

## Planning Committee

20 March 2014

**Reference:**  
**APP/13/01346**

**Area Team:**  
**North Team**

**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** Caldy Golf Course, Caldy Golf Club, LINKS HEY ROAD, CALDY, CH48 1NB

**Proposal:** Rock armour protection to coastal cliffs - maintenance works to existing erosion protection structure, consisting re-packing of existing rock armour, and importation and placing of new bedstone and rock armour (REVISED ACCESS ARRANGEMENTS RECEIVED, UTILISING CROFT DRIVE)

**Applicant:** The Caldy Golf Club Limited  
**Agent:** Mr C Davies

### Site Plan:



**Development Plan Designation:**

Coastal Zone  
Green Belt  
Site of International Importance for Nature Conservation  
Area of Special Landscape Value  
Site of Biological Importance  
Site of Earth Science Importance

**Planning History:**

Location: Caldy Golf Club cliffs off, Links Hey Road, Caldy. L48 1NB  
Application Type: Full Planning Permission  
Proposal: Coastal protection works (protection of cliff toe with rock armour and cliff top drainage works).  
Application No: APP/85/05393  
Decision Date: 27/06/1985  
Decision Type: Approve

Location: Thurstaston Cliffs ,Thurstaston,L61 0H  
Application Type: Deemed  
Proposal: Cliff restoration which includes provision of limestone armour barrier  
Application No: DPP/81/18802  
Decision Date: 03/09/1981  
Decision Type: Conditional Approval

Location: Caldy Golf Course, Links Hey Road, Caldy. L48 1NB  
Application Type: Full Planning Permission  
Proposal: Coastal Protection Works (protection of cliff toe with rock armour and cliff top drainage works).  
Application No: APP/87/05745  
Decision Date: 22/10/1987  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****REPRESENTATIONS**

Having regard to the adopted Guidance on Publicity for Planning Applications, 8 letters of neighbor notification were issued. A site notice was placed adjacent to the site at the public car park on Croft Drive serving Caldy Steps. In addition, a notice was placed in the Wirral Globe. At the time of writing, one representation of objection has been received, stating the following grounds:

1. The coastal defenses are unsightly;
2. The materials become strewn over the beach, having a detrimental impact visually and becoming a hazard to walkers;
3. The defenses interrupt the natural interplay between sea and sand;

**CONSULTATIONS**

Environment Agency – no objection in principle, but comment that prior written consent is required for any proposed works within 8 metres of the bank of a main river – as the River Dee is designated a ‘main river’, Flood Defence Consent will be required in this instance.

Natural England – whilst initially registering an objection to the proposal through concerns at the absence of an assessment of the likely likelihood of significant effects to Internationally and Nationally designated sites, following submission of additional supporting information and the completion of a Habitat Regulations Assessment on the Council’s behalf, Natural England does not object to the proposed development subject to the imposition of planning conditions. Similarly objections in relation to the potential impacts of the development to the Dee Cliffs and Dee Estuary SSSI sites due to the absence of information have been withdrawn conditionally.

Head of Environment and Regulation (Environmental Protection Division) – no objection

Head of Environment and Regulation (Traffic and Transportation Divisions) – no objection

Head of Environment and Regulation (Coastal Protection) – from a coastal defence perspective, the amended arrangements for the proposed means of access are welcomed because it will reduce access requirements along the foreshore from Thurstaston, thereby reducing possible damage to the foreshore and the SSSI

Wirral Wildlife – highlight that it is essential that Natural England are consulted, and any response is subject to their comment. The Estuary is protected primarily for overwintering wildfowl and waders, whilst the Dee Cliffs are protected for their geological, floral and invertebrate importance and continued erosion is essential to the maintenance of the features for which they are designated. Caldy Golf Course cliffs form part of the Golf Course SBI, because of their interesting flora. The cliffs were surveyed [by Wirral Wildlife] for plants last summer. Slow or patchy erosion is important to keep this flower rich grassland in good condition, and to keep open vegetation for the likely invertebrates. In the long term, works such as this – which only protect from tidal damage – can only slow erosion, rather than stopping it, and eventually the golf club will have to decide when the only practical way forward is to create additional playing area on fields owned inland to the clubhouse. The current proposal is, however, not sufficient to object if Natural England are satisfied. To minimize loss of biodiversity, conditions should be imposed to:

