

Strategic Applications Sub- Committee 2 November 2021

Reference:
DPP4/20/01627

Area Team:
Development
Management Team

Case Officer:
Ms J Storey

Ward:
West Kirby and
Thurstaston.
Hoylake and Meols

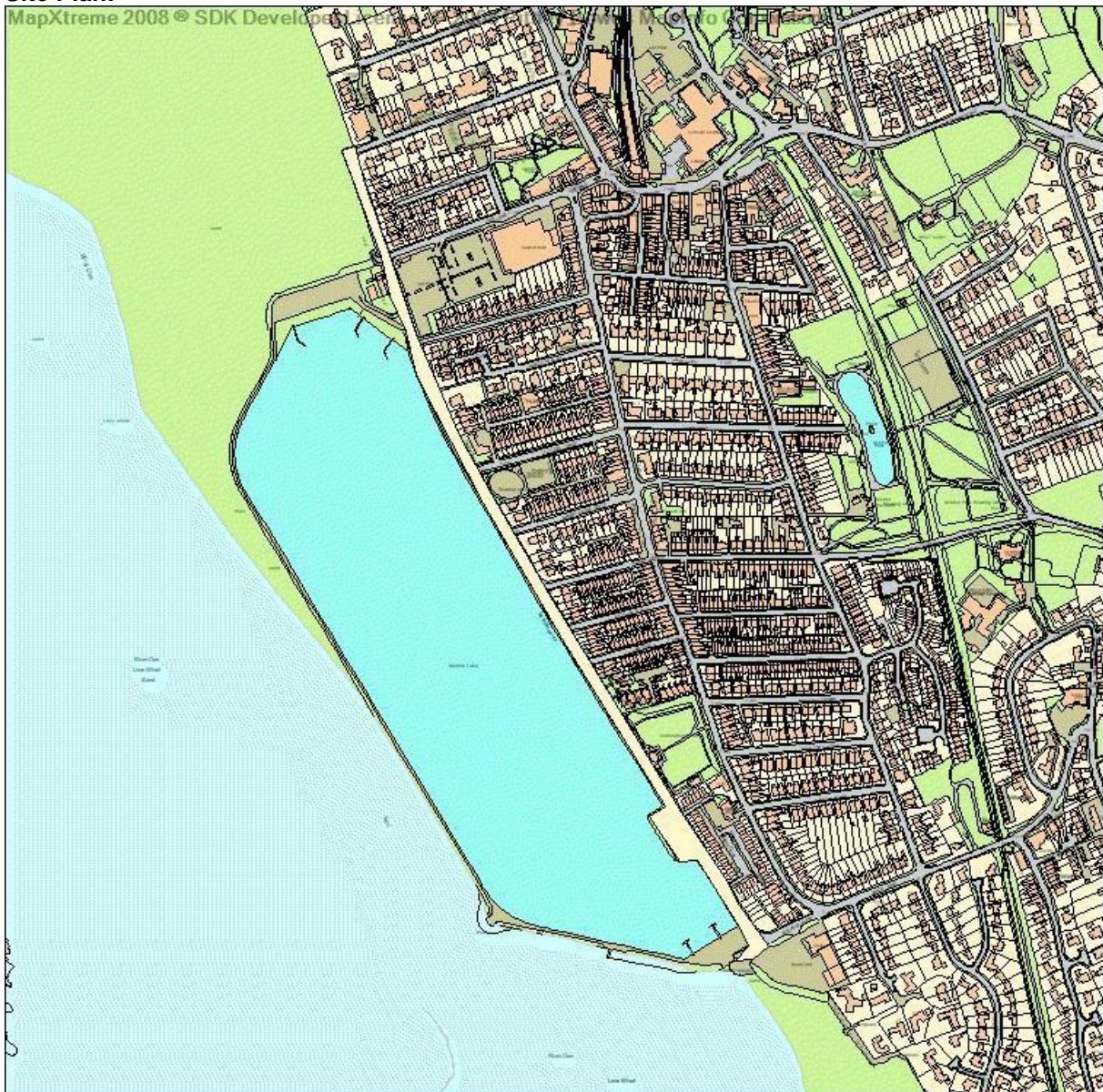
Location:
Proposal:

West Kirby Marine Lake, SOUTH PARADE, WEST KIRBY
The Proposed Development consists of the construction of a new linear secondary defence wall, set back along the edge of the South Parade promenade in West Kirby which will offer a high standard of protection to local residential and commercial properties. (Amended pilling method received)

Applicant: Wirral Borough Council
Agent : Mr Rooprai

Qualifying Petition: Yes

Site Plan:



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Development Plan designation:

Urban Greenspace
Primarily Residential Area
Coastal Zone
Area of Special Landscape Value
Site of International Importance for Nature Conservation

Planning History:

Location: Marine Lake, South Parade, West Kirby, Wirral,
Application Type: Deemed
Proposal: Extension of marine lake.
Application No: DPP/83/22637
Decision Date: 20/02/1985
Decision Type: Withdrawn

Location: West Kirby Marine Lake, South Parade, West Kirby, L48 0
Application Type: Deemed
Proposal: Demolition of lake wall enlargement of marine lake, construction of new wall access roads, launching areas, ramps and jetties together with the provision of car parking at both ends of the lake.
Application No: DPP/83/23018
Decision Date: 20/02/1985
Decision Type: Withdrawn

