

**Mundesley PF/23/0942 – Remedial works to the existing groynes, seawalls and aprons. Constructing a rock berm on the western section in front of existing steel framed structure, rock stockpile in front/behind of the timber revetment on the west. Scour protection works on a section of cliff plus remedial works on a section of promenade on the east and extension of an existing apron/ramp on the east to allow plant to access Mundesley Beach (Mundesley Coastal Management Scheme)**

### **Major Development**

**Target Date:** 7<sup>th</sup> September 2023

**Case Officer:** Mr Mark Brands

**Full Planning Permission**

### **REASONS FOR REFERRAL TO COMMITTEE**

This application is referred to the Development Committee in line with the Council's constitution as the development is a Major Application and the District Council are the applicants and representations have been received.

### **RELEVANT SITE CONSTRAINTS**

The site lies within the Undeveloped Coast, a Candidate County Geodiversity Site, the Mundesley Cliffs Site of Special Scientific Interest (SSSI), the Sidestrand and Trimmingham Cliffs SSSI, Mundesley Cliffs County Wildlife Site, a Specific Area of Conservation (SAC) and a Special Protection Area (SPA)

Within the Coastal Erosion Risk Area

Within Mundesley Conservation Area

The site may contain Contaminated Land

The site falls within the England Coast Path Coastal Margin

Landscape Character Assessment - River Valleys and Coastal Shelf

The site lies both within the Countryside and the Mundesley Settlement Boundary

The site contains areas designated as Open Land Area and Flood Zone 3

Within multiple Zones of Influence as contained within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

### **RELEVANT PLANNING HISTORY**

None.

### **THE APPLICATION**

#### Proposal

The proposal is for remedial works to the existing groynes and navigation beacons, seawalls and aprons. Constructing a rock berm on the western section in front of existing steel framed structure, rock stockpile in front/behind of the timber revetment on the west. Scour protection works on a section of cliff plus remedial works on a section of promenade on the east and extension of an existing apron/ramp on the east to allow plant to access Mundesley Beach. The application site covers 24.6 hectares, and scope of works, repairs and maintenance covers 1.7km of the Mundesley frontage.

### Amendments / further information received

The details originally submitted showed the main site compound at Gold Park, but this was an error. The proposed compound is to be to the front of the NNDC (Beach Road) car park. The compound drawing was amended and the supporting documentation and reports were updated accordingly to reflect this revision.

Amended plan was received on 05 June 2023:

- Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1002 C03, received 5 June 2023

Amended documents and reports received 6 June 2023:

- Volume 2: Environment Statement
- Volume 3: Appendix F - Transport Assessment, and appendices A (MCC data) and B (traffic flow diagram)
- Volume 3: Appendix H - Outline Environmental Management Plan
- Appendix C: Vehicle Swept Paths, drawing no. 102438-MMD-MN-XX-DR-C-1010 P01
- Appendix D: Visibility Splays, drawing no. 102438-MMD-MN-XX-DR-C-1015 P01

### **CONSULTATIONS:**

**Mundesley Parish Council – Support**

**Norfolk County Council (Highways) – No objections subject to conditions**

**NCC Flood & Water Mgmt (LLFA) – No comments**

**NCC Planning Obligations – No comments**

**Environment Agency – No objections subject to condition**

**Historic England - No comments (views from the council's conservation team should be sought)**

**Marine Management Organisation – comments received**

Works within the Marine area require a licence from the Marine Management Organisation.

**Natural England - Further information required to determine impacts on designated sites**

As submitted, the application could have potential significant effects on:

- Greater Wash Special Protection Area (SPA), Southern North Sea Special Area of Conservation (SAC), Overstrand Cliff SAC Paston Great Barn SAC, Sidestrand and Trimmingham Cliff Site of Special Scientific Interest (SSSI), Mundesley Cliff SSSI Overstrand Cliff SSSI, East Runton Cliff SSSI, West Runton Cliff SSSI, Winterton-Horsey Dunes SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An assessment of changes to geomorphological processes that may impact the erosion patterns of any of the designated cliff sites that increase the vulnerability of the Winterton-Horsey Dunes SAC, SSSI to a lack of sediment input.
- A SSSI Impact assessment to rule out adverse impact on SSSI's as a result of the project

Without this information, Natural England may need to object to the proposal.

### **Conservation and Design (NNDC) – No objection**

Concur with the findings in the submitted heritage statement that the works would cause no lasting harm to the overall significance of the heritage assets, consisting of the conservation area and 4 Grade II listed buildings for the following reasons;

1. Much of the beach frontage already has a functional/protective quality,
2. The works would not fundamentally affect the intrinsic connection between the built form and the sea front,
3. They would, however, provide a much needed defence for the town against the maritime elements, and
4. The listed buildings all sit outside of the red line boundary of the application,

Even if one were to generously conclude that the blockwork mattresses and the new concreted areas would result in some harm being caused to the designated area, it would be of a relatively low level and would be heavily outweighed by the preservation objectives which underpin the scheme.

