
Report to: Planning Committee **Date of Meeting:** 29 June 2011

Subject: **S/2011/0242**
Hightown Dune Restoration Project
between Crosby Marine Lake and Blundellsands Sailing Club Thornbeck
Avenue, Hightown

Proposal: Hightown Dune Restoration Project comprising:

1. The reduction in height and extent of mobile sand dunes at Crosby through the removal of up to 30,000 cubic metres of sand.
2. The transport of the removed sand along a temporary haulage route to Hightown.
3. The placement of transported sand to reinforce the existing sand dunes at Hightown to their 1979 seaward extent.
4. The removal of the existing hard defence at Blundellsands Sailing Club and its replacement with a new revetment structure.
5. The placing of a rock armour groyne to the North of the Hightown frontage.

Applicant: Mr Graham Lymbery

Agent: MEAS

Report of: Head of Planning Service

Wards Affected: (Church Ward)

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential

No

Recommendation(s)

Delegate to Head of Planning Services to approve subject to confirmation of the view of Natural England as explained in the report.

Reasons for the Recommendation:

As the fundamental aim of the project is to improve coastal defence and overcome dune erosion in Hightown the proposal is acceptable. The Environmental Impact Assessment examines in detail the environmental impact that the proposal will have on the ecology of the site area and it is believed that there will be no long term significant effect therefore the proposal complies with policies CP1, 2 and 3, NC1, 2 and 3, G7, G1 to G5, GBC2, CS2 and 3 of the adopted UDP

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

Contact Officer: **Mrs S Tyldesley** Telephone 0151 934 3569
Case Officer: **Mandy Biagetti** Telephone 0151 934 4313

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

The proposal covers approximately 13 hectares along the coast between Crosby and Hightown. This area has significant nature conservation value and is important for tourism and recreation.

The area also hosts rare and protected species, habitats and historic features, most notably the 'preserved forest' and the remains of Fort Crosby.

The site is relatively open with few buildings and very little housing in close proximity to the working areas. However, important infrastructure is located nearby the working areas, including drainage pumping stations, roads, footpaths, coastguard station and railway line.

Proposal

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History

S/2010/0744 Siting of permanent lifeguard cabin in the car park on Crosby Promenade.
Approved 05/08/2010

S/2010/0247 Remodelling and extending of the existing practice area. Including new putting/practice green and re-profiling. Refused 10/05/2010

S/2008/0415 Re-location of 3 no. statues and installation of 13 no. safety markers.
Approved 11/07/2008

S/2007/0799 Retention of re-shaped sand dunes in the South West corner of practice grounds. Approved 17/10/2007

S/2007/0031 Permanent retention of Antony Gormleys 'Another Place' art installation.
Approved 08/03/2007

S/2006/0441 Erection of screening building within a re-profiled sand dune. Approved 24/08/2006

S/2005/0164 Installation of 'Another Place' by Antony Gormley comprising 100 cast iron statues. Approved 20/05/2005

S/2000/0773 Demolition of the existing swimming pool and toilet block and erection of a new leisure centre. Approved 18/01/2001.

Consultations

Highways Department Control - Main issue is the conflict between the general public using the area for extraction and transportation of the sand and as such a robust traffic management system would be required. There are no objections to the proposal and there are no highway safety implications subject to a condition requiring a construction management plan is attached and a suitable scheme agreed.

Head of Service (Environment) - A number of standard conditions required, including Construction Environmental Management Plan.

A fully revised phase 1 study will not be required. However, we advise that

- an updated walkover survey should be undertaken.
- scale site plan showing the sampling locations should be provided.
- Radiological Protection Supervisor should be on site.
- Submission of a site investigation report.
- We advise that clear scale site plans showing the proposed sampling locations will need to be submitted to confirm that they are not within areas of Japanese Knotweed or other ecological constraints.

Merseyside Environmental Advisory Service

Number of areas where clarification is required to enable the Council to form a view on the environmental impacts and benefits of the proposals. These areas include: definition of the project; policy appraisal; impact identification and quantification singularly, together with cumulative and in-combination impacts.

MEAS advise that the applicant submits and Addendum to the ES containing the necessary additional information required. It is likely that the conclusions of the Environmental Statement would be acceptable in terms of overall impacts. It is also highly likely that the Council will be in a position to adopt the HRA Screening Report and meet its responsibilities under the Habitat Regulations.

FURTHER COMMENTS ON THE ADDENDUM RECONSULTED 1ST JUNE 2011

The issues which need to be taken into account and included in the committee report are; The three test assessment for European protected species as required under the Habitats Regulations 2010 and Policy Analysis.

