

## **East Devon District Council**

### **Notes of meeting of the Steering Group for the Sidmouth and East Beach Management Plan project, held at Council Offices Sidmouth on Wednesday 15 March 2017**

Attendance list at end of document. The meeting started at 2.00pm and completed at 3.57pm.

#### **Welcome and introduction**

The Chairman welcomed everyone present and members of the Steering Group introduced themselves.

#### **Notes of the 30 November 2016**

The notes of the previous meeting of the Group were agreed subject to the following inclusion: that the Group noted that action points from the August meeting were still outstanding at that time; and that the split of capital/maintenance in the costings for option S4 were acknowledged as incorrect at that time.

#### **Partnership Funding sub group update**

John Golding, Strategic Lead – Housing, Health and Environment, updated the Group on the progress of the Partnership Funding sub group; the notes from the most recent sub group meeting being available in the agenda papers for the meeting. Notes of earlier meetings were on the previous agenda papers.

The steering Group were reminded of the purpose of the sub group which was to identify partnership funding opportunities and report back to the Steering Group by March 2017. Those attending the sub group were thanked for their contributions.

A spreadsheet had been circulated, setting out pledges for partnership funding, but with the reminder that none of these contributions were confirmed in writing from the organisations at this stage. The totals gave a lower estimate (realistic) of approximately £5.7M and an upper estimate (optimistic) of £11.4M. Both these figures included £4m and £5.7m respectively of anticipated Defra grant. Whilst there was still some further work to undertake in exploring other contributions from businesses, the proposal was for future updates to be reported directly to the Steering Group recognising that the Partnership Funding sub group had completed its work.

In response to a query on the perceived low level of contribution from South West Water, in light of protecting their pumping station, an explanation was offered on their basis for investment program being set in five year terms – the next beginning at 2020. This may explain why the contribution stood at £100K. SWW had commented that they felt their pumping station was sufficiently robust.

It was suggested that taking account of the levels of partnership funding identified option 4 was unaffordable, and option 1 might be afforded.

#### **Natural England and Jurassic coast team position statement**

A position statement in response to a paper circulated by members of the steering group on the 5 March 2017 was circulated, and are attached to these notes as appendix A.

The statement set out the context of rock revetment, outlining the historic planning application of 2011, and specific responses to questions on geology and a recent grant of planning permission for rock armour at Branscombe.

The statement also contained a comparison between rock armour proposals at Sidmouth and rock armour recently granted permission at Branscombe.

Discussion took place over the principles of installing a rock armour revetment as a solution at Sidmouth East beach and included:

- Clarification on what land in the area did not fall under the terms of the World Heritage Site and therefore could seek permission for protection works – the classification covered any areas of exposed geology, so therefore did not cover the town frontage;
- Revisit a proposal to install rock revetment, offset forward from the base of the cliff, in order to dissipate the action of the eroding waves, which permits over time the cliff to settle at an angle, (termed stable angle of repose) and allow flora and fauna to flourish;
- Reaching a stable angle of repose would likely take longer than a ten year period and would negatively impact overall in relation to the area and surrounding cliff faces; there was disagreement how quickly this may impact on gardens along the cliff face;
- Employing a temporary solution of rock armour would help in the medium term, whilst erosion still continued, and whilst the BMP was being developed and implemented but this option would still require a full environmental, technical, and economic appraisal and the necessary permissions before it could be constructed;
- The merits of access to the east beach was disputed – despite the risks to the public, some public visitors still persisted to use the beach, and some form of escape route would need to be kept – this access would also be used by geologists and those wishing to study the area, who are generally aware of the risks and will take the appropriate safety precautions and undertake risk assessments; some Steering Group members had never seen the site used by walkers;
- The Council defended its steps to the beach as this is intended as a means of egress from the beach and was adequately signed to deter people using this as a means of accessing the beach;
- Access to the beach needed to be balanced with the needs of the town – should the benefits of the Jurassic Coast at that point be better enjoyed from a distance?
- Any addition of rock armour would need planning permission and consultation from the statutory bodies – being outside of the established position of the BMP and would only hamper such a process in determination of the application;
- The previous 2011 application was withdrawn by the applicant and reasons for withdrawal were discussed – this did lead to the setting up of the Steering Group and the current work in producing the BMP.