Location: West Kirby Marine Lake, South Parade, West Kirby, Wirral, CH48 0QG
Application Type: Work for Council by Council
Proposal: Re-line perimeter wall, resurface pedestrian walkway and erection of a pedestrian access ramp
Application No: APP/08/06362
Decision Date: 23/09/2008

Location: Land along SOUTH PARADE, WEST KIRBY
Application Type: Screening for EIA
Proposal: Screening Opinion
Application No: SCR/16/00290
Decision Date:
Decision Type:

Location: West Kirby Flood Alleviation Scheme, Land at South Parade, West Kirby
Application Type: Screening for EIA
Proposal: Screening Opinion
Application No: SCR/20/01500
Decision Date:
Decision Type:

Location: West Kirby Marine Lake, SOUTH PARADE, WEST KIRBY
Application Type: Work for Council by outside body
Proposal: The Proposed Development consists of the construction of a new linear secondary defence wall, set back along the edge of the South Parade promenade in West Kirby which will offer a high standard of protection to local residential and commercial properties.

Application No: DPP4/20/01627
Decision Date:
Decision Type:

Location: West Kirby Marine Lake, SOUTH PARADE, WEST KIRBY CH48 0QG
Application Type: Work for Council by Council

Proposal: Existing Sailing Centre building to be refurbished and new extension including cafe and external seating area at first-floor level

Application No: DPP3/15/01383

Decision Date: 03/08/2016

Decision Type: Approve

Location: Marine Lake, South Parade, West Kirby. L48 0

Application Type: Work for Council by Council

Proposal: Demolition of lake wall; enlargement of marine lake; construction of new wall, access roads, launching areas, ramps and jetties;provision of car parking and boat storage areas.(Asphalt/armour stone construction alternative)

Application No: APP/85/05918

Decision Date: 17/07/1985

Decision Type: Approve

Location: Marine Lake, South Parade, West Kirby. L48 0

Application Type: Work for Council by Council

Proposal: Demolition of lake wall; enlargement of marine lake; construction of new wall, access roads, launching areas, ramps and jetties;provision of car parking and boat storage areas.(Armour stone/wharf unit construction alternative)

Application No: APP/85/05919

Decision Date: 17/07/1985

Decision Type: Approve

Location: West Kirby Sailing Club, South Parade, West Kirby, Wirral, CH48 3HZ

Application Type: Reserved Matters

Proposal: Approval of reserved matters for a landscaping scheme following planning permission granted under reference OUT/2000/5761/D

Application No: DLS/01/05519

Decision Date: 27/04/2001

Decision Type: Approve

Location: Marine Lake, South Parade, West Kirby. L48 0

Application Type: Work for Council by Council

Proposal: Extension to marine lake;revised layout omitting car park/boat storage at south end (Sandy Lane).

Application No: APP/85/06505

Decision Date: 20/11/1985

Decision Type: Approve

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

No comments recieved

2.0 SUMMARY OF REPRESENTATIONS

Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 123 neighbouring properties and 10 site notices posted along the promenade. The initial deadline for receipt of representations was 18th December 2019. Following a request for additional time to comment due to Covid 19, the consultation date was extended to 22nd January 2021. At the time of writing this report, the council have received 221 comments, 198 of which are objections and 19 have written in support of the proposal

2,1 Members Briefing

A members briefing took place on the 5th October 2021. A copy of this and subsequent information arising from the Qustion and answer session can be found on the Council web site.

REPRESENTATIONS

The individual objections cite the following material planning considerations:

The comments have been grouped into themes:

Not necessary/ too costly

Hugely damaging to the area and extremely expensive

Cost and disruption not justified given the rarity of the levels of floods being protected against

Excessive approach in cost and construction and doesn't carry sufficient support for it to be progressed.

Money should be spent removing grass from the beaches.

Father lives on South Parade, has experienced minimal damage to front garden twice in 20 years, Total waste of public money

Give those houses effected extra money to rebuild their front walls.

waste of £6 million

Case for it being necessary has not been proven - Some walls came down on the prom and were repaired and improved but no great damage was done that warrants this barrier

WK prom needs protection from the sea, but the proposal isn't it. All this will do is stop the road flooding (maybe) but will not protect the prom itself at all, particularly the shelters and benches.

All of us at The Sail strongly object to this proposal. There are only 5 private and one commercial property that are affected by the odd very high tide along South Parade. We have yet to speak to anyone who agrees with this proposal, it is an outrage

don't see how in all conscience the council can now think this spend is a priority or one that benefits the maximum number of people when they are having to make life changing cuts to its budgets.

The barrier does not stop any flooding over the Sandy Lane slip and across the Sailing Club. Surely a cheaper, less invasive option would be to strengthen the wall on the East Side of the road.

It doesn't make sense to spend all this money on this project when we have massive

potholes in the roads in West Kirby

Design/ character/ tourism

Design obtrusive and will destroy West Kirby front

Drive the day trippers away

Whilst there is a need for a flood defence, this is highly inappropriate

There are gaps in the structure

Totally spoil the unique view along West Kirby Promenade alternative plan should be made to maintain the view

Obstruct views

Harms the character of the prom

Many elderly and less mobile drive and park on the prom, cannot enjoy the views with a 1.2m wall

Height of the seats to great.