The tree tests are:

Test 1: Regulation 53(2)(e): "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"

The Hightown Dunes Restoration Scheme has two objectives 1) to protect Hightown from flood risk and 2) to restore dune habitat and bring it into conservation management. The proposal demonstrates the need and importance of reducing flood risk to the residents of Hightown.

This test has been satisfied.

Test 2: Regulation 53(9)(a): “that there is no satisfactory alternative”

The proposed scheme can only be undertaken at Hightown; alternative ways of delivering the level of flood protection and habitat management were explored through the higher level Crosby to Formby Point Coastal Defence Strategy. The current proposals have been widely consulted on over a period of time. As a result of those consultations, revisions were made to protect sand lizard habitat, provide additional habitats for sand lizard and natterjack toad and deliver improved management.

This test has been satisfied.

Test 3: Regulation 53(9)(b): “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”

The proposals include provision for protection of sand lizards, natterjack toads and their habitats; the work is taking place at a suitable time of year when the animals are active; suitably experienced and licensed personnel have undertaken additional survey and review of the proposals to ensure that impacts to both species are avoided and identified suitable locations for beneficial habitat management to secure the range of the species at Hightown. These elements are included within a suite of mitigation measures that are to be secured by planning condition.

This test has been satisfied.

Natural England’s view is expected imminently and the Council’s assessment can then be completed. Planning permission may be granted even with a negative three test assessment, providing that test 3 has been satisfied.

Environment Agency -

No objection in principle but following comments made;

Contaminated Land

A site investigation will be required by condition to assess the presence of tin slag and advise on necessary precautions for site workers. A specialist contractor with experience of contaminated land assessments and radiological surveying should be used. The haul route lies on a secondary aquifer and testing will be required to determine the risk to this water body.

Planning Conditions recommended and necessary permits advised.

Natural England – Key areas of consideration:

a) Conservation of Habitats and Species Regulations 2010 (Habitats Regulations)

Details regulation 61 requirements of the above regulations to make appropriate assessment of the implications for the site in view of its conservation objectives. Further information is required to fully consider the regulation 61 which the applicant is compiling for submission.

b) Wildlife and Countryside Act 1981, as amended

Site is partly within the SSSI, response of NE under Article 10 of the TCP and section 28 Wildlife and Countryside Act 1981. Further information is required by NE relocation of

sand lizards and technical changes to the language in the report. NE are satisfied that the proposal does not have any significant impacts upon any other protected area of interest.

c) Removal of sand from dunes at Crosby

Suggested scrapping and replacement of plant material on bare dunes after project completion.

d) Protected species

Sand lizards and natterjack toads are present in this project area. The presence of such species is a material planning consideration by virtue of Circular 06/2005 which accompanies PPS9 Biodiversity and Geological Conservation. Advice regarding appropriate licences applicants requires also provided.

e) Landscape

Awaiting final comments on addendum to Environmental Statement and revised Habitat Regulations Screening Report. Verbal reports from NE indicate that there are no fundamental issues with either the statement of report and the necessary protection and mitigation can be achieved through condition.

Maritime and Coastguard Agency - The EIA does not appear to consider or describe adequately the sediment budget or sediment transport processes with regard to potential effects on maintenance dredging in the Crosby Channel, or navigation of the River Alt. If work has been done on this topic, analysis must be presented and considered as part of the EIA. Furthermore, formal notice and application for consent from the Acting Conservator of the River Mersey in accordance with 1842 Act for Better Preserving the Navigation of the River Mersey is required.

Lancashire Wildlife Trust - The Wildlife Trust acknowledges the requirement for the coastal defence works at Hightown and does not object to these proposals. However, concerns regarding content of the Environmental Statement not been sufficient to mitigate or compensate all adverse impacts. Although the rear dunes have no statutory designation, they support internationally important mobile dune habitat. Concerns that the Environmental Statement dismissed the option of using the sand from the frontal dunes too lightly. Concerns that lowering the rear dunes will exacerbate the issue of their function as a sand trap. Listed suggested mitigation factors regarding Crosby frontal dunes, rear dunes, Hightown haul route, Shingle and Sand Lizards.