### **Environmental Health – No objections subject to conditions**

#### **NCC - Minerals And Waste – Comments received**

Application would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy

#### **NCC Public Rights Of Way & Green Infrastructure – No objections**

The Norfolk Coast Path is aligned along the slipway with the 'proposed rock transition structure' at the Eastern end of the project. We would request that any disturbance to the route be kept to a minimum and a suitable alternative walking route be provided for the duration of the works

#### **Norfolk Local Access Forum - Comments**

It appears that no significant account has been taken of the tourist implications for Mundesley and how any effects might be moderated. It also seems clear that the England Coast Path (ECP) runs through parts of the work site and the Norfolk Local Access Forum therefore endorses the Norfolk County Council public rights of way response and strongly requests that the planned work be reviewed to ensure that the ECP is safeguarded and safely accessible throughout any works. Should it need to be closed, the closure should be for the shortest possible period and there should be a convenient diversion established and clearly signposted

#### **Ramblers Association**

- Not clear what diversions are taking place and when and how existing paths are being diverted during works
- Seaward of the England Coast Path is accessible to everyone on foot. Thus, while the Coast Path can be diverted by application to Natural England and the County Council, an

application for a restriction on the spreading room to seaward would have to be made to Natural England

## **REPRESENTATIONS:**

**One (1)** public comment received, neutral, neither objecting or supporting, summarised below:

- The Transport Statement produced by Mott MacDonald contains several obvious errors and should be returned for re-work. These errors detract from the veracity of the report

Full comments available on the public website (including some examples of the errors)

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES**

### **North Norfolk Local Development Framework Core Strategy (September 2008):**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 4 - Environment

Policy SS 6 - Access and Infrastructure

Policy SS 7- Cromer

Policy EN 1 - Norfolk Coast Area of Outstanding Natural Beauty

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 3 - Undeveloped Coast

Policy EN 4 - Design

Policy EN 5 - Public Realm

Policy EN 8 - Protecting and Enhancing the Historic Environment

Policy EN 9 - Biodiversity and Geology

Policy EN 10 - Development and Flood Risk

Policy EN 11 - Coastal Erosion

Policy EN 12 - Relocation and Replacement of Development Affected by Coastal Erosion Risk  
Policy EN 13 - Pollution and hazard prevention and minimisation  
Policy CT 5 - The transport impact of new development  
Policy CT 6 - Parking provision

Material Considerations:

**Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment (2021)  
Conservation of Habitats and Species Regulations 2017 (as amended).  
Coastal Adaptation Supplementary Planning Document (September 2023)

**National Planning Policy Framework (September 2023):**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 6 - Building a strong, competitive economy  
Chapter 8 - Promoting healthy and safe communities  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment  
Chapter 17 - Facilitating the sustainable use of minerals

**Other material documents/guidance:**

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -  
Habitats Regulations Assessment Strategy Document (2021)  
Kelling to Lowestoft Ness – Shoreline Management Plan (August 2012)  
Norfolk Coast AONB Management Plan 2019 - 2024

**OFFICER ASSESSMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

1. Principle of development
2. Environmental Assessment
3. Scope of works
4. Impact upon the landscape character of the area and design
5. Impact on heritage assets
6. Transport
7. Residential amenity impact
8. Flood risk
9. Habitats Regulations Assessment
10. Planning balance/conclusion

**1. Principle of development**

Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk,

coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

Paragraphs 170-173 are also relevant, and make it clear that Local Plans should identify Coastal Management Areas and areas likely to be affected by physical changes to the coast and makes it clear that development in such areas would only be deemed acceptable where it can be demonstrated that;

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast

Core Strategy Policy EN 3 sets out that in the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy Policy EN 11 sets out new development will not be permitted in Coastal Erosion Constraint Areas, unless it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.

Core Strategy Policy SS 4 sets out that all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

The Council will minimise exposure of people and property to the risks of coastal erosion and flooding and will plan for a sustainable shoreline in the long-term, that balances the natural coastal processes with the environmental, social and economic needs of the area.

The proposed works relate to a section of coast subject to a Shoreline Management Plan (Policy Unit reference 6.08). The frontage is subject to a "hold the line" policy, either end (6.07 and 6.09) are subject to a no active intervention policy. The hold the line frontage is the present day policy option, and maintaining defences in the medium period. The transition of the longer term however envisages managed realignment subject to adequate mitigating social measures having been identified to limit the impact. The position of the town on the coast means a significant proportion of sediment supply for the entire shoreline management plan area could be blocked, which could accelerate erosion elsewhere, leading to more rapid loss of property and destruction of natural habitats (with particular regard to potential adverse impacts on the Winterton to horsey Dunes SAC and Great Yarmouth North Denes SPA).

