CCMA mapping. Consequently the CCMA policies do not take them into account in accordance with normal evidence based policy-making practice.
- Whilst the policies SP36 are consistent with the policies in paragraph 172 and 173 of the NPPF they are **not appropriate because they are not supported by the best available evidence** of mapping as the NPPF policies presumably are
- There is no provision for taking into account **future coast defence schemes** that will reduce size of CCMA's. In particular at Sidmouth where the forthcoming Sidmouth Beach Management Scheme will do so
- The CCMA map at Sidmouth, which is not the best available evidence, risks **blighting** more than 50 properties along and north of Cliff Road.

I am unhappy with Strategic Policy 36 (SP36) – Coastal Change Management Areas, for the following reasons.

1. NPPF guidance on mapping CCMA's is:

Shoreline management plans identify risk on time horizons up to 100 years and include maps showing the geographical extent of each risk area. In defining Coastal Change Management Areas, local planning authorities, using the best

available evidence, may wish to identify separate sub-zones for each of the time horizons.

I submit the CCMA mapping for SP36 at Sidmouth is not in accordance with the NPPF guidance because it is not **the best available evidence** for predicting coastal erosion at Sidmouth. Hence SP36 and other policies using the CCMA mapping are not justified.

Please note: Better evidence is available in the Baseline Coastal Process Report produced for EDDC's Sidmouth Beach Management Plan, which can be found here

https://eastdevon.gov.uk/media/1676177/sidmouth-bmp_coastal-processes-baseline_final_20-01-2016.pdf (Fig 7.1 p.109)

Reasons why the BMP mapping at Sidmouth is better than CCMA mapping:

Reason 1.

- CCMA mapping extrapolates a 10-year period of coastal erosion to 20, 50 and 100-year time horizons (recession lines)
- The BMP extrapolates 69 years of coastal erosion to the 100-year time horizon (100 year recession line), using cliff positions in 1946, 1950, 1988, 2006, 2009, 2012 and 2015.

Reason 2.

- The CCMA mapping does not take into account the geology of the cliffs.
- The BMP mapping takes the geology into account.

Reason 3.

- The CCMA mapping does not take into account the impact of the hard coastal defences west of the R Sid that have been built to protect Sidmouth town centre. These hard defences have an impact on coastal processes, including the rate of cliff erosion east of the R Sid (the seaward boundary of the CCMA), which the 10-year of sample of coastal erosion for mapping the CCMA area is unlikely to pick up.
- The BMP analysis of 69 years of cliff recession has picked this up

Please note. The CCMA and the BMP 100-year recession lines are c300m and c50m respectively from the cliff face parallel to Cliff Road.

I submit...

- This six-fold difference casts doubt on the robustness and the credibility of **the CCMA mapping** evidence base for Sidmouth that needs to be explained in order to justify the CCMA map for Sidmouth.
- This six-fold difference casts doubt on the robustness and the credibility of **the methodology** used to produce all of the CCMA mapping in the LP when used in combination with SP 36 et al. [NB As a stand-alone piece of work the mapping is not in question. It is the use to which the LPA has put the mapping that is questionable. That's because the uncertainties and the margins of error in the mapping have not been quantified in the evidence base and taken into account by the LPA in the CCMA policy-making]

2. Policy 36 states...

*Applications for non-residential development within the CCMA will be assessed in relation to **the most up-to-date evidence available** for when coastal change can be expected*

I submit ... "*the most up to date evidence available*" is not necessarily "the best available evidence", as required in the NPPF guidance (as mentioned in section 1 above).

3. SP 36 uses the descriptions:

- *In parts of the CCMA **expected to be at risk** within a 0-to-20-year time horizon...*
- *In parts of the CCMA **expected to be at risk** within a 20-to-50 year time horizon...*
- *in parts of the CCMA **expected to be at risk** within a 50 to 100 year time horizon...*

a. There can be different levels of expectation. Something can be expected with 100% certainty or with say 5% certainty. This raises two important questions:

Q1. What level of expectation has the LPA assumed for the CCMA mapping and

Q2. What level of expectation does the LPA require for Coastal Erosion Vulnerability Assessments that are mentioned at the end of SP36?

I submit....

- Without knowing the answers to question 1, SP36 is not justified and
- Without knowing the answer to question 2, SP36 is not deliverable

b. NPPF guidance states.... “*Within the short-term risk areas (i.e. losses are expected within 20-years), a limited range of development...*”

From that clarification, **I assume** this description in SP 36...