Failure of WBC to employ a range of landscape architects to consider local aesthetics, conservation, and history of the prom. Plans should be provided that supports this.

Disabled access is insufficient

View when driving past will be obstructed.

Only choice in consultation process was "pick the colour of your wall"

The tourist industry is going to take a decline.

Block the view at car height.

Final nail in the coffin for West Kirby

Separates nature from land

Could it be Perspex

Need a wall similar to that at New Brighton

Wall Unnecessarily high, only need be 900mm with holes or lugs.

No designs for the ped crossings

Can the existing lake wall be used to provide some form of protection?

What modelling has been done on alternative options, suggest two lower walls in traditional materials

Other

Not enough consultation

Where will the water go? I live at the end of the prom, worried that either - end of the prom will be flooded.

Failure to provide alternatives at consultation stage

additional lighting on baths site will affect birds that use the rock

Old Bath site is not a suitable location for the shelter as it will be destroyed in major storms
Planning application states that litter bins will be emptied weekly, currently its daily.

Less room to walk on the pavement impacts of Covid 19

Significantly reduce access to the prom

Gates and roadside log storage unsightly and prone to deterioration

Crossing leading directly to driveway is dangerous, cycle lane will channel cyclists to a very restricted kerbside space.

Creates a significant hazard in that all pedestrian traffic from the road will be forced into the very narrow space between the road and the flood barrier without any means of escape.

Wirra Society 1st Letter Summary

1. Cannot see how this scheme achieves the aim of reducing the impact of extra high tides
2. Loss of amenity - impossible for anyone in a wheelchair or with a pram will have to walk in the road to find an entrance gate, height of wall means that people parked up will lose their view.
3. Value- wall cannot stop flooding and will retain flood water
4. who will maintain and operate the gates?
5. Effectiveness of the wall
6. The Councils report on cycling is wrong, the promenade is not a cycle path
6. How has the EAs algorithm been stress tested
7. How has the Visitor economy been tested and how much has the scheme been tested to date.

Wirral Society 2nd Letter Summary

What danger issues have been identified that mean people will be "safer" with this wall, and how will they be safer? How does this "new safety" balance with forcing people to walk in the road every day to access the promenade?

- The promenade will lose around 1/3 of its width, more where the wall is "wavey". How has this been assessed for impact on pedestrians, with wheelchairs, dog walking etc. especially if there is a prolonged need for "social distancing"?
- How will families with wheelchairs / pushchairs gain access to the promenade, as they can no longer get directly onto it and must walk to a gate
- Who would be responsible for closing (then re-opening) the gates, assuming they have been correctly maintained and are operable
- Given viewing of the Marine Lake, Dee estuary and Welsh Hills (an ASLV) is enjoyed by many parked motorists (many of whom will be mobility impaired), how will they be able to see over the wall, once it is in place?
- What is the total planned output of CO2 from the concrete wall and all the construction works?

The promenade only floods on an exceptionally high tide (equinox / spring) AND a storm surge (low air pressure) AND a Northerly / Westerly Gale. How often will these all occur together?

- What evidence is presented that the tides at West Kirby are rising?
- Are the predicted high tides lower than say 20 years ago?
- Change.Org has over 800 signatures against this "scheme" / "solution". The Council cannot claim there is overwhelming public support for this "solution".
- We remain astounded that only the West Kirby Ward Cllrs were notified, NOT the Hoylake Ward Cllrs, that have the Northern half of the Promenade in their ward.
- No notification to consultees or correspondents of the new piling (not pilling) works, this was "discovered".

Support

9. comments. These can be summarised as:-

1. overall, excellent idea, just suggest that the depth of the seats are such that the sea wall can be used as a back rest.
2. This is a much needed renovation of the prom and provides protection for properties near by.
3. It has been well thought out and amended following comments from the public.
4. I am disabled and accept the proposal because it seeks to reduce the risk of sea flooding whilst utilising the best of the existing amenities of walking and sitting on or close by the pavement to enjoy the views of the lake.
4. I have read and heard comments about blocking the views from cars, one should get out