It is anticipated that it is still some years before this area creates this major interruption to sediment supply, therefore maintaining the existing defences for as long as is technically acceptable and economically sustainable is appropriate while further investigations are undertaken. In the longer term, given the likely impacts to the rest of the shoreline management plan area, there may need to be a realignment and allow the cliffs to retreat in line with the shoreline either side. This would need to be considered in association with the

shoreline at Bacton Gas Terminal section and further survey work.

The main frontage is subject to a Hold the Line policy until 2055 with works required to provide repairs and proactive maintenance to sustain the performance of the coastal defences. This is sustainable in the short to medium term, to protect the assets within the settlement. Mundesley is identified as a coastal service village in the settlement hierarchy under Policy SS 1, benefitting from a range of services and facilities. The scope of the works fall broadly within the objectives of the shoreline management plan. The rock stockpile aspect to the western section has prompted concerns from Natural England on compatibility with the shoreline management plan and how these works would impact protected sites. There are ongoing discussions with Natural England over this aspect. Further options on these aspects could be explored and if required the plans amended accordingly regarding the stockpiling aspect including reducing the extent so it does not sit within the SSSI area and more details on the temporary nature of the stockpile etc.

The Mundesley frontage is very much at risk from coastal erosion should failure of the existing defences occur. Despite maintenance of them, there has been a gradual degradation of the defences from abrasion and corrosion. The works entailed in the application seek to address risks to the existing defences, and provide essential improvement and maintenance works to the existing coastal defences. The proposed works would be supportive in addressing coastal erosion processes and risks within this area and improve the protection of the cliffs during significant storms.

The works relate to repair, maintenance and new sea defence works within an area where the policy is to hold the line and protect existing properties in Mundesley, the principle of development on the Mundesley frontage is therefore acceptable, subject to adherence to the rest of the Development Plan, the provisions contained within the NPPF and any other material considerations.

## **2. Environmental Assessments**

The proposed development comprises EIA development and an Environment Statement (ES) has been submitted with the application (following earlier screening and scoping stages). Appendix A-H of the ES provides comprehensive information, identifying potential significant environmental impacts of the scheme. Adverse significant environmental effects can be reduced and mitigated where identified, with the Environmental Statement setting out the outcome of this assessment, including direct and cumulative impacts on the natural, built and human environments.

Through implementation of the mitigation measures indicated in the technical assessments above and detailed in the Environmental Statement (Volume 2) and Outline Environmental Management Plan (OEMP) (volume 3, Appendix H), no significant adverse effects are expected for Air Quality, Biodiversity, Fish and Shellfish, Commercial Fisheries, Climate Resilience, and Major Accidents and Disasters.

Not all significant adverse effects are likely to be avoided through implementation of the identified mitigation measures. There remains potential for significant adverse effects to occur for:

- Carbon during construction as construction of the Scheme would result in GHG

emissions through the embodied carbon of the materials, use of construction plant, transport of materials to site, maintenance and repair of assets and end-of-life emissions.

- Landscape and visual during construction from visibility of construction plant and equipment, storage of rocks and movement of vehicles, as well as the construction works themselves on some visual receptors.
- Materials and waste during construction as the rocks used during construction would be sourced internationally (from a Scandinavian quarry).
- Noise and vibration during Scheme from the works and from construction vibration during groyne piling activities on some receptors including some bird species in the Greater Wash SPA, however they can become habituated to the effects in the longer term.
- Population and Health during construction on some walkers and cyclists as there may be a potential temporary reduction in use and enjoyment for users of PRoWs and beach.

In addition, significant beneficial effects are expected for Coastal processes during operation, relating to the Scheme's improvements to the coastal defences.

Officers consider that the potential significant effects raised in the ES that cannot be fully mitigated against are more time limited during the construction phase (expected to last for 12 months) and mostly an unavoidable part of the construction process. The improved defences should be more robust and require less maintenance than the existing defences, including dissipating the wave energy to protect the existing defences.

The Local Planning Authority is satisfied with the assessment and mitigation. The preferred Option was shortlisted from 9 options. Option 9 was selected as the preferred option for the scheme as this approach included seawall, apron and groyne refurbishments including protecting vulnerable sections with rock armour and scour protection and the placement of rock armour along areas of the frontage. This option recognises that the most efficient long-term coastal protection is through a balanced approach between seawall and beach management. The other options were rejected on an assessment of whole-life technical, economic and environmental grounds. Sufficient mitigation for other areas covered in the assessment can be achieved through the submission of a comprehensive CEMP during the construction phase.

### **3. Scope of works**

The full extent of works is set out in the planning statement, the repair works would not require planning permission but the seawall apron, rock berm and slope protection measures would require planning permission (see Table 4.1 below).