- restrict the timing of works
- take precautions to avoid pollution such as hydrocarbons on the shore and estuary (e.g. removal of excess bedstone/rock material from the shore
- confine the extent of works to the foot of the cliffs, and to the height of the existing rock armour – no materials should be placed higher on the cliffs, since this can badly affect flora for years to come
- no grass or flower seed, fertilizer, pesticide to be applied to the cliffs

Concerning the proposed access adjacent to Caldy Steps, a condition is suggested that hardcore be placed on a geotextile membrane and removed after use, especially from the cliff face where it would soon erode into view and invite trespass as well as changing the ecology. Great Crested Newts breed in ponds adjacent to Hole 4 and adjacent to Tee 9, and it should be checked that these are in excess of 250m from the access road. This being the case, no survey or mitigation would be required, but reasonable avoidance measures should be put in place: contractors being made aware of the appearance of GCNs, all clearance works to be undertaken by hand, and machinery to be confined to Croft Drive and the access route shown.

Mersey Environmental Advisory Service – an assessment of the likely significant effects of the proposed project, in accordance with the Habitats Regulations and the EU Habitats Directive has been prepared for Wirral Council by MEAS. The body of that assessment has been appended to this report. The conclusions of the assessment are that taking into account mitigation measures included within the planning application, and provided that planning conditions are imposed to restrict the nature, extent and timing of works in accordance with the measures outlined, the development would not intrude into the Dee Estuary Natura 2000 sites and is not likely either alone or in combination with other projects to have a likely significant effect to the designated sites. Accordingly, no appropriate assessment is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations before permission is given for the project.

#### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application site is in excess of 2 hectares. As such, under the provisions of the Scheme of Delegation for the Determination of Planning Applications & Planning Related Matters, as approved by Full Council on 10 March 2014, this application is required to be considered and determined by the Planning Committee.

#### **INTRODUCTION**

The proposed development is for the maintenance of existing rock armour coastal defences adjacent to Caldy Golf Course. The extent of the development is approximately 1 kilometer, from Caldy Steps

to Dee Sailing Club. Rock armour has previously been placed at the site, over the period 1989 to 1993, by virtue of planning permissions granted in the late 1980's (refer to Planning History above). Whilst minor stone repacking has been carried out at intervals since then, the current proposal would include a significant maintenance operation - repacking of dislodged rock including isolated pieces of large rock that have rolled onto the beach from the toe-line of the structure, and the importation and placing of additional quantities of bedstone and rock armour. The quantities of materials to be imported are significant, and indeed the application has been amended to increase the amounts to be imported since submission due to the impacts of severe storms during the 2013-2014 winter – approximately 1550 tonnes of rock armour (in 3-5 tonne pieces), and 600 tonnes of bedstone (150mm-300mm). Works would be undertaken during summer months (May, June and early July) over three years – 2014, 2015 and 2016, with the majority of works being focused in the first year.

### **PRINCIPLE OF DEVELOPMENT**

The application site is designated within the adopted Unitary Development Plan as Green Belt, and within the Undeveloped Coastal Zone. Parts of the application site also fall within a Site of Biological Importance, a Site of Importance for Earth Science, and sites designated at the national and international level for nature conservation. In terms of the principle of development, whilst UDP Policy GB2: Guidelines for Development in the Green Belt does not make provision for consideration of such works as appropriate development, the National Planning Policy Framework is a material consideration, paragraph 90 outlining that engineering operations can be deemed not inappropriate development, so long as they preserve openness. UDP Policy CO4: Criteria for Coastal Protection and Sea Defence Works outlines that such works can be acceptable in principle, subject to consideration of a number of criteria. A coastal protection structure is already established in this location, the application is seeking permission for repacking of the rock and importation of additional material to reinstate the profile of the existing structure – given this, it is considered that the existing structure establishes the principle of development.

### **SITE AND SURROUNDINGS**

The application site is a strip of land at the base of cliffs that separate Caldy Golf Course from the Dee Estuary. The cliffs slope steeply, the upper reaches supporting course grassland, to the east of which is the golf course itself. To the north there are residential properties fronting Croft Drive and Shore Drive, whilst to the south is Dee Sailing Club and there are areas of nature reserve and recreation land forming the Wirral Country Park. The coastal protection to Caldy Golf Course follows a line of coastal defence structures maintained by Wirral Council which continues to the north and south of the site.