- of the car, also loss of views while driving, one should not be viewing and driving.
5. Minimising flood risk to homes is far more important than views.
 6. I wish this wasn't necessary, but looking at how regular tides dump material onto the sailing club car park and road, it is now clear only a minimal change in sea level would be required to inundate the flats area.
 7. possible improvements could the road be made narrower, or residents only?, could any planting soften the proposal, provide a higher wall given the likelihood of sea level rise.
 8. initially the benefits will be to the immediate properties, but is vital to protect most of the local area when sea levels rise.
 9. All those objecting appear not to be immediately effected by flooding
 10. we need a wall similar to New Brighton. This will allow the pavement to be open.
 11. The view will change, but its changing all over the country we are experiencing rising tide levels.
 12. Having a flood defence is more important than people being able to see over their car.
 13. Support in principle subject to Wirral procuring the right contractor.
 14. approve in principle, but not the detail - too high
 - 15 I support this proposal because the people of West Kirby, in whom I proudly count myself, must be protected from the ever-increasingly strong storms that we face from the sea.
 16. supported. We live v close to the ever increasing tidal flood line and the situation is concerning. The objections are predominantly based on the view being blocked for people sat in their cars. Surely the priority must be preservation of west Kirby, the neighbourhood, the homes, businesses and parks.
 17. West Kirby is in desperate need of investment - the promenade is the primary purpose of the town and without modernisation it is being left behind. The design put forward presents a safe and sensible response to flooding
 18. objectors to the scheme are just nit picking and objecting for the sake of objecting.
 19. have 50yrs experience in building and civil engineering (Company MD owner) and think the scheme is well thought out and designed.
 20. We have seen an increase in floods lately, if I was at risk I'd be delighted that the council are prepared to spend big money like this to protect me.
 21. Just get it done and tell our visitors to get out of their cars, then they can see the views
 22. As a former worker in "Climate Change" I regard the wall as being insufficient in both length and height but I accept it as a good compromise against cost and impedance of amenity and view whilst providing some protection into the near future. We must, though, be prepared to make allowance for height and length before the wall has to be replaced due to wear and tear.
 23. Those who are promoting by such means as petitions, amenity and views before life, limb and property are selfish. Amenity and views are not being lost. They are being impeded. Life, limb and property must come first.
 24. Support the proposal rather than having a dedicated cycle lane the option of having a shared roadway (bikes and cars) with substantially reduced maximum speed (e.g. 15 mph) and traffic calming measures had been considered? Would this provide adequate risk mitigation for cyclists (and crossing pedestrians) whilst allowing for more of the width of the prom to be preserved?

CONSULTATIONS

Environment Agency - No objections subject to the attached conditions
 MEAS - No Objection subject to attached conditions
 NE- No objections subject to attached conditions
 Lead Local Flood Authority -No objections subject to the attached conditions
 Highways - No objections subject to the attached conditions
 Environmental Health - No objections
 Wirral Wildlife - No objections -The applicant has provided the mitigation measures within the HRA. We are therefore satisfied that if these mitigation measures are imposed as planning conditions then adverse effects from the proposed works on the integrity of any European sites, including the Dee Estuary SAC, SPA and Ramsar can be ruled out.
 Natural England and the Marine Management Organisation will need to be consulted before planning is determined.

3.1 Reason for referral to Strategic Applications Sub- Committee

3.1.1 At the time of writing this report, there are 198 objections to this proposal. Under the Councils scheme of delegation, this application is required to be determined by the Strategic Applications Sub-Committee

3.1.2 Background

The Action Plan for the delivery of the Wirral Coastal Strategy was approved by Cabinet in October 2013. Due to the assessment of risk and the consequential damages the Coastal Strategy and Action Plan identified West Kirby as the highest priority for intervention in the Short Term. The Environment Agency require Risk Management Authorities, such as Wirral Council as Coast protection Authority, to demonstrate a strategic approach to flood and coastal risk management. As this has been evidenced the EA have supported and worked closely with Wirral Council in the development of the Outline Business Case in order to secure more than £3m of grant aid funding which underpins and provides the catalyst for the public realm enhancements. The applicant has submitted this application to seek approval for the works required to address the identified need to address coastal protection in this area.

3.1.3 This approach aligns with the government's UK adaptation policy in preparing for the impacts of climate change

3.1.4 Pre- application consultation

Prior to securing the appropriate funding for the West Kirby Flood Alleviation Scheme a public consultation was undertaken to identify if there was support for the construction of a flood defence and if so where and what form that defence should take. The consultation took place over two weeks in October 2015 and took the form of a display at West Kirby Library with three drop-in sessions. Over 400 consultation responses were received. Over 90% of responses were supportive of the Council addressing flood risk. 70% of responses were from West Kirby residents and over 80% of responses favoured a flood wall positioned between the highway and the promenade with landscape features such as integrated seating.

3.1.5 The consultation also identified a desire from the local community to be further involved in the design of the scheme.

Grant aid funding was secured in January 2018 based on a business case which identified 70 residential properties currently at risk from a 0.5% Annual Exceedance Probability event which would be better protected by the scheme combined with over £33m flood damages avoided over the lifetime of the scheme. The scheme value and level of grant identified meant that the business case was subject to scrutiny from a panel of experts on the DEFRA's National Project Assurance Board. The scheme received financial and technical approval from the Environment Agency.

3.1.6 A second round of public consultation was undertaken in March 2019 to address the desire from the local community for further involvement in scheme design. Design options with regard to wall profile, colour and promenade surfacing colour were put forward. This consultation comprised a two week public display at West Kirby Library with three 8 hour drop-in sessions and five presentation / Q&A sessions. The consultation was well attended with over 500 responses received. The preferred choices are those carried forward into the final design submitted in the planning application. Further outputs from the March 2019 consultation were that the flood wall should have more interesting features, the public realm should be included within the scheme and enhanced, that Victorian features should be retained and that cycling should in some way be incorporated.