Discussion also took place on why reconsidering rock revetment was now prevalent in the group, when the option had already been considered previously, and rejected in favour of the options set out in the BMP, which had the support of the statutory bodies involved. Undertaking a temporary solution would still take considerable time to put into place and was highly unlikely to be supported by the statutory consulting bodies; whereas the BMP if progressed, would look to see work start in 2019.

### **Other issues**

Discussion also took place over protection upgrades for the River Sid western wall – the impact on salt water on the sewerage pumping station was raised by a Group member as a

considerable risk; the group were reminded that the planned work in the BMP would help protect the river, and therefore protection upgrades could be delayed. There was some dispute over the response circulated by the Engineering Projects Manager relating to the benefit in reducing the rate of erosion on East Beach and how that relates to the River Sid.

It was recognised that email exchanges in recent months had been high, from a number of sources and with some repetition of content. It was proposed that an Issues Log style of Q&A process be implemented to provide more discipline to the process and help ensure accurate, timely and comprehensive responses. Members were reminded of the Q&As on the website, including five questions covering rock revetments. The discipline proposed in dealing with future requests for information was not welcomed by some Steering Group members, as they felt that prompt and specific responses to questions were not forthcoming – and this was discourteous to the Group members. The rationale behind the discipline was explained and several views on that were expressed.

It was agreed that the process going forward will be that any email requests for information will be submitted onto a log of information, provided with a response, and promptly published (accepting any confidential matters that cannot be published) on the Council's website.

In a response to a query about a possible visit to H R Wallingfords laboratory facility in Oxfordshire, the response was that there had been limited uptake, but would seek to find out if this was still available – this was not to offer any technical advice but covered how physical and digital modelling was undertaken for any BMP, and the merits of different breakwater schemes.

In response to a query about resurveying to establish up to date data, the Group were reminded that coastal monitoring continues, with a minimum of three surveys per year and post storm surveys – this information would be used as work progressed.

**ACTION** for the link to the South West Coastal Monitoring service website be circulated to the Steering Group.

### **Seeking agreement on the progression of the BMP**

The Steering Group were asked to agree to the BMP as it stands to go forward to Cabinet for approval – the plan had previously been tabled for the 8 March 2017 meeting, asking Cabinet to adopt the BMP that then allows the Council to proceed to the next stage of the project – the production of an outline business case, leading onto implementation of engineering works to maintain flood and coastal protection. The report had been put back to the Group following the request for more discussion by the Group on the draft BMP and specifically the issue of rock revetment.

Several members of the group were not prepared at that stage to agree that the BMP goes forward with a specific option of S1, as they wanted to keep both option S1 and S4, to allow progression of option S4 if sufficient funding did become available. In response, the Engineering Projects Manager reminded the Group that tenders out to bidders had included asking for the implications of working up models relating to option S4 – those tenders are currently ongoing, but the BMP still needed formal adoption in order to permit the Council to proceed.

A concern was raised about the term preferred option and whether this could be called something different such as approved, and another member of the group asked if the Steering Group could indicate its support just for the Executive Summary of the BMP. It was explained that the term preferred was used throughout the reports as this was the

appropriate terminology and that it was not appropriate to just agree the Executive Summary.

It was clarified that approval of the BMP meant support for the preferred option which the BMP concludes is option 1 (one or two new rock groynes at East Beach).

In drawing the issue to a conclusion, the Chairman asked each Group member in turn if they supported the BMP going forward to allow the project to proceed to the next stage. Each Steering Group member asked that question stated yes.