### **POLICY CONTEXT**

The relevant Unitary Development Plan Policies include : GB2, CO4, NC1, NC2, NC3, NC4, NC6, NC7, NC10, NC11 and LA1. Consideration of the development proposal against the criteria of these policies is set out in the following sections:

There is no explicit provision for this type of development in UDP Policy GB2: Guidelines for Development in the Green Belt however the need to maintain coastal defences can be considered as very special circumstances to justify development under this Policy. Nevertheless, engineering operations that preserve openness and do not conflict with the purposes of the Green Belt and are appropriate under the terms of paragraph 90 in the National Planning Policy Framework. In this particular instance, it is considered that the proposed development would preserve openness, the materials being proposed to reinforce an existing structure at the foot of a series of coastal cliff structures and part of wider coastal defences and no conflict is found with the purposes of including the land within the Green Belt.

Turning to Policy CO4: Criteria for Coastal Protection and Sea Defence Works, it must be noted that the application of this policy is to new coastal protection and sea defence works, however, the criteria are of relevance. The policy outlines that such works will be permitted subject to the following criteria:

- (i) the works are necessary to protect life, existing built development or fixed capital assets which cannot be relocated inland;
- (ii) other options for achieving the same end have been considered, including managed retreat and other soft engineering techniques;

- (iii) allowance has been made for sea level rise;
- (iv) impacts on sediment movement within the same sedimentary cell have been examined and minimised;
- (v) impacts on landscape character and visual quality have been minimised, particularly within Areas of Special Landscape Value and along the undeveloped part of the coastline;
- (vi) the works safeguard sites of international, national and special local importance for nature conservation and earth science on both the landward and seaward sides of the coast;
- (vii) impacts on the archaeological resource are identified and assessed to minimise potential loss or damage.
- (viii) the works preserve and enhance public access to the coastline, and do not impede navigation;
- (ix) satisfactory measures are proposed to minimise the environmental impact of any construction activity; and
- (x) the works do not increase the risk of coastal erosion or flooding elsewhere.

In this instance, it is considered that the proposal addresses the criteria. The area of land formed part of the Wirral Coastal Strategy Study and there is a Shoreline Management Plan (SMP2) in place that has established an approach to this section of coastline of 'hold the line' in the medium term, under which the coastline should be held in its current position by the use of coastal defences or beach management. The applicant is able to rely on the findings of the Shoreline Management Plan (Aecom 2012), which considers the impact to sediments within the Dee Estuary, noting that the estuary is currently considered to have a positive sedimentary budget – given this, coastal defenses that slow erosion would not have detrimental effect in the short term. The applicant has considered the suitability of the cross section of materials proposed in light of recent storm events, and concludes that this is appropriate for coping with potential 1:200 year sea level rise events. Consideration of the impacts of the proposal to nature conservation and earth science are set out below.

#### **APPEARANCE AND AMENITY ISSUES**

Policy LA1: Protection for Areas of Special Landscape Value sets out that the Local Planning Authority will protect the character and appearance of areas designated as Areas of Special Landscape Value from the adverse effects of development and will not permit proposals that would:

- (i) introduce new intrusive development within an otherwise open setting, especially along a prominent skyline or along the undeveloped coast; or
- (ii) result in the loss or erosion of distinctive landscape features, such as woodlands, hedges or trees, without appropriate replacement provision; and
- (iii) other proposals that, in terms of their siting, scale, form and external appearance, would detract from the appearance of the Area or intrude within important views into or out of the Area.

In this instance, the reinstatement of existing sea defenses is not considered to conflict with the provisions of policy LA1. The coastal defences are an established part of the character area. The adopted Landscape Character Assessment categorises the landscape strength in this area (Dee Coastal Farmland) to be 'good', and does not highlight the existing coastal defenses as a threat or negative feature in this environment. The rock armour, whilst clearly visible in views along the coastline, is not visible in views from inland areas out across the estuary, nor in the skyline which looking inland from coastal areas. One positive benefit of the proposed development would be the reinstatement of larger rocks that have spilled onto the beach at the present time, and have a slight

detrimental impact to the appearance of this area. Overall, the proposed development is not considered to detrimentally impact the appearance of the Area of Special Landscape Value, nor harm character.