3.1.7 These additional enhancements were outside the scope of the Grant Aid funding so in

order to gain support for additional Council capital funding the enhanced proposals were taken to Cabinet Senior Leadership Team and Party Group Leaders in October 2019 where the approach was endorsed. Party Group leaders also endorsed a workshop with local elected members to finalise design details. This workshop supported the curvilinear wall approach with complete integrated seating and also the gateway features onto the promenade. The additional capital funding for the enhanced scheme including refurbishment of the Old baths Site area to provide improved public amenity was approved at Budget Council in March 2020.

- 3.1.8 The scheme will be funded by Defra's Flood Defence Grant in Aid and other other Government Department Funding administered by the Environment Agency, Environment Agency Regional Flood and Coastal Committee Local Levy Grant and Wirral Council Capital Funding. The proposed scheme if approved, will see the construction of a new flood defence wall, on Council land which will become a Council owned asset. The council, acting as the Coast Protection Authority, has appointed AECOM to act on its behalf as designers of the flood wall and agents in obtaining all necessary permissions.

3.2 **The site**

- 3.2.1 The Site is located along South Parade in West Kirby. It comprises approximately 1.15km of promenade along the frontage at West Kirby and 200m of rock revetment outside of West Kirby Sailing Club to the south.

The site can be divided into three areas;

Area 1 - Riversdale Road to Dee Lane - This section starts at the northernmost section of South Parade, which runs from the junction with Riversdale Road to the Junction with Dee Road adjacent to the Wirral Sailing Centre. The existing vertical masonry wall is generally in a good condition with a stone coping along its length. Repairs to the existing coping stones have previously been completed using concrete. The handrailing here has panels on the lower half to reduce the volume of windblown sand blown onto the promenade and adjoining roads.

Area 2 - Dee Lane to West Kirby Sailing Club - To the north of the Site is the Wirral Sailing Centre which uses the Marine Lake from the south of the centre to the slipway at the southern end of the Site extents. Here the promenade is a mixture of paving with concrete slabs in between patterned paved sections. The Old Baths Site area has concrete slabs for paving. The wall to the Marine Lake is vertical block masonry and has a stone coping running along its length. In areas where repairs have been completed on the coping these have been carried out using concrete. There is rock armour revetment around the outside of the Old Baths Site. The hand railing is a combination of painted black stanchions and galvanised steel horizontal rails

Area 3 - West Kirby Sailing Club - The West Kirby Sailing Club is situated at the southern end of the Site. The existing sea defence around the outside of the boatyard is a rock revetment that has a crest height of approximately 0.5m above the boatyard level. The West Kirby Sailing Club currently store items up to the rock revetment behind a metal railing fence.

- 3.2.2 The application site is adjacent to the Dee Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) and within 1.6km of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, North Wirral Foreshore SSSI.

3.3 **Proposed Development**

3.3.1

The Development comprises the construction of approximately 1.5km of new flood wall. The wall be constructed from precast concrete units, 1.2m in height, curvilinear in plan and will include integral seating providing views over the Marine Lake. The seating replaces the existing wooden benches with existing dedication plaques included on the new wall along with space for future dedications. The promenade between the existing lake wall edge and

the new wall will be reconstructed in concrete overlaid with a textured bituminous surface dressing, providing a pedestrian only zone, including feature waymarkers on circular trail around the Marine Lake.

3.1.2

Access through the wall from the highway for pedestrians will be available through the wall at regular intervals with new designated crossing points incorporating iconography linking to the environment and history of West Kirby, provided over the public highway which will be resurfaced over the entire length and include a dedicated uni-directional (north to south) cycle lane. In addition, access for vehicles to the Marine Lake and foreshore, at key locations. will be maintained and new street lighting provided.

3.1.3

The development incorporates improved protection around the new Sailing Centre building at Dee Lane, in accordance with planning conditions for that development, raised defences around the perimeter of the West Kirby Sailing Club and re-development of the Old Baths Site to provide 1500m² of improved open space. The existing Victorian features i.e. railings and shelters will be retained.

3.1.4

Subject to planning approval, the works are programmed to commence in February 2022 with completion by November 2022 with the bulk of the work undertaken between April and October.

3.2 **Unitary Development Plan Policies**

3.2.1 UDP Policy NC7 makes it clear that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations

3.2.2 The River Dee beyond West Kirby Marine Lake is also designated as an Area of Special Landscape Value. Under UDP Policies LAN1 and LA1, the Local Planning Authority is to have regard to the visual impact on the local and wider landscape and protect the character and appearance of areas designated as Areas of Special Landscape Value from the adverse effects of development. Proposals are not permitted where their visual impact would be inappropriate, and which 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 which, 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.

3.2.3 For clarity, the boundary of Coronation Gardens and Victoria Gardens both designated Urban Greenspace bound the application site but are not within it. This proposal does not impact on either of these parks.

3.2.4 UDP Policy CO1 Development within the Developed Coastal Zone States that development will be permitted providing the development requires a coastal location, does not adversely affect coastal and marine nature conservation, earth science or archaeology, urban or rural landscape value or visual quality. Any proposal must not reduce the effectiveness or impede the maintenance of sea defence or coastal protection structures and should satisfy the requirements of Policies CO5 and CO6 in relation to development in areas at risk from flooding and erosion.

Public access to the coast will be expected to be preserved.

3.2.5 UDP Policy CO4 - Criteria for Coastal Protection and Sea Defence 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.