**Table 4.1: Planning Permission Requirements**

<b>Proposed Works</b>	<b>Requirement for Planning Permission</b>
Groyne Repairs	Involves maintenance and like-for-like repairs. Works would likely not constitute development or would fall within GPDO.
Seawall Repairs	Comprises seawall repairs. Works would likely not constitute development or would fall within GPDO.
Seawall Apron	Encasement of existing apron along the horizontal surface, over the sheet pile interface and down the sheet pile to a depth below the current beach level. Planning permission required.
Rock Revetment	Introduction of rock revetment. Planning permission required.
Slope Protection	Introduction of concrete mattress. Planning permission required.
Access	Repair works would likely not constitute development or would fall within GPDO. Planning permission required for new structures.

### Groyne repairs

The eleven groynes along the frontage require ongoing maintenance to ensure their continued performance in holding the beach. The groynes consist of two types of groynes; the majority are Erpingham groynes which have supporting wings along their length with the two groynes at the frontage centre (Groyne 4 and Groyne 6) resembling more traditional straight timber groynes (potentially having been previously adapted from Erpingham groynes). The proposed repairs include the following elements:

- Replacement of abraded piles which support the walers and planks;
- Replacement of defective walers and planks (abraded, cracked, loose);
- Provision of (or replacement of existing worn) sacrificial planks on piles that are in good condition but require protection from abrasion;
- On traditional groynes, replacement of sheeter planks (vertical planks at the base of the groyne) or existing corroded steel sheet pile sheeters, with steel sheet piles where required; and
- Existing beacons for the aid of navigation at the end of groynes are also to be replaced with a monopile structure to retain the functionality in marking the ends of groynes.

The repairs to the groynes are mostly like-for-like repairs to maintain the performance of the groynes in retaining beach material. There are no proposed changes to the layouts or types of groynes (i.e. existing groynes would be retained in their Erpingham or traditional forms).

It is not expected that these repairs would significantly alter the aesthetic of the existing groynes. There are to be some enhancements to the materials used; steel sheeters would replace timber where required but these are generally at or below current beach levels. Therefore, it is considered the works that would materially change the appearance of the groynes would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall repairs

A range of seawall repairs are required where defects in the existing concrete walls are apparent. These repairs would typically require the breaking out of a patch of defective concrete and replacement with a repair mortar formed to the original geometry. Such patch repairs would be observable where the fresh mortar is located within older concrete but once weathered would become less noticeable. The proposed repairs that would materially affect the appearance of the seawalls would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall apron encasement

The seawall has an apron along its full length; this was originally constructed by installing sheet piles offset 2-3m from the seawall and backfilling with concrete. As beach levels have dropped, the apron has become increasingly exposed. Defects in the upper surface of the apron are increasingly common and exposure of the sheet piles is increasing the corrosion rate ultimately leading to damage to the sheet piles and the concrete apron.

To increase the durability of the apron, a proactive approach is being taken to encase the existing apron along the horizontal surface, over the sheet pile interface and down the sheet pile to a depth below the current beach level to protect the sheet piles from abrasion and corrosion. The upper surface of the concrete would be given a brushed finish to provide a non-slip surface; when cast it would be free from deformations.

Frontage section 2A of the seawall would include encasement of the wall and the bullnose at the crest as well as encasement of the apron. This is to match the adjacent section of wall that has previously been encased due to damage. These works require planning permission and form part of this planning application.

### Rock Berm

The Mundesley frontage already has sections of rock revetment in the east, mainly around the slipways and access slopes below the Fishermen's hardstanding and Mundesley Volunteer Inshore Lifeboat station.

Rock berm is proposed in a number of sections along the frontage, including:

- Removal of the existing rock armour and replacement with a revetment that covers the entire section of seawall between Groynes 6 (River Munn Outfall) and Groyne 7. This is to prevent the undermining of this section which has been occurring recently and also to reduce some of the over-wash that can occur in high tides resulting in flows down beach slipway increasing the beach scour.
- Rock berm in front of the steel and concrete breastwork.  
This is to stabilise the existing structure so that continued corrosion of the steelwork does not lead to a failure and exposure of the cliff toe. Additionally, the berm would restrict public access to the steelwork which in its current condition constitutes a health and safety risk to the public should it fail. The new berm also improves protection to the cliffs behind during significant storms, an effect likely to worsen owing to future sea level rise.
- Stockpile of rock along sections behind the existing timber revetment.

This is to fulfil two roles, to provide protection to vulnerable cliffs during storms when the existing timber revetment is over-washed and to provide a stockpile so that in the event of

failures in the timber revetment gaps can be filled using the rock armour available in the stockpiles. The berm structure would be formed with a flat crest (approximately 3 rocks wide) the structure would then slope down with a 1:2 slope into the beach and be embedded to allow for future beach level reduction during storms. The stockpile rock would not be embedded nor laid on a geotextile as it is required to be moved in the future. These works require planning permission and form part of this planning application.

It should be noted this stockpile may not be continuous and extent would depend on availability and quantity of rock. The extent shown on the plans is the maximum extent that would be sought but it is unlikely the stockpile would extend to the area shown on the plans but the assumption is made to ensure the impacts have been fully assessed. This extent also may not be continuous, with the rock stockpile to be constructed in the areas most vulnerable to minimise cliff loss, and is temporary. Discussions are ongoing with Natural England on these areas, so the application may be subject to some revisions to allay the concerns raised in their comments. Reducing the extent of the rockpile may also negate the need for the further details requested (SSSI Impact Assessment and assessment of changes to geomorphological processes).