Considering residential amenity, whilst the construction access at the northern end of the application site, from Croft Drive, would be close to residential properties (notably The Old Nineteenth, and Cowley Cottage), the application site itself is well screened and distanced from residential properties by the cliff face itself. It is not considered that the development itself would impact significantly to residential amenity, and would not impact to the outlook of any such property.

### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The proposed development would include the creation of a construction access from Croft Drive, through the removal of a section of an earth bank adjacent to the road and an existing mesh fence. The access would permit the importation of materials at this northern end of the defenses. The access would be temporary, with topsoil reinstated and a double gate and fencing provided at the road frontage. The proposal is not considered to raise significant highway safety or traffic management implications – the Head of Environment and Regulation (Traffic and Transportation) has raised no objection to the proposed development.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The application site is within an area that is particularly important for nature conservation. The site is on the edge of the Dee Estuary, an SAC, SPA, Ramsar Site, and SSSI, adjacent to the Dee Cliffs SSSI and Site of Local Importance for Earth Science through which access to the development site would be necessary (the southern access from Dee Sailing Club would traverse parts of this site), and the Golf Course itself is a designated SBI for a range of protected species of wildlife.

The impacts of the development on this range of sensitive habitats and environments has been considered by the applicant, and supporting information includes a range of avoidance and mitigation measures in relation to the wildlife for which the designations have been imposed. The application has been assessed on behalf of the Council by Merseyside Environmental Advisory Service, in consultation with Natural England, and by Wirral Wildlife, who have been consulted in relation to local designations (the Sites of Biological and Earth Science Importance). The advice given is that the proposed development can, subject to the imposition of conditions including a measures to ensure the development does adhere to the mitigation measures set out by the applicant and avoid impacts of significance to the Internationally, Nationally and locally protected wildlife features. It is considered that the proposed development can address the requirements of the following UDP Policies:

- NC1 The Protection of Sites of International Importance for Nature Conservation
- NC2 Sites of International Importance for Nature Conservation
- NC3 The Protection of Sites of National Importance For Nature Conservation
- NC4 Sites of National Importance for Nature Conservation
- NC5 The Protection of Sites of Local Importance for Nature Conservation
- NC6 Sites of Biological Importance
- NC7 Species Protection
- NC10 The Protection of Sites of Importance for Earth Science
- NC11 Sites of Local Importance for Earth Science

A Habitat Regulations Assessment is appended to this report, the screening conclusions; provided that planning conditions are imposed to restrict the nature, extent and timing of works in accordance with the measures outlined; are that the development would not intrude into the Dee Estuary Natura 2000 sites and is not likely either alone or in combination with other projects to have a likely significant effect to the designated sites. Accordingly, no appropriate assessment is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations before permission is given for the project.

### **HEALTH ISSUES**

There are no health implications relating to this application.

## CONCLUSION

In conclusion, the proposed development would extend the life of an existing coastal defense, without harm to the Green Belt, the Undeveloped Coastal Zone, landscape character, or the surrounding sites of International, National and Local importance for Nature Conservation.

### 5. Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development would have no significant impact to the character of the area, visual amenity, nature conservation or residential amenity and is in accordance with the provisions of UDP Policies GB2: Guidelines for Development in the Green Belt (having regard to Paragraph 90 of the National Planning Policy Framework, LA1: Protection for Areas of Landscape Importance, CO4: Criteria for Coastal Protection, NC1: The Protection of Sites of International Importance for Nature Conservation, NC3: The Protection of Sites of National Importance For Nature Conservation, NC5: The Protection of Sites of Local Importance for Nature Conservation, NC7: Species Protection, and NC10: The Protection of Sites of Importance for Earth Science.

**Recommended Decision:**            **Approve**

### Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development works shall only be undertaken in accordance with the timescales set out in Section 4 of the submitted *Supporting Information for an Application for Marine Consent (Martin Wright Associates, February 2014)*. For the avoidance of doubt, the development works shall only be carried out in the months of May, June and July, in the years 2014, 2015 and 2016, with works completed by working one 10-hour shift to suit the daytime low tide period. Notwithstanding the details set out in the submitted *Rock Maintenance Work At Caldy Golf Club: Maintenance Licence*, this notice shall not be taken to grant planning permission for subsequent maintenance works beyond the period 2014-2016.