3.2.6 Policy TL2 (Criteria for Urban Tourism) notes that proposals for tourism and leisure facilities are expected to demonstrate suitable design and amenity credentials as well as highway considerations and that proposals should generally be appropriately located relative to their surroundings.

3.2.7 UDP Policy TR13 (Requirements for Disabled Access) states that the Local Planning Authority will ensure that consideration be given to the need to provide full access for disabled people to new public highways, pedestrian priority areas and to all developments to which the public would normally expect to gain access.

3.2.8 Policy WAT1 (Fluvial and Tidal Flooding) Planning permission will only be granted for new development which would not be at risk from fluvial or tidal flooding, or which would not increase these risks to other developments. This Development is for the construction of a flood defence wall on the South Parade frontage of West Kirby, in north-west Wirral. The development of a secondary defence wall would provide a solution to reduce flood risk and increase West Kirby's coastal resilience whilst meeting the needs of the local community.

3.2.9 Policy WAT2 (Protection of The Water Environment Strategic Policy) Where appropriate and particularly in vulnerable areas, the local planning authority will impose land-use planning controls and obligations directed at the prevention of the pollution of watercourses and groundwater. An OCEMP has been submitted as part of this application which incorporates control measures during the construction phase to prevent pollution into the surrounding watercourses and groundwater.

- 3.2.10 Policy NC1 The Protection of Sites of International Importance states that development proposals that may affect a European Site, a proposed European Site or a Ramsar site will be subject to the most rigorous examination. Such proposals identified as having an adverse impact on the integrity of the site will not be permitted unless there are no alternative solutions or that there are reasons of overriding public interest including those of a social or economic nature which are sufficient to override the ecological importance of the site.
- 3.2.11 Policy NC3 – The protection of Sites of importance for Nature Conservation advises that where development proposals are to be approved the Local Planning Authority may impose planning conditions to secure protection and enhancement of the sites value for Nature conservation.
- 3.2.12 Policy TR8 - Criteria for the Design of Highway schemes states that in the design of new highway schemes and highway improvement schemes the Local Planning Authority will require particular attention to be paid to the following environmental considerations:
- (i) the scheme should avoid, if possible, the loss of the best and most versatile agricultural land (in MAFF Grades 1,2 and 3A), and not prejudice viable and efficient farm holdings;
 - (ii) the scheme should not prejudice Areas of Special Landscape Value, SSSIs, SBIs, Urban Greenspace, common land, Listed Buildings, sites of archaeological interest and Conservation Areas;
 - (iii) the scheme should provide for the needs and safety of cyclists and pedestrians;
 - (iv) the scheme should include full landscaping proposals in accordance with Policy GR5, to minimise visual intrusion; and
 - (v) wherever possible, existing landscape features should be taken into account in the design of the scheme.
- 3.2.13 TR11 - Provision for Cyclists in Highway and Development Schemes. In assessing new highway proposals, improvement schemes and new major development proposals should ensure that the scheme provides improvements to, or at least has no negative impact on,
- the coherence, directness, safety, attractiveness and comfort of routes used by cyclists
 - the design of the proposal, including any traffic management measures such as traffic calming provides a cycle-friendly and does not have adverse safety implications for cyclists; and
 - opportunities for enhancing or adding to provision for cyclists has been maximised
- 3.2.14 Policy LAN1- Principles for Landscape states that in considering proposals for development the LA will have regards to the visual impact upon the Local and wider landscape.
- 3.2.15 Policy LA1 – Protection of Areas of Special Landscape Value confirms that the LPA will protect the character and appearance of areas designated as Areas of Special Landscape Value from the adverse effects of development which will introduce new intrusive development within an otherwise open setting, especially along a prominent skyline or along the undeveloped coast
- Other Material Planning Considerations**
- 3.2.16 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay.

The development plan policies for determining this planning application are considered to be up to date in terms of their consistency with NPPF.

- 3.2.17 In relation to planning for climate change, Paragraph 153 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.
- 3.2.18 Paragraph 154 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.
- 3.2.19 With reference to coastal change paragraph 170 confirms that in coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes
- 3.2.20 The NPPF advises at paragraph 174 that planning decisions should:
- contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value, or soils in a manner commensurate with their statutory status or identified quality in the development plan;
 - maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 3.2.21 NPPF paragraph 180 confirms that development within or outside of a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 3.2.22 Shoreline Management Plan (2011) and Wirral Coastal Strategy (2013)

A Shoreline Management Plan (SMP) is a non-statutory policy document which sets out the policies for how the coast is to be managed over a 100 year timeline. It is part of the evidence base used to inform the Local Plan and also drives the direction of the management of coastal defences. The North West England and North Wales SMP2 (2011) covers the coast from Great Orme in North Wales to the Scottish Border - also known as coastal Cell 11. This section of coastline is sub-divided into a series of sub-cells (Wirral lies within Sub-cell 11a) reflecting the impact of coastal processes. These sub-cells are then divided into a series of policy units which are then assigned one of four recommendations relating to their future management. The policy recommendation relating to the application site at West Kirby Marine Lake is "Hold The Line" for the whole of the 100 year period covered by the SMP. This means that the shoreline would essentially be kept in the same place with the risk from coastal flooding or erosion to important assets managed by maintaining current defences or constructing new defences in the future.