Neighbour Representations

Last date for replies: 30 March 2011-05-24

Responses from:

13 North Dunes, Hightown

16 Bankside, Hightown

6 Adelaide Terrace, Waterloo

42 Endsleigh Road, Brighton-le-Sands

34 Endsleigh Road, Brighton-le-Sands

14 Endsleigh Road, Brighton-le-Sands

12 Beach Lawn, Waterloo

14 Adelaide Terrace, Waterloo

23 Burbo Mansions, Burbo Bank Road South, Blundellsands

Lease and asset holder of the Crosby Leisure Centre

11 Station Road, Hesketh Bank

- Welcome proposals as plans go a long way to meeting concerns of residents
- Concern that proposal will deprive this area (Waterloo) of defences against the sea
- Happy to see the sand dunes outside Endsleigh Road reduced by at least half
- Where is the 'mobile' sand? Is it seaside or park side of the sea wall. Wind blown sand was mounded during the construction of underground sewage plant and during 2006/07 blew and covered Endsleigh Road and then further sand had to be imported from Preston to cover the underground sewage plant.
- Why is contaminated sand ok for High Town but not for Waterloo (re.the coverage of sewage site)
- The area of sand parallel with Endsleigh Road is the worst area of sand blow and should be the first to be removed.
- The view of the dunes shown along the coast does not reflect the true situation.
- Only matter of time before gardens in Endsleigh Road are overwhelmed by the dunes
- Taking the sand from the dunes closest to Endsleigh Road first would leave rest of the sand 0.5m higher and reduce carbon consumption
- The dunes (Waterloo) protect the parkland and lower vulnerable houses from flooding.
- Reduction in dunes may increase flooding, coastal erosion, have an impact on stability and drainage of the land, integrity and condition of local buildings.
- Very supportive of project but request that the Council consider the removal of the Dune adjacent to Crosby Leisure Centre to help enhance the area and reduce the volume of windblown sand to the Centre and residents. It would be useful if clean up of the area to mitigate the effect of windblown sand. The use of maram grass in the areas where sand is removed seems a sound strategy. Could the Council consider longer term windblown sand strategy.
- If Hightown's and Crosby's coastal and dune issues are not resolved through this application how will Sefton be able to fund further improvements in the future?
- Have Councillors created this problem by giving planning so close to high tide line. Could the outfall pipes be part of the problem by creating eddy currents by creating, uplifting, whirlpooling and moving sand. Could Mersey tidal energy project effect this area?
- Questions about detail and cost.

Policy

PPS23 – Planning and Pollution Control

The application site is situated in an area allocated as on the Council's Adopted Unitary Development Plan.

CPZ1 , 2 ,3	Coastal Planning Zone
CPZ4	Coastal Park
NC1	Site of Local Biological or Geological Interest and Local Nature
NC2	Protection of Species
NC3	Habitat Protection, creation and management
G7	Strategic Path
G1 – G5	Urban Greenspace
GBC2	Green Belt

CS2 Restraint on Development and Protection of Environmental Assets
CS3 Development Principles

Comments

This proposal incorporates both improvement to sea defences in Hightown and management of the dunes in Crosby.

The project involves the movement of 30,000 cubic metres of sand from the dunes in Crosby and transporting the sand along a temporary haul route across the beach and along the coastal path to Hightown to restore dune habitat and bring it into conservation management. The dune reinstatement will involve placing sand against the existing seaward dune face. This will move the dune toe seaward to the approximate location it occupied 30 years ago.

The application also proposes the construction of a revetment sea wall in Hightown. This is at the front of the Blundellsands Sailing Club and will replace the current sea defence. The sloping revetment will be 115m long and 4.2 m from toe to crest. The crest will then be topped with a trief kerb, rising to 7.2 metres high. The new construction will not encroach on the foreshore beyond the line of the existing defence and will not replace the full length of the existing defence to the South. The area where the existing wall has been removed and not reconstructed will be removed and overlain by the dune replenishment.

The key issues in this case concern

1. The impact of the proposals on nature conservation interests in the context of the many nature conservation designations in the area
2. The impact of proposals on the coastal planning zone in terms of the need for the development to protect from coastal erosion and the impact of the proposals on the character and visual amenity of the area. Also consideration of other relevant UDP planning policies.
3. Impact on residential amenity
4. Traffic and access
5. Other planning considerations including greenspace and Green Belt

The application is accompanied by detailed survey information and other reports. An Environmental Impact Assessment (EIA) has been submitted and an Appropriate Assessment under the Habitats Regulations (HRA) has been undertaken. The EIA and HRA legislation enables multiple environmental factors to be considered in a comprehensive way supporting the determination of the planning application.

1. Nature Conservation Issues

Habitats Regulations

The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) require local authorities, including local planning authorities, to have regard to the

requirements of the Habitats Directive in exercising any of their functions. Local authorities are identified as Competent authorities under the Habitats Regulations.