### Slope protection

Behind the promenade from west of the beach café until the end of the concrete seawall, the steep cliffs are to be provided with slope protection in the form of a cellular concrete mattress. The mattresses would extend to a level approximately 5m above the level of the promenade. Where the mattress interacts with the two access ramps, the mattresses would be locally adjusted to suit the slope of the ramp.

The concrete mattress consists of concrete blocks connected by stainless steel wires to form mattresses approximately 2m by 6m. Wires are secured within a concrete beam at the top and toe of the mattress. This would leave a horizontal concrete feature along the toe and midway up the slope over the extent of the mattress. The design has minimised the surface preparation requirement to avoid destabilising the cliff. The mattresses are to be pinned with stainless steel stakes to keep them tight against the cliff face. Each concrete block has a cut-out at its centre which enables it to retain soil and be seeded so that the slope can re-vegetate. Seeding is proposed to be a local native wildflower mix that does not require maintenance owing to the steep slopes.

The slope protection would minimise the potential for wash out of the cliff face during significant storm events. These works require planning permission and form part of this planning application.

### Access

There would be no changes to access on to the promenade from Mundesley town centre, either by road or foot.

Access along the promenade would be improved at the steps below the Ship Inn. Here the lower steps have subsided and as part of the Scheme would be reset. Additional defects along the promenade surface owing to settlement or voiding would also be addressed.

The most significant change would be the area below the Ship Inn steps, which has a significant number of steps, level changes and small viewing areas. The proposal here is to infill some of the level changes to remove steps by replacing them with ramps to facilitate step free access. The steps on to the beach in this area would be extended to the new platform level to retain access.

Along the promenade to the east between the Ship Inn steps and the access slope there are a couple of existing large steps that do not comply with current standards. These steps are to be recast to provide steps that conform to the latest accessibility standards in terms of their tread and rise. Additionally, a set of steel access steps would be provided in this area. This is to provide improved and alternative access from the beach onto the promenade as this area forms part of the Norfolk Coastal Path.

To the east of the River Mun Outfall, the promenade is of a split level – a high section goes up and over a historic Anglian Water Outfall feature, though the width of the promenade is not currently suitable for an excavator. The proposed works would widen the promenade so that the promenade can be used to transit from the slipway west of the River Mun outfall to the east; this would assist future maintenance operations allowing plant to pass even during high tides.

The access works require planning permission and form part of this planning application.

#### Temporary site compound

Temporary buildings and structures are permissible under Schedule 2, Part 4, Class A of the General Permitted Development Order (GPDO) subject to limitations and conditions set out in Part A.1 and A.2. Construction works is expected to last around 12 months. The main site compound and welfare for the Mundesley Scheme will be situated in the front section of the NNDC Beach Road car park. There will also be temporary compounds and storage areas along the frontage of Mundesley.

Officers consider that the temporary buildings and structures have been adequately assessed as part of the submitted Environmental Statement and proposed conditions would secure a Construction Traffic Management Plan.

#### **4. Impact upon the landscape character of the area and design**

Policy EN 1 seeks to protect the special qualities of Areas of Outstanding Natural Beauty, with development only being permitted where it is appropriate for the area, does not detract from the special qualities of the Norfolk Coast AONB, and facilitating the delivery of AONB management plan objectives.

Mundesley and the area of the proposed works would be outside of the AONB designation that surrounds the settlement. The works entail mostly repairs with the most significant works being the rock armour along existing defences. As such the impact to this designation would be negligible (including views towards and from the designated area) and would not affect the special qualities of the AONB.

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape

Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas. Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The proposal would entail visual changes in the area, notably the revetment and slope protection works. This would impact the character and introduce a more engineered appearance looking towards the town and cliffs from the beach. It is recognised the revetment would be placed alongside the existing defences as noted in the supporting documentation.

The Mundesley frontage already has sections of rock revetment in the east, mainly around the slipways and access slopes below the Fishermen's hardstanding and Mundesley Volunteer Inshore Lifeboat station. A new rock revetment is proposed between groynes 6 and 7. A rock toe berm is to be formed to support and prevent undermining of the existing steel frame and concrete block defence to the northwest of the Mundesley seawall and promenade. The proposed rock stockpile would be further west and this would sit alongside the timber revetment. The defences are not dissimilar to some of the defences in the town already, but on a larger scale, with similar defence schemes along the coast including at Sheringham and proposed at Cromer. It is noted the beach is currently at a higher level than usual, so some of the existing defence structures are currently covered by beach material obscuring their view. This would erode naturally and the beach level would drop over the winter, should this remain at an elevated level when works start, additional excavation may be required to place these by the base of the existing structures.