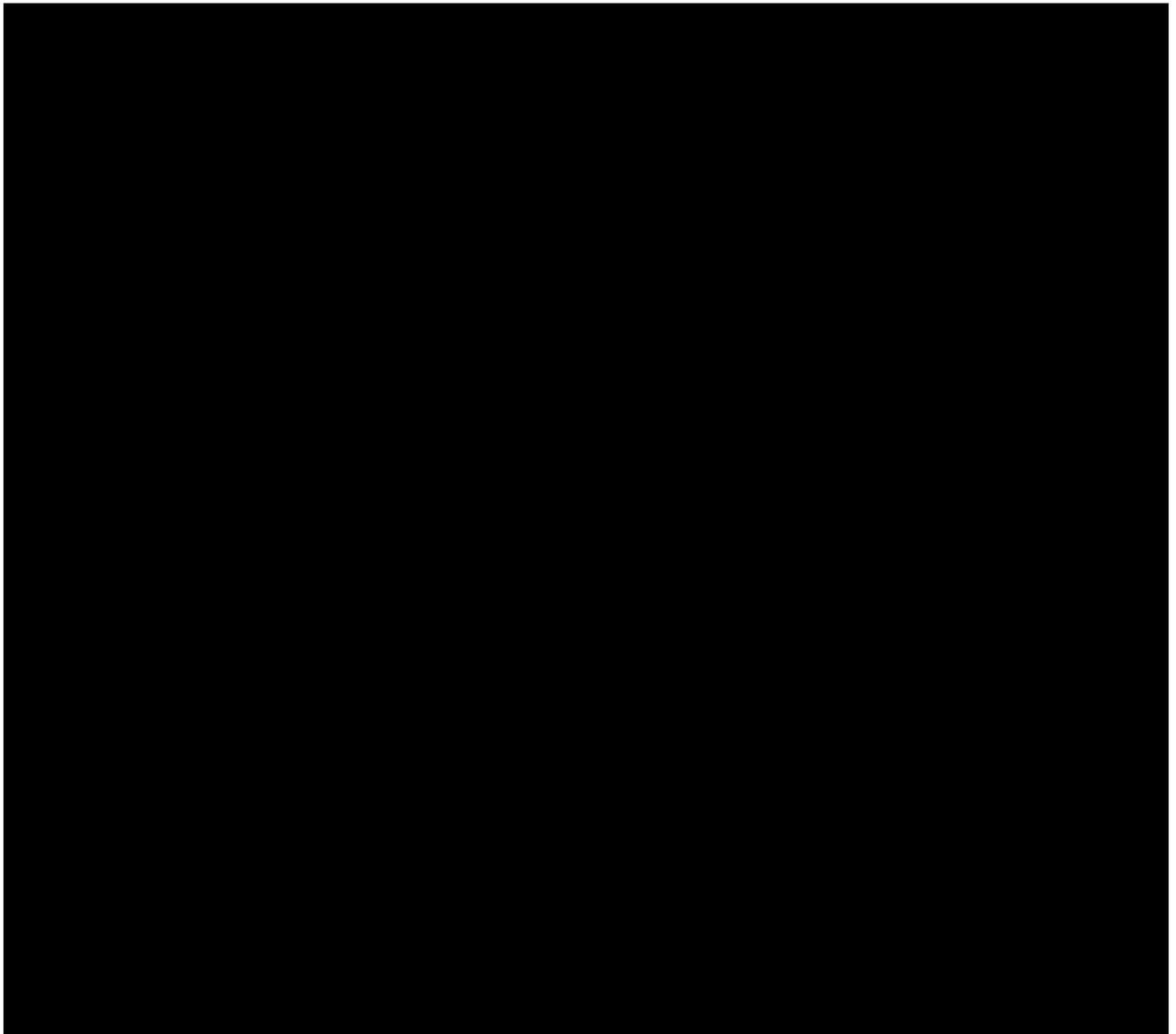
**ACTION** for the Sidmouth and East Beach Management Plan to proceed to Cabinet on the 5 April 2017 for formal adoption.

**Date of next meeting**

The date of the next meeting would be set following consideration of Cabinet and the award of contract for the outline business case.

**Attendance list**

Steering group members present:



**Position statement in regards to a rock revetment at east beach 14/3/2017**

This position statement is given in response to a paper circulated by members of the Sidmouth BMP steering group on 5<sup>th</sup> March 2017 and the questions therein

**Context**

A joint position statement regarding interim works at East Beach, Sidmouth was submitted to the Steering Group in May 2016 and our support for that statement is unchanged.

In 2011 a planning application for a rock revetment along East Beach was withdrawn prior to being refused permission. The reasons for that decision and the environmental constraints described by Natural England, the World Heritage Team and the East Devon AONB team still apply in principle. The decision by EDDC can be reviewed on the East Devon planning portal (planning application 11/0904/FUL).