3.2.23 In order to determine how to implement Shoreline Management Plan policies a Wirral Coastal Strategy (WCS) was developed. The WCS was subject to two rounds of public consultation. The initial round was to identify specific issues at the coast, whilst the second round was on the completed Strategy. Strategy development, in accordance with national guidance, identified a long list of future management options. These were then shortlisted and subject to a strategy level economic assessment to determine viability. Additional environmental assessments also took place. Short-listed options were also appraised against current and future flood and coastal erosion risk to determine an appropriate timeframe for intervention. At West Kirby, in order to implement the Shoreline Management Plan policy of "Hold The Line", the preferred management approach was to construct a secondary linear defence in order to reduce flood risk. The WCS also identified that this management action was a short term priority and the report to Cabinet, approved on 10th October 2013 identified West Kirby as the highest priority area for action.

3.4 Assessment

3.4.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development
- Coastal Protection
- Amenity
- Highways and Public Rights of Way (PROW);
- Ecology
- Design; and
- Economic Benefit

3.5.0 Principle of Development:

3.5.1 This application is for the provision of Coastal Protection and Sea Defence works through the provision of a new flood defence wall, refreshing and upgrading of the public realm, replacement lighting and the relocation of the existing shelter to the Old Baths Site. The proposal is considered to be acceptable in principle subject to the requirements of both National and Local Plan Policies

The detail of the proposal is assessed below against relevant policies and material consideration.

3.6.0 Coastal Protection

3.6.1 UDP CO4 confirms that proposals for new coastal protection and Sea defence works will be permitted subject to a number of criteria. The main, is to ensure that the works are necessary to protect life, existing built development or fixed capital assets which cannot be located inland.

3.6.2 From March 2004 to December 2014 South Parade has had to be closed 25 times due to tidal surges and wave overtopping. Once the crest level of these defences has been exceeded, there are no formal flood defences in place along South Parade.

3.6.3 The seawall at West Kirby was constructed in 1890s and is comparatively low. It is frequently overtopped due to a combination of high tides and adverse weather conditions.

There are records of flooding events that go back to the 1970s. More significant events that have caused flooding to property occurred in:-

November 1977

February 1983

February 1990

January 1998

February 2002

December 2013

January 2014

It should also be noted that due to road closures during these flooding events access for emergency vehicles is affected which can put lives at risk.

- 3.6.4 Under current predictions for flooding from the sea the standard event with a 0.5% likelihood in one year. This means for West Kirby 70 homes are at risk from flooding now for that event. A further 540 homes are at risk with sea level rises in the next 100yrs.
- 3.6.5 In terms of risk to life, Defra have published guidance on how to assess risk to life from flooding. The methodology considers the vulnerability of those at risk and the characteristics of the area that is at risk of flooding. At West Kirby for the standard 0.5% event the assessment concludes there are likely to be 2 deaths. For a lesser event with a 1% chance in any one year 1 death is expected In 100 years with sea level rise those expected deaths rise to 26 and 21
- 3.6.6 The proposed scheme protects to National Standards against current level of flood risk. The scheme will protect 70 properties at risk of flooding now from extreme tidal events. Over the next 100 years over 500 properties will have improved protection from the scheme as sea levels rise. Over the life of the scheme total value of flood damages avoided by providing the flood wall is estimated to be in excess of £35m. For the flood defence element of the scheme the economics have been subject to scrutiny at the National Project Assurance Board and that has concluded that the funding allocation is in line with National Guidance.
- 3.6.7 With regards to economic damages. the total economic benefits or damages avoided over the lifetime of the scheme is estimated to equate to £33 million.
- 3.6.8 In addition to these economic benefits the new multi million pound sailing centre redevelopment is dependent on the flood scheme in order for it to be protected from flooding. This was brought out in the SFRA for the redevelopment and was secured by a condition.
- 3.6.9 It is therefore considered that the proposed works are absolutely necessary to protect life, existing built development and fixed capitol assets which cannot be located inland.
- 3.6.10 The Wirral Coastal Strategy (2012) identified West Kirby as one of four areas in the management plan of actions requiring intervention within 20 years. The assessment of flood and coastal erosion risk in the Coastal Strategy determined that West Kirby is at risk of tidal flooding.
- 3.6.11 A number of options were taken forward for evaluation in the draft Preliminary Appraisal Report. These options ranged from a minimum investment approach to ones that provide protection from combined wave and water level conditions with a low (>0.5%) annual probability of occurrence. The options made allowances for sea level rise and climate change. The results of the public consultation events were a key factor in the choice of the preferred option. From the proposals outlined in the public consultation events, the preference was a structure set back from the promenade (over 80% of the respondents selected this as their most preferred option).
- 3.6.12 Impacts on landscape character, visual quality, archaeological resources and sites of international, national and special local importance for nature conservation have been assessed, as reported in the West Kirby Flood Alleviation Environmental Report. The Development has gone through a series of design stages and consultations to ensure a high-quality design. With the incorporation of good design principles, mitigation measures (outlined in the Environmental Report, Habitats Regulation Assessment and Construction Noise Assessment) and construction control measures (outlined in the OCEMP), potential adverse effects would be reduced so there would be No Significant effects.
- 3.6.13 The works would not impede navigation and would enhance public access to the coastline. For example, the wall would include removable flood gates to allow people access and to reduce the extent of the wall. These accessible areas will be large enough to allow less

able-bodied members of the community to easily access the promenade. There are also plans to improve accessibility to the Old Bath Site which would allow wheelchair accessibility towards the edge of marine lake.