The cellular concrete mattress proposed to be installed would extend to a level of 5m above the level of the top of the wall at the back of the promenade. The concrete blocks have cut-outs at the centre, enabling them to retain soil so the slope can re-vegetate. This should provide some mitigation against the more engineered appearance of the slope during the summer months, but during the winter months the vegetation coverage would die back resulting in some exposure of the concrete blocks. The nature of the slope would be significantly altered from the slope protection works, it is recognised such works are required to protect the slope and amenity land and properties. The design ensures that when revegetated, there would be sufficient coverage to mitigate against this engineering.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies EN 1, EN 2 and EN 4

## **5. Impact on heritage assets**

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full

conformity with the guidance contained in the latest version of the National Planning Policy Framework (September 2023). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF state that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

As set out in the conservation officer comments the proposed works would not result in lasting harm to the overall significance of designated heritage assets, these include the Mundesley Conservation Area and four Grade II listed buildings comprising The Dell, Brick Kiln, Church of All Saints, and Cowper House.

The heritage statement acknowledges that the proposed scheme has the potential to temporarily alter the setting of heritage assets but that it would cause no lasting impact to it. The proposed sea defences are in the context of the existing structures and would not alter any important historic views to the extent that the heritage interest of Mundesley Conservation Area is diminished. The listed buildings would not be directly impacted from the proposals. The proposed scheme would also provide some positive impacts on designated and non-designated heritage assets as the coastal erosion protection provided would minimise potential damage to these assets caused by coastal erosion. The conservation team concurs there would no lasting harm to designated assets.

Officers concur with the findings of the heritage statement, and comments from the conservation team. Much of the beach frontage has a functional and protective quality. Even if it were considered that the proposed works result in harm to designated heritage assets, such harm would be at the lower end of "less than substantial" and only modest public benefit would be required to outweigh this harm.

Officers consider that the proposals would accord with the aims of Core Strategy policy EN 8 and the provisions within Chapter 16 of the NPPF.

## **6. Transport**

The submitted transport assessment concludes that the proposals would not have a severe impact on the local highway network. There would be two access routes to be used by construction vehicles for the scheme. The Transport Assessment considered a worst-case

scenario, based on Central Rhyl coastal defences scheme for traffic flow estimates (which were compatible nature of works). From the trip generation in the case of Rhyl (which would be a worst-case scenario on the trip generation expected for Cromer), this could require 32 two-way HGV vehicles to access the site and typically 45 contractor staff vehicles each day.

It was observed that there was not excessive queueing or flows along the highway network during the AM or PM peak periods. The additional traffic flows generated by the development proposals are not considered to severely increase flows on the local highway network, nor result in a severe worsening in the operation of the local highway network during the schemes construction.

The comments raised by a member of the public are noted regarding inaccuracies in the transport assessment, most notable around the speed limits for the roads as some are incorrect. However, NCC Highways have raised no objection to the proposed works, noting that, although these essential works would significantly increase local HGV traffic movements, these would be of a temporary nature. No concerns were raised by NCC Highways regarding capacity issues on the local highway network or any highways safety impacts resulting from the additional traffic movements during the construction phase. Conditions are recommended should permission be granted..

It should also be noted, as set out in the supporting documentation, aspects of the works would be subject to sea transport, with the rocks being delivered to Mundesley on barges for the proposed revetment works. Full details of this would be outlined in a Construction Environmental Management Plan (CEMP).

Concerns have been raised over access to coastal paths and routes between the town and frontage, whereby separate permissions would be required for closures and diversions. In this case, no permanent path closures are envisaged during construction works. It should also be noted that the proposed works would improve the accessibility along the promenade, with infilling of some of the level changes, and removing steps with ramps, and recasting steps.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies CT 5 and CT 6.

## **7. Residential amenity impact**

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The proposed works have the potential to impact nearby residential receptors during the construction phase. Particularly through increased road traffic, excavation works and presence of construction vehicles and equipment. This would result in effects including dust, noise, vibration and visual issues. These effects are noted in the environment statement and, as set out, the works would be subject to compliance with a finalised CEMP which would be conditioned to mitigate and, as far as reasonably practical, reduce some of these impacts and disturbance to nearby receptors. As noted in the Environmental Health comments, there is some discrepancy in the proposed working hours and these would need to be set out in a finalised CEMP.

Whilst there will inevitably be some short-term impacts during construction, it should also be recognised that nearby receptors to the defence works stand to benefit the most from the proposed works by protecting properties on the Mundesley frontage.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policy EN 4

## **8. Flood Risk**

The development site lies within Flood Zones 2 and 3 as defined by the Environment Agency. Such development should be supported by a Site Specific Flood Risk Assessment (FRA) in line with the requirements set out within Core Strategy Policy EN 10 and Chapter 14 of the NPPF.