“*In parts of the CCMA expected to be at risk within a 0-to-20-year time horizon...*”

in practice means:

“*In parts of the CCMA expected to be lost to erosion within a 0-to-20-year time horizon...*”

If that assumption is correct and “*expected to be at risk*” actually means ‘expected to be lost to erosion’, then...

I submit.... the need to know the answers to questions 1 and 2 above become more important because loss of land and buildings thereon to erosion can be sudden and lead to loss of life.

Side note: If the assumption: ‘expected to be at risk’ means ‘expected to be lost to erosion’, is correct then: because the LPA in effect claims the CCMA maps are robust and credible (the planning policy briefing paper in the evidence base claims the maps are robust six times, and presumably the LPA presumed they were robust and credible because they must pass the soundness test for justification) they may also wish to consider the implications of producing and making public, robust and credible maps that in effect say, for instance ... ‘*Cliff Road is expected to be, lost to erosion within 20 years*’, and if this results in blight.

If that assumption is not correct, then please explain what “*expected to be at risk*” means.

4. Combination of mapping with uncertainties & planning policy

When flood plain hazard mapping and associated planning policies were first being researched and developed by the National Rivers

Authority (later the EA) in liaison with the Local Government Association and the Royal Town Planning Institute, it soon became clear, **where there were uncertainties in flood hazard mapping, then the planning policies needed to take those uncertainties into account** by being flexible, amongst other things.

That is why flood plain hazard mapping for use by planning authorities was not claimed to be **definitive**. It was made clear it was only **indicative** of where fluvial flood hazards might occur and this triggered the need for Flood Risk Assessments to better inform planning decisions.

From the reasons given in section 1 above, about why the CCMA mapping is not the best available evidence, it can be concluded.... there are likely to be significant uncertainties and associated margins of error in the mapping (at least for Sidmouth where we know there is a six-fold difference in available mapping). Please note: there is nothing in the evidence base to show this conclusion is wrong, because it does not include an assessment of the uncertainties and the margins of error in the CCMA mapping. It simply says the methodology is 'robust', but it does not include evidence to show and quantify how 'robust' the method is, and how robust the maps it produces are.

If there are significant uncertainties and margins of error in the **CCMA mapping** at Sidmouth, and there are no errors in the way in which the method to produce the CCMA mapping at Sidmouth has been applied, it follows that the **method** used to produce the map at Sidmouth, produces maps with significant uncertainties and margins of error. From which it can be concluded.... the **method** used to produce all the CCMA maps in the LP is not robust enough for planning policy purposes, unless planning policy takes those uncertainties and the margins of error into account.

For instance SP36 begins with...

Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will not be permitted.

If it is agreed the CCMA map for Sidmouth has significant uncertainties and margins of error, then the policy... "new residential development, including conversions of existing buildings will not be

permitted", which is a rigid / inflexible policy does not take them into account. Hence this policy is not justified for Sidmouth and it may not be justified elsewhere in the LP area.

I submit.... The combination of the CCMA mapping with significant uncertainties and this rigid policy, is not sound.

An **alternative policy** that does take into account the uncertainties and the margins of error in the existing CCMA mapping might be:

Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will only be permitted if it is more than Xm from the erosion and subject to the approved development being removed, at the owners expense and to the LPA's satisfaction, if and when the erosion comes within Ym of the development that has been approved under this policy.

[note. Xm might be say 60m and Ym might be say 30m, both depending on the proposed lifetime of the development and how quickly the cliff has been eroding, using the best available evidence at relevant locations.]

I submit.... This alternative policy approach, which is flexible, might be a better alternative to all of SP36.

5. Standard of safety for new development

It is my understand the LPA wants to make sure new development in the CCMA and the people who live or work there are safe, but what 'safe' means is not defined in planning guidance and to my knowledge the LPA has not debated and determined what 'safe' means to them.

In which case it is worth noting how the current 100-year fluvial and 200-year coastal standards of protection against flooding came about and how this relates to public safety. Department of the Environment Circular 17/82 – 'Development in Flood Risk Areas', stated: *'Development approved without regard to flooding can lead to danger to life, damage to property and to the wasteful expenditure of public resources on remedial works. This circular sets out ways to avoid these consequences.'*

It was the implementation of this circular in the 1980s/90s that led to the start of flood plain mapping by the National River Authority (now the EA) and to the current NPPF guidance on Development and Flood Risk.