There are special provisions for local planning authorities set out in Part 6 of the Habitats Regulations. In this case, Regulations 61, 62, 65 and 68 apply. The effect of these regulations is to ensure that any grant of planning permission would not result in adverse effects on the integrity of the European sites. The first stage is to screen the Scheme for “likely significant effects”. If there are “likely significant effects” then the next stage is to undertake an “appropriate assessment”. If there are no “likely significant effects” then the local planning authority may proceed to determine the application.

The applicant has submitted an updated Habitats Regulations Assessment Screening Report, on which Natural England and MEAS have been consulted. The updated report takes into account earlier consultation comments and the scheme has been revised to avoid likely significant effects on the European sites.

The three test assessment for European protected species has been considered by both MEAS and Natural England. The three tests are set out in Regulation 53 and consider,

- 1) preserving public health or safety with regards to overriding public interest of a social or economic nature. This proposal demonstrates the need and importance of reducing flood risk to the residents of Hightown. This test is considered to be satisfied by MEAS
- 2) that this is no satisfactory alternative. The proposed scheme can only be undertaken at Hightown. The current proposals for delivery have been widely consulted on and revisions have been made to protect habitats. This test is considered to be satisfied by MEAS.
- 3) the action will not be detrimental to the maintenance of the population of the species. The proposal includes provision of protection for sand lizards, natterjack toads and their habitats. This test is considered to be satisfied by MEAS.

Designations and UDP Policies

The site is subject to a number of designations as listed below;

- Special protection area
- Special area of conservation
- Ramsar site
- Site of special scientific interest
- National nature reserve
- Local nature reserve
- Local wildlife site
- Coastal Park and planning zone

Protected Species

- Sand Lizard
- Natterjack Toad

Chapter five of the Environmental Statement as part of the EIA has regard to the impact on the species and designated areas above. The chapter contains information drawn from a detailed desk study and a habitat survey undertaken in 2009.

The adopted UDP has three key nature conservation policies, NC1, Site Protection, NC2, Protection of Species and NC3 Habitat Protection.

The various species and designations will be affected differently by the planned activities, ranging from sand sourcing to the construction of the revetment. The ecological impacts associated with the scheme can be divided into those which are temporary and associated with the scheme's implementation, and those which are longer term and associated with the development itself.

Temporary Effects

The temporary effects of the scheme are those associated with the presence and operation of machinery and vehicles, together with the establishment of site compounds and temporary haulage route. This includes the disturbance of wildlife and habitats, particularly at Crosby where sand will be taken from dune habitats. Precautionary surveys will be undertaken before work commences and working methods adapted. This will be a part of the construction environmental management plan which is required by condition

Along the temporary haulage route, effects are from the movement of vehicles and the physical footprint of the route itself. The non-technical summary in the environmental statement states that the haulage route has been carefully planned to avoid sensitive ecological features.

At Hightown, because operations take place along the shoreline, some disturbance to overwintering birds is likely, particularly as the works are scheduled to take place at a time when the migratory bird populations will be present for the Winter. The environmental statement states that efforts will be made to conduct the work in a sensitive way. This will be managed through the construction environmental management plan, required by condition. The site will also be reinstated so there should not be any ongoing effects. The disturbance of over-wintering birds has been a matter of careful consideration by Natural England. Natural England has verbally advised that the proposed revision in the addendum and revised Habitats Regulations Screening Report ensures that although the birds will be disturbed the proposal will have no likely significant effect. Although Natural England have not formally issued their response to the addendum and revised H.R screening report officers are assured by the verbal response from NE that they do not foresee any fundamental objection.

The Long Term Effects

The longer term effects will occur at Crosby from the reduced dune profiles and a more mosaic patchwork of dune and grassland. This change is one of character, but, in terms of the value, these different habitat types are recognised as being equivalent.

The longer term effects at Hightown are largely positive, as additional dune habitat will be created and the scheme as a whole will prevent further degradation. The restored dunes will be protected initially through a biodegradable mesh cover which will remain in place whilst planting takes place.

The ecological issues associated with the scheme are complex and varied and are set out in detail in the Environmental Statement and addendum which concludes that the proposed scheme will result in very minor changes to the distribution and extent of the designated habitats. It states that these changes are not considered significant. MEAS have identified that the further information provided in the addendum to the EIA has satisfied the three test assessment required by Regulation 53 set out in the Habitats Regulations. MEAS have also confirmed that the submitted Habitats Regulations

Assessment Screening Report, with additional information is of sufficient content for the Council to adopt it as the Competent Authority's Screening Report. Furthermore, MEAS have concluded that no "appropriate assessment" is required to be made under Regulations 61 and 62 of the Conservation (Natural Habitats & c.) Regulations 2010 as amended before the Council decides to give any permission for this project.