**Reason:** In the interests of nature conservation, having regard to Policies NC1, NC3, NC5, NC7 and NC10 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

3. The development works shall only be undertaken in accordance with the pollution prevention measures set out in the following submitted statements: *Rock Maintenance Work At Caldy Golf Club: Tidy Beach* (07 January 2014), *Rock Maintenance Work At Caldy Golf Club: Stockpile Areas* (08 January 2014), *Rock Maintenance Work At Caldy Golf Club: Oil and Fuel Spillage* (09 January 2014).

**Reason:** In the interests of nature conservation, having regard to Policies NC1, NC3, NC5, NC7 and NC10 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

4. Access to the development works shall only be provided at the point adjacent to Caldy Steps and Thurstaston Slipway, as set out in section 6 and Appendix B of the submitted *Supporting Information for an Application for Marine Consent (Martin Wright Associates,*

*February 2014*). Use of these access points shall only be in full accordance with the measures set out in the submitted *Maintenance Work At Caldy Golf Club: Plant and Machine Access to the Beach* (09 January 2014). For the avoidance of doubt, the working width including turning areas for vehicles shall at no point exceed 20m from the toe line of the existing rock armour. No materials, plant or machinery shall be stored at any time on the beach.

**Reason:** In the interests of nature conservation, having regard to Policies NC1, NC3, NC5, NC7 and NC10 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

5. All plant and machinery used on the beach shall be equipped with low pressure tires or tracks.

**Reason:** In the interests of nature conservation, having regard to Policies NC1, NC3, NC5, NC7 and NC10 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

6. The Caldy Steps construction access, as set out set out in section 6 and Appendix B of the submitted *Supporting Information for an Application for Marine Consent (Martin Wright Associates, February 2014)* shall be reinstated in accordance with the details provided no later than 9 months from the completion of the works hereby granted planning permission, unless an alternative timescale has previously been submitted and agreed in writing with the Local Planning Authority. For the avoidance of doubt, a geotextile membrane shall be utilised to protect the cliffs from damage during use of the access, and no grass or flower seed, fertilizer or pesticide to be applied to the cliffs

**Reason:** In the interests of nature conservation and visual amenity, having regard to Policies LA1, GB2, NC1, NC3, NC5, NC7 and NC10 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

7. The following Great Crested Newt (GCN) Reasonable Avoidance Measures shall be implemented in relation to the Caldy Steps construction access, as set out in section 6 and Appendix B of the submitted *Supporting Information for an Application for Marine Consent (Martin Wright Associates, February 2014)*:

- All contractors shall be made aware of the appearance of GCN, and provided with clear information on the procedure should a GCN be encountered during construction;
- Clearance of bushes, large stones, timbers and site debris to establish the access route shall only be by hand, to allow checking of the environment for GCN;
- Plant and machinery access shall be restricted to the access route, as defined in the submitted information.

**Reason:** In the interests of nature conservation, and given the known presence of GCN in the vicinity of the development site, having regard to Policies NC5 and NC7 of the Unitary Development Plan, and the Habitat Regulations Assessment undertake in relation to the development proposal.

8. The development shall be carried out in accordance with the details contained in drawings numbered: CGC 1/2013 (received 02 December 2013) as amended by supporting information received by the Local Planning Authority on 7th, 8th and 9th January: *Maintenance Work At Caldy Golf Club* and received February 2014: *Supporting Information for an Application for Marine Consent (Martin Wright Associates, February 2014)*.



**Reason:** For the avoidance of doubt and to define the permission.

**Further Notes for Committee:**

Environment Agency Informative – the prior written consent of the Environment Agency is required for any proposed works within 8 metres of the bank of a main river – as the River Dee is designated a 'main river', Flood Defence Consent will be required in this instance. Details of how to apply for flood defence consent can be found using the following link: <http://www.environment-agency.gov.uk/business/topics/143737.aspx>

**Last Comments By:** 14/02/2014 14:46:45

**Expiry Date:** 03/03/2014