The following information is intended to provide guidance to the Sidmouth Beach Management Plan Steering Group in reference to the various questions that have been raised about the environmental constraints, specifically issues B, C and E.

**Response to questions*****Issue B: Why preserve the exposure of geology/fossils on East Beach if it is unsafe to go there?***

The role of the Jurassic Coast, Natural England and the East Devon AONB teams is to represent the conservation interests of the site. We are not able to make decisions regarding beach safety. The comments below follow observations made during the development of a rock fall and landslide protocol by Dorset County Council.

The rock falls of the type seen along East Cliff, Sidmouth are totally unpredictable, meaning at any time the baseline risk includes the danger of death. This applies to any location along the World Heritage Site (WHS) where sudden rock falls occur.

However, beaches remain open access in spite of ongoing risks posed by the processes of erosion and from the sea. For example, in August 2016 there were three large rock falls at West Bay within a three week period. Hundreds of people were on the beach during these event and thankfully no one was hurt. Regardless of the clear risk to life the beach was not closed. A key reason for this is that only the police have the legal power to close beaches to the public, and they will only do so during an emergency. Dorset County Council may be able to provide further advice to East Devon District Council based on their rock fall and landslide protocol.

East Beach remains open access and a viable research site in spite of the ongoing risks posed by rock falls. Geologists and those wishing to study such areas are generally well aware of the risks and will carry out risk assessments and wear appropriate safety equipment when required.

**Issue B:** *Why preserve the exposure of geology/fossils on East Beach if exactly the same geology/fossils are exposed in the cliffs behind Jacobs Beach?*

Similar strata to those exposed at East Cliff are indeed exposed to the west of Sidmouth, below High Peak. However, preserving a range of exposures where scientifically important data can be collected is preferable and allows for better correlation and resolution.

Of the two complimentary exposures, East Cliff contains the superior geological record of the boundary between the Otter Sandstone Formation and Mercia Mudstone Group. The East Cliff section provides key evidence for the environmental transition between the two rock units and is also known to yield a particularly diverse fauna of fossils. The scientific value of the Otter Sandstone is described in the Geological Conservation Review volumes 10 and 24. The significance of the East Cliff section within the context of the overall exposure of Otter Sandstone is described in Gallois, R. W. 2004. *The type section of the junction of the Otter Sandstone Formation and the Mercia Mudstone Group (mid Triassic) at Pennington Point, Sidmouth*. *Geoscience in south-west England*, **11**, 51-58.

In spite of the significance of this location to the OUV of the WHS we have accepted the need for compromise to allow a reduction in erosion rates along East Beach and are willing to support a design that mitigates negative impacts on the scientific interest and that is sympathetic to natural processes and visual impact issues. Such mitigation is in line with the Dorset and East Devon Coast World Heritage Site management plan 2014 - 2019, which East Devon District Council has endorsed.

Relevant policies:

- 1.1 Protect the Outstanding Universal Value (OUV) of the Site through prevention of developments that might impede natural processes, or obscure the exposed geology, as set out in the GCR / SSSI details, now and in the future.
- 1.2 Where developments affecting the Site or setting do take place, avoid or at least mitigate negative impact on the natural processes of erosion and exposed geology.
- 1.4 Protect the landscape character, natural beauty and cultural heritage of the Site and setting from inappropriate development.

**Issue C:** *What weight was given to maintaining the exposure of the geology on East Beach when considering the options?*

The scientific significance of the geological exposures at East Cliff is detailed above. The value of exceptional geodiversity is the basis for The World Heritage Status of the Dorset and East Devon Coast and the source of its Outstanding Universal Value (OUV).

National Planning Policy Framework (NPPF) is clear that 'great weight' should be given to the protection of designated areas such as World Heritage Sites and AONBs (NPPF paragraphs 115 and 132) and states that "*The more important the asset, the greater the weight should be*". World Heritage Status is the highest possible level of designated heritage asset.