Relevant Planning Policies

The scheme meets the requirements of policy NC1 for International and National designated sites for the reasons set out in the Habitats Regulations Assessment Screening Report. The locally designated sites the range of impacts have been kept to a minimum through careful design and planned implementation. The proposed mitigation and compensation elements will be secured through planning conditions.

Policy NC2 is concerned with the protection of species, which includes European and UK protected species, and Species of Principal Importance under the Natural Environment and Rural Communities Act 2006. A three-test assessment for European protected species has been prepared. The Environmental Statement and Additional Information report considered all protected species and impacts for each has been sufficiently assessed. There are adverse impacts to some protected species and in line with policy NC2, a range of mitigation and compensatory measures have been put forward. These will be secured through planning conditions.

Policy NC3 is concerned with habitat protection, creation and management, which includes UK Biodiversity Action Plan priority habitats and Habitats of Principal Importance under the Natural Environment and Rural Communities Act 2006. The Environmental Statement and Additional Information report considered all habitats and the impacts on each has been sufficiently assessed. A range of mitigation and compensatory measures have been put forward. These will be secured by planning condition.

2. Impact on the coastal planning zone and other relevant UDP Policies

The project falls within the coastal planning zone. Therefore it is subject to consideration of policies CPZ1, 2 and 3 of the adopted UDP. The policies are supportive of development which improves coastal defence and addresses coastal erosion. As the fundamental aim of the project is to improve coastal defence and overcome dune erosion in Hightown the proposal is acceptable. The Environmental Impact Assessment examines in detail the environmental impact that the proposal will have on the ecology of the site area and it is believed that there will be no long term significant effect therefore the proposal complies with policies CP1, 2 and 3 of the UDP.

CS2 Restraint on Development and Protection of Environmental Assets
CS3 Development Principles

Policies CS2 and CS3 discuss the general principles of development. Policy CS2 emphasises resistance against development which would damage the Green Belt, coastal ecology, natural sea defence, site and species of nature conservation and urban greenspace. All features present within the proposed site. Policy CS3 focus' on issues such as adverse impact on character, amenity and flooding issues. These are issues the proposal raises, some residents have objected that the alteration to the Dunes in Crosby will affect the views and character of the area and increase the risk of flooding in Crosby.

The consultees are satisfied with the Habitats Regulations Screening Report and the Environmental Statement with addendum it is considered that the ecological issues raised by policy CS2 have been satisfied. Regarding the change of character, the environmental statement sets out that the sand removed from the dune structure in Crosby to support reconstruction in Hightown has the added benefit of halting encroachment of the dunes in Crosby, a particular concern of the residents in Endsleigh Road. The increase in the flood risk of the alteration of the dune structure is regarded as negligible. Therefore it is considered that the proposal is compliant with policy CS3.

Other Relevant UDP Policies

G7 Strategic Path

The Crosby to Crossens coastal path runs through the site and the planned temporary haul route is close to this path. The UDP policy states that development that would make it difficult to establish or retain a strategic path would not be permitted. The proposed temporary haul route is not a short period of time and should not render the coastal path unusable. As the proposal has no significant effect on the coastal path in the long term the proposal complies with policy G7.

G1 – G5 Urban Greenspace

The objectives of these policies are to protect and improve urban greenspaces within the urban area and to enhance the opportunities for countryside recreation in Sefton. As the proposal is temporary and will not create any permanent change to the urban greenspace it is compliant with UDP policies G1, G2, G3, G4 and G5.

GBC2 Green Belt

As the proposal is temporary in nature it doesn't have any adverse impact on the openness of the greenbelt and therefore the proposal complies with policy GBC2.

3. Residential amenity

The residents of Hightown are supportive of the proposal. The residents of Waterloo have varied comments in relation to the scheme. The greatest area of concern appears to be from the residents in Endsleigh Road who feel most at risk from encroachment of the dunes. These residents have expressed concern that the plan which shows the areas of extraction identifies areas 4 and 5 as a reserve area of sand. It is not expected by the applicant that this sand will be required to be used in Hightown. The applicant has indicated that it would be their intention to redistribute the sand in the reserve area 4 and 5 across the areas 1, 2, 3, 7, 8 and 9. This should meet some of the concerns of the residents. Unfortunately the future management of the dunes and windblown sand in this area are not a material consideration for the determination of this application. However a condition is attached to require details of the reinstatement of the dunes in the Crosby area and details of how the removed and stored dune vegetation will be reintroduced. This vegetation should help overcome the issues of blown sand and help secure the newly created dune profile.