No FRA has been submitted with this application which conflicts with the above requirements. However, the development relates to coastal sea defences, reinforcing and enhancing the existing defences which is in line with the policies in the Shoreline Management Plan to support holding the line. The defences would protect business and properties in the town from coastal erosion, and this is considered a sustainable option in the current SMP. Therefore, whilst the appropriate supporting documents have not been provided as part of this application, in this instance, for the reasons set out above, the impacts have been assessed across the wider coastal area covered by the SMP and its adoption.

### Works affecting the River Mun

The Environmental Statement (ES) (volume 2) – “Works on timber groynes may increase risk of damage to the Main River Mun outfall located alongside an existing groyne. This may lead to increased fluvial flood risk if the outfall is damaged or blocked”.

The ES (VOL. 2) states this would be mitigated as construction and maintenance activities should take extreme care when undertaking works to the timber groynes and avoid any interaction with outfalls. Therefore, eel passage into the River Mun should not be impacted as there would be no change to the outfall.

The ES (VOL. 2) also states “works will be restricted to when tidal waters start to recede to minimise interaction with fish and limits the chance of sediments causing significant turbidity and introduction of noise energy likely to impact fish movement or spawning”.

The Environment Agency is satisfied these mitigation measure are appropriate and effectively reduces the risks to the River Mun.

On balance, Officers consider that the proposal would not give rise to significant adverse impacts from flooding and, subject to the imposition of conditions, would accord with the aims of Core Strategy policy EN 10.

## **9. Habitats Regulations Assessment**

The applicant has undertaken an appropriate assessments of the proposals (December 2022,



Mott MacDonald), in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

The HRA has considered that the proposed works would not have any adverse effects on the overall integrity of the designated sites and their features either alone, or in-combination. This is due to the nature of the works themselves and also the mitigation measures outlined in the report, and subject to the submission of a CEMP to minimise the impacts from the proposed works.

Natural England (NE) have provided a combined response for both Mundesley and Cromer defence works and has a holding objection on the works based on insufficient information citing this could have potentially significant effects on protected designated sites. NE broadly concurs with the submitted details and mitigations in the submitted HRA but concerns have been raised.

NE has expressed a view that no rock armour should be placed within the Overstrand Cliff SAC boundary, with further assessments required on how the project would impact the geomorphological processes and how this would impact features of the designated sites. The design shows the stockpile extending 169m into the boundary around 2.6% of the SSSI frontage. This also crosses the transition between Hold the Line and No Active Intervention. Replacing the defence behind the breakwater could conflict with the long-term Shoreline Management Plan (SMP) policy to allow the cliffs to retreat.

NE have indicated that the existing Mundesley defences are already deemed to be having a likely significant effect on the Winterton-Horsey Dunes SAC and have suggested that further restriction in sediment supply could increase that impact.

Ongoing monitoring and assessment would also be required to review the response of coastal processes to the defences, and associated impacts on designated sites downdrift.

Additionally, concerns have been raised over the proposed use of wildflower mix with the preference from NE for such area to be left to colonise naturally. This is noted but further details of this mix and protections against Invasive and Non-Native Species (INNS) can be secured through the Biosecurity Risk Assessment to mitigate against this risk. Furthermore such mixes have been used on previous schemes and the wildflower seeds used are local mixes suitable for cliffs.

As noted, discussions are ongoing with Natural England with particular regard to the stockpile and may be subject to revisions or further details to submit to the statutory consultee over this issue. Following overcoming this issue and no objection from Natural England, any decision would be subject to conditions including biosecurity risk assessment, construction management plan and adherence to measures outlined in the habitats regulations assessment.

## **10. Planning balance/conclusion**

The principle for sea defence works along this section of coastline is supported by the Local Plan, Shoreline Management Plan and provisions within the NPPF, as the works would protect existing properties in Mundesley.

Officers recognise that aspects of the proposed works would have a notable visual impact on the character of the frontage and would result in a more engineered appearance.

Subject to resolving the outstanding matters raised by Natural England, the proposal, as a whole, would accord with the aims of Development Plan policies. Where conflicts with Development Plan policies arise, those conflicts are considered to be outweighed by the public benefits associated with the proposal including the longer term protection of Mundesley from coastal erosion impacts.

## **RECOMMENDATION:**

### **DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR - PLANNING SUBJECT TO:**

- 1. Satisfactory resolution of the outstanding concerns regarding proposed rock stockpiling raised by Natural England; and**
- 2. The imposition of conditions listed below and any others considered necessary by the Assistant Director of Planning:**

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Documents

Planning Statement, received 25 April 2023

Design and Access Statement, received 25 April 2023

Buildability Statement, received 25 April 2023

Volume 1: Non-Technical Summary, December 2022, received 25 April 2023

Volume 2: Environment Statement, June 2023, received 6 June 2023

Volume 3: Appendix A - Dust Risk Assessment, December 2022, received 25 April 2023

Volume 3: Appendix B - Heritage Statement, December 2022, received 25 April 2023

Volume 3: Appendix C - Water Framework Directive (WFD) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix D - Habitats Regulations Assessment, December 2022, received 25 April 2023