NRA Mapping – At that time central government expenditure on fluvial flood alleviation schemes was limited to protecting property from the 100-year fluvial flood, and on sea defence schemes it was limited to protecting property from the 200-year tidal flood. So, in order to avoid the wasteful expenditure of public resources on remedial works by the NRA, it was decided they should produce maps of the 100-year fluvial flood plain and the 200-year tidal flood plain to inform planning authorities, so they knew where to regulate new development in order to avoid the wasteful expenditure of public resources on remedial works, and by association avoid danger to life and damage to property, in those flood hazard areas.

A presumption against development in those flood hazard areas was not assumed or promoted, so long as development in those areas was protected from the 100-year fluvial flood or the 200-year tidal flood at the developer's expense, and protecting it did not increase the probability of flooding elsewhere.

SP 36 in the draft LP is significantly different.

- a. It establishes a presumption against residential development anywhere within the 100-year CCMA recession line, and it does so without the benefit of robust and credible evidence of the level of risk to life and property.
- b. it does not consider or make provision for considering how residential development in that area might be permitted so people are safe with an appropriate level of confidence, for a reasonable period of time, which planning policy could do.
- c. it does not allow property owners within the CCMA 100-year recession line to invest in residential development on their land and take the financial risks associated with doing so.

a, b and c can be done with the alternative policy suggested above (or something like it) and still ensure new residential development, including the conversion of existing buildings, in the CCMA area defined on the Policy Maps will be safe during its permitted lifetime (that is: it will not lead to danger to life, damage to property and to the wasteful expenditure of public resources on remedial works during its permitted lifetime).

Consequently SP 36 in combination with the existing CCMA maps is not justified.

6. Moreover, paragraph 7.40 in the draft LP explains:

*“Paragraphs 172 and 173 of the NPPF set out the circumstances in which development will be appropriate in a coastal change management area. **Our policy adds to national policy** and we plan to provide greater detail through supplementary planning guidance.”*

Whilst policy 36 does add to the national policy for appropriate development in coastal change management areas, the national policies for such development presume the CCMA's have been produced “*using the best available evidence*” (according to NPPF guidance on CCMA's). The CCMA's in the draft LP have not been produced using the best available evidence. Hence, ‘your policies’ are not appropriate.

7. No CCMA's where the SMP policy is ‘hold the line’.

Paragraph 7.40 in the draft LP explains:

*CCMA's are not necessary in areas where the SMP policy is ‘hold the line’. Generally, the centres of our main coastal settlements are defended and **we have evidence to demonstrate that we can ‘hold the line’.***

That evidence is not within the evidence base for this consultation so it is not possible to comment on it.

NPPF guidance is:

*A Coastal Change Management Area will only need to be defined where rates of shoreline change are expected to be significant over the next 100 years, taking account of [climate change](#). They will not normally need to be defined where the accepted shoreline management plan policy is to hold or advance the line for the whole period covered by the shoreline management plan, **subject to evidence of how this may be secured, taking advice from the Environment Agency.***

Suffice to say, in some locations there are significant project risks associated with securing/delivering the SMP ‘hold the line’ policy on the ground. These risks can be showstoppers. These show-stopping

risks include securing **planning permission** and **funding** for schemes.

Securing planning permission

It is suggested evidence of how 'hold the line' may be secured should include robust and credible evidence to show there are no policies in the existing LP and in the consultation draft LP that might jeopardise EDDC's ability to 'hold the line', in particular policies to do with the natural environment (SSSI, SACs World Heritage Coast, ANOB etc.).

For example... the 'hold the line' part of the current Sidmouth Beach Management Plan is constrained by natural environmental policies in the existing LP because the proposed 'hold the line' works at Sidmouth are next to the designated sites east of the R Sid and within their buffer areas, which are regulated by existing local plan policy. Hence it would be sensible for the LPA to make sure the existing policies, and any proposed changes to those policies and new ones in the draft LP, do not increase those constraints and jeopardise the EDDC's ability to 'hold the line' at Sidmouth. Should they do so, then it follows, consideration will need to be given by the LPA to including Sidmouth town centre in the CCMA.

Securing Funding

'Funding for coastal defence schemes comes from central government via the Environment Agency. Consequently NPPF guidance includes:

CCMAs will not normally need to be defined where the accepted shoreline management plan policy is to hold or advance the line..... subject to evidence of how this may be secured, taking advice from the Environment Agency.

It is suggested evidence of how 'hold the line' may be secured should include robust and credible evidence that there will be funding to enable EDDC to 'hold the line' the lifetime of the Local Plan for each settlement where 'hold the line' applies. Should that evidence not be available for any settlement then it follows... that settlement should be included in the CCMA.'

Ends