4. Highways, access and Safety of Public

Safety of public with regard to traffic movement along the haul route

The public consultation and highways development control have raised issues relating to the management and safe movement of traffic along the haul route, especially at the point where the haul route crosses foot and cycle paths such as the sustrans regional

cycle network and the Sefton coastal footpath. A robust traffic management system will be required to manage potential conflict between haulage vehicles and pedestrians/cyclists. A condition will be attached to require a construction traffic management plan which will set out how the potential conflict will be managed and will require approval before development can commence.

5. Other Issues

Issues of Contamination

The consultee responses from the Environment Agency and Technical Services have requested a number of conditions which have been attached. The conditions require further investigation and survey work to be carried out, submitted to and approved in writing by the Local Planning Authority before development can commence. The type of further information required includes intrusive investigations at the Crosby sand area to check for a range of contaminants. A non-intrusive radiological survey will be required along the planned haul route and the area of revetment construction works at Hightown. Any areas recording elevated radiological levels should be targeted for further investigation. There is also a requirement for a radiological protection supervisor to be mobilised for all intrusive works in the Hightown area.

Intended restoration of the site

There are a variety of areas which will require restoration once the project is completed.:

- Sites of compounds
- Ramps for temporary haulage
- Any rutting on the beach from the haulage vehicles
- Removal of any surfacing in connection with the haulage route
- Top layer dune replacement in Crosby to the areas of dune where sand is removed and/or re-distributed

The various types of restoration will be required, managed and completed through condition. The construction environmental management plan will shape most of the required restoration. For example, requiring details of the detail and materials of the temporary ramp, the expected duration of its existence and a requirement to remove the ramp after the use of the temporary haulage route has ceased.

Non-material Planning Considerations

A number of residents have raised the issue of how is the project being funded. This is not a material planning consideration but for further information the project is being funded by funding already secured from a Section 106 agreement.

Conclusion

The proposal aims to provide improved sea defence for Hightown and restore the dune habitat. Extensive consideration has been given to the short and long term implications of the scheme for the protected habitats and species. Careful consideration has also been given to the safety of the public during the works and future environment and management of the Dunes in Crosby after the sand has been removed.

At the time of writing the report Natural England have not formally issued their response as consultee on the addendum to the Environmental Statement. Neither have they issued their view of the revised Habitats Regulations Screening Report. However,

Natural England have given verbal assurance that they do not feel there are any fundamental issues to prevent the development providing necessary conditions are in place to ensure effective protection and mitigation. Members are being recommended to delegate the decision to officers. This is to enable the receipt of Natural England's formal view of the addendum and Habitats Regulation Screening report and to combine their recommendations into the relevant conditions. A delegation to officers would enable the application to be approved in order to meet the August commencement of works schedule which Natural England and MEAS have recommended. If the application is delayed until the 27 July 2011 planning committee project commencement will have to be delayed until August 2012.

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. a) Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should address the following;
 - i) A scaled plan to show the proposed location and direction of any artificial lighting to be used to illuminate the development site. The plan should include details of the specifications of the lighting. Any lighting should not be used outside the hours of 19:00 to 07:00 Monday to Friday and not at all on Saturday and Sunday.
 - ii) Mitigation plan with regards to dealing with spillages or minor pollution incidents.
 - iii) Details regarding the appointment of Radiological Protection Supervisor.
 - iv) Details of how temporary compounds, construction areas and haul route will be fenced.
 - v) Details of an assessment and investigation methodology of the site.
 - vi) Clear site plans showing sample locations to review presence of Japanese Knotweed.
 - vii) A strategy setting out the protective measures at the seaward extent of the revetment working area.
 - viii) A methodology for removal and storage of existing vegetation.
 - ix) A scaled plan showing the location of the temporary haulage route. Details of how this route will be marked out and showing the buffer zone to prevent disturbance to birds.
 - x) Details of how the convoy will operate.
 - xi) A scaled plan showing location of bunded area to be used for storage of fuels and potentially hazardous liquids.
 - xii) a strategy for the removal of potentially contaminated run-off and/or materials to licensed waste facility.
 - xiii) Location of temporary sand bunds
 - xiv) A strategy for monitoring breeding birds
 - xv) A strategy to prevent air borne pollutants and the source of water for damping down
- b) The provisions of the Construction Environmental Management Plan approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.
3. a) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan should include the following;

i) The most recent survey of the habitat of protected species, including plants which will dictate where the haulage route will be pegged out. This should include the timing and creation of slack habitats and receptor sites and a clear avoidance of the rare hybrid willow *Salix x doniana* at SD29727 02567.