Volume 3: Appendix E - Marine Conservation Zone (MCZ) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix F - Transport Assessment, December 2022, and associated appendices A (MCC data) and B (traffic flow diagram) received 6 June 2023

Volume 3: Appendix G - Terrestrial Habitat and Botanical Walkover Survey Report, December 2022, received 25 April 2023

Volume 3: Appendix H - Outline Environmental Management Plan, June 2023, received 6 June 2023

Appendix C: Vehicle Swept Paths, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1010 P01, received 6 June 2023

Appendix D: Visibility Splays, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1015 P01, received 6 June 2023

## Plans

General Arrangement Plan, Sheet 01 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1020 C01, received 17 May 2023

General Arrangement Plan, Sheet 02 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1021 C01, received 17 May 2023

General Arrangement Plan, Sheet 03 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1022 C01, received 17 May 2023

General Arrangement Plan, Sheet 04 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1023 C02, received 17 May 2023

Groyne Repairs, Sheet 01 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1200 C02, received 17 May 2023

Groyne Repairs, Sheet 02 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1201 C01, received 17 May 2023

Groyne Repairs, Sheet 04 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1203 C02, received 17 May 2023

Groyne Repairs, Sheet 05 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1204 C02, received 17 May 2023

Mundesley Ramp Widening, Sheet 01 of 02, drawing no. 102438-MMD-MN-XX-DR-C-1120 C02, received 17 May 2023

Mundesley Ramp Widening, Sheet 02 of 02, drawing no. 102438-MMD-MN-XX-DR-C-1121 C02, received 17 May 2023

Navigation Beacon, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1205 C01, received , received 17 May 2023

Rock Armour Sections, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1300 C01, received 17 May 2023

Rock Armour Sections, Sheet 02 of 02, drawing no. 102438-MMD-MN-DR-C-1301 C02, received 17 May 2023

Seawall Encasement Details, Sheet 01 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1100 C02, received 17 May 2023

Seawall Encasement Details, Sheet 02 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1101 C01, received 17 May 2023

Seawall Encasement Details, Sheet 03 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1102 C01, received 17 May 2023

Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1002 C03, received 5 June 2023

Site Location Plan, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-T-1001 P03, received 17 May 2023

Site Plan Proposed, Sheet 01 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1051 P02, received 17 May 2023

Site Plan Proposed, Sheet 02 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1052 P02, received 17 May 2023

Site Plan Proposed, Sheet 03 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1053 P03, received 17 May 2023

Site Plan Proposed, Sheet 04 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1054 P01, received 17 May 2023

Site Plan Proposed, Sheet 05 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1055 P01, received 17 May 2023

Site Plan Proposed, Sheet 06 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1056 P01, received 17 May 2023

Site Plan Proposed, Sheet 07 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1057 P01, received 17 May 2023

Slope Protection, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1150 C02, received 17 May 2023

Steel Access Steps, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1032 C01, received 17 May 2023

Typical Examples of Seawall Repairs, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1110 C02, received 17 May 2023

Reason:

For the avoidance of doubt

3. Prior to the commencement of works a Biosecurity Risk Assessment shall be produced and enacted for the project, setting out preventative and avoidance measures for the spread and introduction of Invasive and Non-Native Species (INNS). Any mitigation measures outlined in the Biosecurity Risk Assessment shall be incorporated into the Construction Environmental Management Plan required by Condition 4.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when special ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

5. Throughout the development, where noise limits have the potential to be exceeded or construction works are to take place outside of the agreed hours specified with the Construction Environmental Management Plan, alternative methods will be considered and specific mitigations agreed in conjunction with North Norfolk District Council. This may include application under Section 61 of the Control of Pollution Act 1974.

Reason:

In accordance with the requirements of Policy EN 4 of the National Planning Policy Framework and paragraph 130 of the National Planning Policy Framework in the interests of protecting nearby residential amenity.

6. The works shall be undertaken in strict accordance with the mitigation measures outlined in the Habitats Risk Assessment (Volume 3: Appendix D - Habitats Regulations Assessment, Mott Macdonald dated December 2022) and the Habitats Regulations Assessment (Volume 2: Environment Statement, June 2023, received 9 June 2023)

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

7. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with the construction period of the development.

8. Prior to the commencement of any works a Construction Traffic Management Plan (and Access Route) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

9. The concrete outfall structure (known as the Mun Outfall) will not be damaged or at any point obstructed from outflowing water from either the screen at the tidal end TG 31669 36619 or the flapped outfalls in the seawall TG 31657 36601.

Reason for Condition

To prevent damage to the River Mun Outfall in accordance with Policies EN 9 and EN 10 of the adopted North Norfolk Core Strategy.

#### **Applicant Notes and Informatives:**

- 1) The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).

**Final wording of conditions to be delegated to the Assistant Director – Planning.**