

Filtered Data Export

**Full name:** Paul Griew

**Organisation (where relevant):** Cliff Road Action Group

**Other party name (if relevant):** -

**Proposal:** 7. Adapting to Climate Change

**1. To which part of the Adapting to Climate Change chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** AR03

**2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?:** No

**2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:** Article 1 of the Protocol to the European Convention on Human Rights states that: " Every natural or legal person is entitled to the peaceful enjoyment of his possessions". Policy AR03 directly contravenes this provision by restricting the use individual householders from altering or extending their properties.

**2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:** Policy AR03 should be eliminated from the LP. That would solve the difficulty. If not then to the sentence "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." Should be added "This provision does not apply to individual householders". This will make it plain that this only applies to larger developments and not "natural or legal persons".

**3. Do you consider that this part of the Adapting to Climate Change chapter is sound?:** No

**3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:** 1. The CCMA should not be imposed because:

a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a CCMA might be applied where a new housing development is planned in an area which will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach.

b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the coming years, but do not stop them from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 20 or 50 years, knowing that it might be subject to erosion, then that is their prerogative.

c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years.

d. Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident.

e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own original sea defence works and now to their inaction in not correcting this despite promises over the past 14 years.

f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA.

g. This policy will in effect blight all the properties on Cliff Road, despite being based on unsound evidence and for no apparent purpose.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as**

**possible.:** Policy AR03 should be eliminated from the LP. It is based on unsound information and serves no apparent purpose.

If, even so, the CCMA is imposed, then:

- a. To the sentence: "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" should be added "This provision does not apply to individual householders".
- b. It should not restrict individual householders from extending or re-building their properties as they wish.
- c. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP. Thus the policy will take into account the ongoing works.
- d. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates. Therefore any future policy can be based on the best available information.

**4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: -**

**4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: -**

**4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: -**

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** As I will be significantly and adversely affected by this policy, I wish to ensure my views and those of my neighbours have been taken into account in the examination process

**Full name:** Paul Griew

**Organisation (where relevant):** Cliff Road Action Group

**Other party name (if relevant):** -

**Proposal:** 7. Adapting to Climate Change

**1. To which part of the Adapting to Climate Change chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** AR03

**2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?:** No

**2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:** Article 1 to the Protocol of the European Convention on Human Rights states that: " Every natural or legal person is entitled to the peaceful enjoyment of his possessions". Policy AR03 contravenes this provision by forbidding individual householders their right to change or extend their properties as they see fit. If they understand that erosion might only allow them to enjoy their extensions for a few years, then that is their decision.

**2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:** The policy should be eliminated, which would solve the problem. If this is not done then at least following ""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" the following sentence should be added: "This provision does not apply to individual householders". Thus this provision will not apply to "natural or legal persons" as in the ECHR.

**3. Do you consider that this part of the Adapting to Climate Change chapter is sound?:** No

**3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:** 1. The CCMA should not be imposed because:

a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development "in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a CCMA might be applied where a new housing development is planned in an area which will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever

intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach.

b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the coming years, but do not stop them from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 20 or 50 years, knowing that it might be subject to erosion, then that is their prerogative.

c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years.

d. Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident.

e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own original sea defence works and now to their inaction in not correcting this despite promises over the past 14 years.

f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA.

g. In effect, by imposing this policy, EDDC will blight 20 houses based on unsound evidence and for no apparent reason.

2. If, even so, the CCMA is imposed, then:

a. It should not restrict individual householders from extending or re-building their properties as they wish

- b. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP.
- c. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:** Policy AR03 should be eliminated in its entirety since the only uncontested analysis of erosion rates at East Beach (the Beach Management Plan) shows that no properties are at risk within the next 100 years, and all the other analyses of erosion rates show that only individual households are affected.

If, despite this, the policy is retained then:

1. To the sentence: "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." should be added the sentence "This provision does not apply to individual householders".
2. It should not restrict individual householders from altering their own properties as they so wish.
3. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP. This will take into account to ongoing works.
4. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates. The policy will thus be based on evidence which is of greater validity.

**4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: -**

**4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: -**

**4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: -**

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** As someone greatly and adversely affected by this policy, I wish to ensure that my misgivings have been taken into account in the way the policy is taken forward

**Full name:** Paul Griew

**Organisation (where relevant):** Cliff Road Action Group

**Other party name (if relevant):** -

**Proposal:** 7. Adapting to Climate Change

**1. To which part of the Adapting to Climate Change chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** AR03

**2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?:** No

**2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:** Article 1 to the Protocol to the European Convention on Human Rights states that "Every natural or legal person is entitled to the peaceful enjoyment

of his possessions". The policy of establishing a CCMA for individual households contravenes this right by not allowing a person to adapt, extend or modify his property.

**2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:** None is possible. The policy should be scrapped and no CCMA should be imposed.

**3. Do you consider that this part of the Adapting to Climate Change chapter is sound?:** No

**3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.:** -

**3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:** 1. The CCMA should not be imposed because:

a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a CCMA might be applied where a new housing development is planned in an area which will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach.

b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the

coming years, but do not stop them from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 50 years, knowing that it might be subject to erosion, then that is their prerogative.

c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years.

d. Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident.

e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own inaction.

f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:** The policy should be eliminated from the LP for the reasons provided above.

If, even so, the CCMA is imposed then:

a. It should not restrict householders from extending or re-building their properties as they wish

b. It should state that once the Beach Management Scheme has been implemented the CCMA will be eliminated from the LP.

c. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates

**4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: -**

**4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: -**

**4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: -**

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** As the Leader of the Cliff Road Action Group (CRAG), I represent all the people affected by this policy, and we would wish to have our voices heard as these sessions