ii) A scaled plan showing any areas where geotextile or any other similar temporary surfacing is proposed and a strategy for their construction, removal and reinstatement. This should include a strategy to deal with the rutting of the surface of the sand and/or grassed areas where the vehicles have operated.

iii) A strategy to deal with broken down vehicles on the haulage route or compound areas.

iv) A scaled plan showing the detail of the temporary gradient slipways from Crosby beach onto the coastal path and a strategy for their construction, removal and reinstatement.

v) A strategy of publicising the presence of the temporary haulage route for the public and a strategy for marking out the route in order to prevent the conflict of the general public and the haulage vehicles.

vi) The CTMP should demonstrate how it will avoid the south facing slopes of the dune.

b) The provisions of the Construction Traffic Management Plan approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

4. Prior to the completion of the development the following statements and/or surveys should be submitted to and approved in writing by the Local Planning Authority. The statements required are:

i) A reptile method statement. This should include a reptile survey, planned mitigation measures and specific consideration of the sand lizard. It should also include the location of habitat management works for enhancement of the habitat.

ii) An amphibian method statement which should include amphibian survey and mitigation, including natterjack scrapes. It should also include the location of habitat management works for the enhancement of the habitat.

iii) A rare plant survey and mitigation statement. This should include the identification of receptor sites and a 5 year cycle of monitoring for the following species; Isle of Man cabbage, Vernal Mining Bee and Rare Willows.

5. An investigation and risk assessment, in addition to any assessment provided with the planning application (such as Chapter 6, Environmental Statement, Merseyside Environmental Advisory Service, February 2011) must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,

- ecological systems,
- archeological sites and ancient monuments;
- detailed assessment of the risk to all receptors that may be affected, including those off-site.

(iii) an appraisal of remedial options, and proposal of the most appropriate remediation strategy for the site.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

6. A detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.
7. The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.
8. Following completion of the remedial works identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.
9. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (condition 5), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (condition 6), which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with (condition 8) above.
10. Within six weeks of the date of approval a strategy detailing the reinstatement of the following areas should be submitted to and approved in writing by the Local Planning Authority. The strategy should include the following;
 - i) Restoration and management plan for the areas of dune from where sand has been removed from the Crosby dune system. This should include proposed finished dune profiles and a methodology for overlaying the removed and stored dune vegetation on the re-profiled dune area.
 - ii) A reinstatement scaled plan for the haulage route and compound areas to restore the land to its previous topographical appearance. This should include a scaled plan demonstrating the original topographical appearance.
 - iii) The plan should also include an agreement to monitor the site for a 5 year period.
 - iv) a separate restoration and management plan for Hightown Dunes. This should include details of management and monitoring of the Hightown Dunes and Meadows site, sand lizards population and location and natterjack toads population

and locations.

10.b) The provisions of both the Crosby and Hightown restoration and management plan approved under (a) above shall be implemented in full and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

11. No vehicles shall travel along or cross the Sustrans Regional Cycle Route.

REASONS

1. To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. In the interests of protecting the areas of special nature conservation designation and the protected species identified as been present in the area. And to protect the amenity of nearby residents and to comply with policy NC1, NC2 and NC3 in the Sefton Unitary Development Plan.
3. In the interests of highway safety and to accord with policies CS3, NC1, NC2 , NC3 and AD2 in the Sefton Unitary Development Plan.
4. To protect the species and habitats identified in the Environmental Statement and to comply with policies NC1, NC2 and NC3 in the Sefton Unitary Development Plan.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP3 of the Sefton Unitary Development Plan.
10. To ensure the dune system in Crosby and Hightown is adequately reinstated and managed.
11. To protect the integrity of the cycle route and the safety of the users of the route.