Protection for the 'setting' of the WHS is a key consideration and is achieved within the planning system through the AONB designation. The weight given to the WHS setting was illustrated by the decision by the planning inspectorate to refuse permission for the Navitus Bay windfarm. Although it is inappropriate to view this as precedent, it is a useful example. The windfarm was considered to

have little negative impact on the OUV of the WHS but both the planning inspectorate and IUCN considered negative impacts on the Site's setting to be of key significance in the decision to refuse permission for the scheme.

Clear guidance is also provided by the NPPF specifically regarding sites of geological, wildlife and landscape conservation interest (NPPF paragraphs 109, and 117), stipulating that planning policies should *"aim to prevent harm to geological conservation interests"* and enhance the natural environment by *"protecting and enhancing valued landscapes, geological conservation interests and soils"*.

NPPF paragraph 114 states that local planning authorities should *"maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast"*.

We consider it inappropriate to assess these integrated environmental considerations separately. Landscape quality, scientific value, habitats and the setting and OUV of the WHS are closely linked and underpinned by the ongoing natural processes of erosion.

The preferred management scheme for East Beach proposed by the draft BMP has the potential to mitigate negative impacts of all of the environmental considerations outlined in the NPPF guidance. It is sympathetic to the natural processes of erosion and includes an improved beach amenity and the possibility of better public access to the coast.

In contrast a rock revetment makes no such accommodations and would have significant negative impacts on the scientific value of the exposures and the OUV and setting of the WHS. It would significantly alter the character of an undeveloped part of the coast within an AONB and would fail to make any improvement to public access and enjoyment of the coast.

**Issue E:** *We understand EDDC has just granted planning permission for what amounts to a 10 year rock armouring trial at Branscombe. Is there any reason why this approach should not be considered at Sidmouth's East Beach?*

It is important that planning applications are considered on their own merits. However, we suggest that the two schemes are not comparable for two reasons.

1. the landscape quality at Branscombe is already compromised by an existing rock revetment and the geological interests impacted are not as sensitive as those at Sidmouth.
2. The temporary permission at Branscombe requires an exit strategy for the removal of the new rock revetment, existing defences and the holiday chalets in ten years or before. This process of adaptation will lead to an overall improvement of the condition of the WHS, SAC and AONB in the short to medium term. In contrast the proposals being developed for the Sidmouth BMP represent permanent impacts to an otherwise pristine landscape and natural environment and a reduction in the quality of the geological and other scientific interests.

Please refer to the attached table for a more detailed comparison.

### Additional comments

In 2015 the Jurassic Coast Team worked with Dorset County Council and Dorset AONB Team to undertake a piece of work to evaluate the value of Dorset's Environmental Economy. The study, undertaken by Ash Futures consultants was all encompassing, but included a detailed case study into the economic impact of the Jurassic Coast World Heritage Site designation. The reports are available to download from the Jurassic Coast Website.

Whilst the wider analyses included the Dorset AONB, the assessment of the Jurassic Coast included activities in East Devon. The summary paper included the following statements:

*“While it is advisable to avoid a single measure of the environmental economy, the central estimate is that it contributes, on a comparable basis with other economic statistics, about **£1.5bn of GVA p.a. and supports about 30,000 jobs** in Dorset – or 8-10% of total annual economic output and employment.”*

*“The Jurassic Coast influences circa **£103-119 million of output p.a.** (mid-point £111 million)  
 ◦ While these estimates can not be attributed to the designations specifically, **it is likely that their existence has increased the scale of benefits to the area significantly**”*

It is clear that the natural environment is a hugely valuable asset to the area and its benefit is enhanced by the World Heritage status of the coast. Protection of the natural environment, and mitigation of negative impacts upon it, are actions worthy of investment.

### Conclusion

The East Devon AONB team support the principles of the guidance information provided in this document.

Due to the scientific and landscape sensitivities described above Natural England and the Jurassic Coast World Heritage Team take the position that a rock revetment along east beach would be environmentally unacceptable for two key reasons.

1. A rock revetment is a hard coastal defence and as such does not fit with SMP policy and does not allow for any mitigation of the permanent negative impacts coastal defences will have on the OUV of the WHS and the geological interests of the SSSI.
2. A rock revetment is likely to have significant negative impact on the setting of the WHS and does not allow for improved beach access or amenity.