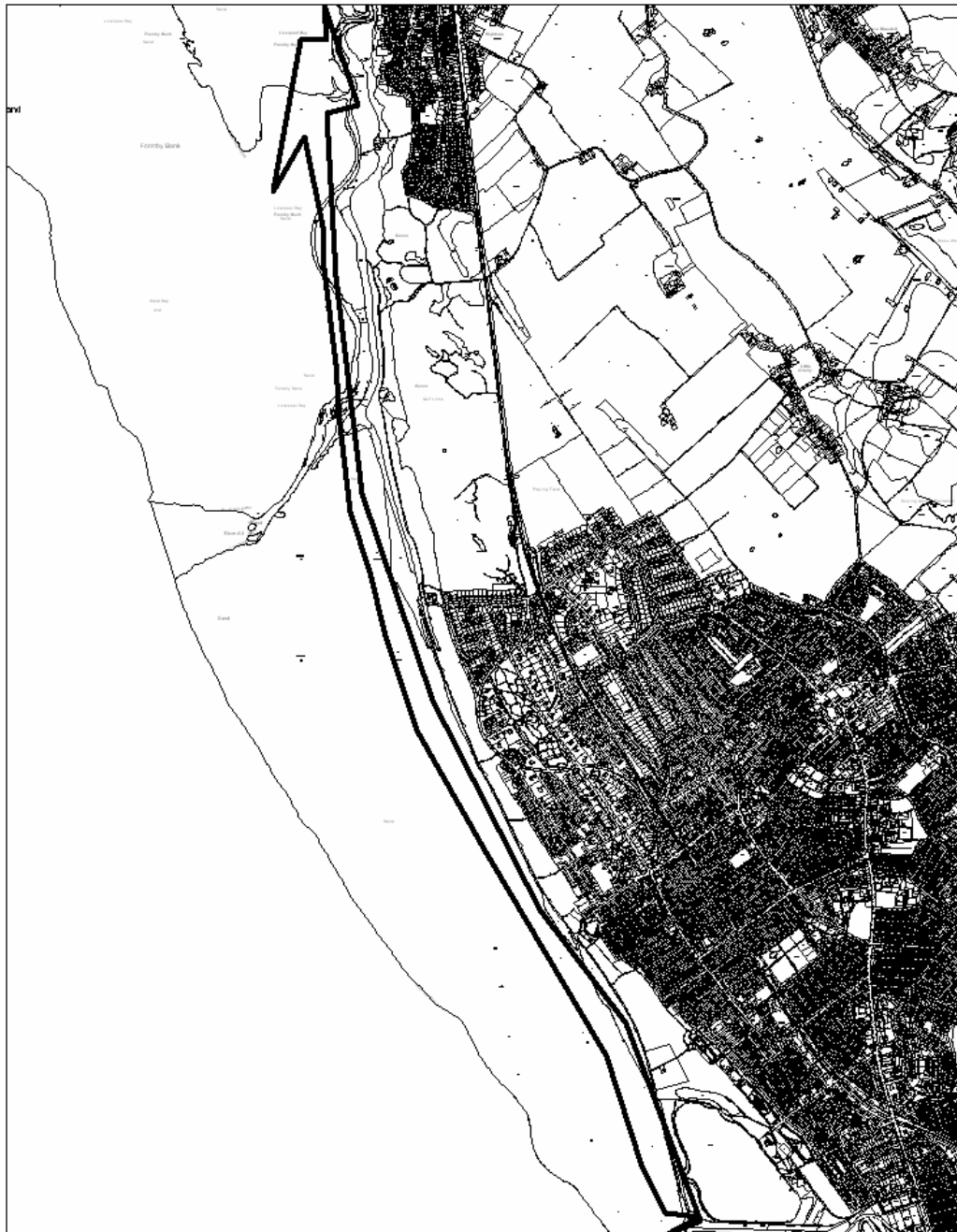
Notes

1. This development requires a Site Waste Management Plan under the Site Waste Management Plan Regulations 2008, advice on the requirements of the SWMP can be sought from the Principal Officer, Merseyside Environmental Advisory Service, Merton House, Stanley Road, Bootle, L20 3NJ.
2. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 10 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition Con-5 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.
3. If it is proposed to re-use material, we advise that the work should be undertaken with reference to the CL:AIRE publication 'The Definition of Waste: Development Industry Code of Practice'.

Drawing Numbers

To be confirmed after final response submitted by Natural England

Existing site plan



Sefton Council Department of the Built Environment Jane Gowing Head of Planning Services	S/2011/0242 Hightown Dune Restoration Project	Standard Site Plan Scale: 1:25500 Date: 16/6/2011 Drawn By: EBERT on	
	OSGR: 330202, 400442 Sheets: Area: 797 485 sqm	Ward(s): Church, Blundellsands, Manor Postcode Sector(s): Polling District(s): K1, K2, M1, N1 Parish(es): Hightown Cp	

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Proposed Site Plan