- 3.6.14 The works would not increase the risk of coastal erosion or flooding elsewhere. It is considered the Development would increase West Kirby's coastal resilience and would reduce flood risk.

Given the above, the proposal is considered to comply with UDP Policy CO4 Coastal Protection.

4.0 Amenity

- 4.1 In terms of the impact of this proposal on the amenity of surrounding occupiers, the scheme will protect 70 properties at risk of flooding now from extreme tidal events. Over the next 100 years over 500 properties will have improved protection from the scheme as sea levels rise.

The proposal is considered to enhance the visual quality of the area through improvements to the public realm.

In relation to noise and disturbance during construction, a condition has been attached to protect residential amenity through the submission and approval of a construction Management Plan

5.0 Highways:- Pedestrian and Vehicular

- 5.1.1 Currently, South Parade is a one-way road from north to south and houses approximately 16 disabled parking spaces and 140 other spaces. All the car parking spaces are currently located directly adjacent to the promenade. To ensure that the highway is in keeping with the new look promenade, resurfacing will be undertaken (new tarmac surfacing) along with re-lining of the road. The number of spaces will not be altered during the works and the location of the parking will remain as currently resides.

- 5.1.2 In addition to resurfacing the road, a new single cycle lane running north to south adjacent to the western footpath will be placed along the highway. The cycle lane will have coloured surfacing to contrast with the existing surrounding carriageway surface which will clearly denote this area.

- 5.1.3 The public realm will replace current tired and dated. This proposal will provide a safe attractive pedestrian environment suitable for all users. This is considered to be compliant with UDP Policy CO1

- 5.1.4 A number of people expressed concern that they felt that disabled access is insufficient.

The main aim of the flood wall is to reduce the impact of flooding to the promenade and the properties/buildings along that frontage and therefore act as a flood defence to minimise the impact of flooding. The development of the flood wall will reduce the overall access to the main promenade for all users due to the nature of the structure and its function however consideration has been given as to the frequency and means of access from the highway to the promenade.

In relation to the disabled access, there will be 15No. pedestrian access points provided that are 2m wide, which will be sufficient space for all including vulnerable users to enter onto the promenade. The pavement behind the flood wall directly adjacent to the road will have a minimum space of 1.2m and, due to its curved design, at its maximum it will be approximately 1.7m. This will allow vulnerable users to pass behind the wall and allow other users/vulnerable users to pass each other. The main promenade itself is very wide and open with a minimum width of 2.5m.

- 5.1.5 Other considerations that have been included within the design include removal of the uneven flagged surface for a new smoother surface (resin tarmac). This will have minimum joints and will provide a better surface with less vibration and jolting for prams, wheelchairs etc. This will be installed along the entire promenade and the east side footpath. In addition to the surface improvements along the promenade, the road surface will also be improved

and will have crossing points which will be clearly indicated and have tactile pavement for vulnerable users. The disabled access parking bays along the promenade road will remain and there will be no reduction in these parking bays along the promenade.

At the Old Baths Site, the area will be opened up all the way to the edge of the marine lake. There will be improved disabled access via a ramp access to the edge of the marine lake allowing good visibility for vulnerable users and those who are using prams/wheelchairs.

There have been a number of objections to the proposal on access grounds. These can be summarised as :-

- The width of the promenade will be reduced by 1/3 how has this been assessed with regards to pedestrians, with wheelchairs, dog walking etc. especially if there is a prolonged need for "social distancing

The introduction of a wave provides sufficient space for pedestrians and wheelchair users to pass. The space on the landward side of the wall varies between 1.2 and 1.7m. The promenade width varies between 3.3 and 3.8m due to the wave feature

- Will the scheme allow for car doors from the carriageway to be opened and more particularly, for people exiting cars on foot and using wheelchairs / pushchairs, to gain to gain promenade access.

Car doors currently open into the area behind the existing benches. A distance of 1.2m has been allowed for car door openings and this increases to 1.7m because of the wave feature to allow for passing.

- How will families with wheelchairs / pushchairs gain access to the promenade, as they can no longer get directly onto it and must walk to a gate?

There will be no necessity for pedestrians to walk in the road other than, as currently exists, for passengers getting out of the offside of parked vehicles.

A footway area of width varying between 1.2m and 1.7m has been provided for people accessing the promenade from parked vehicles. The promenade can be accessed via the 15 gated access points which have feature gateways linking to the landward side of South Parade

- How has the safety of those trying to access the promenade been assessed?

By provision of sufficient width landward of the wave wall and by the provision of feature gateway points across the promenade

- Who would be responsible for closing (then re-opening) the gates, assuming they have been correctly maintained and are operable?

Wirral Council will have responsibility for closing and re-opening gates and also for maintenance of access points.

- At what space intervals will the gates be located in the wall?

Gateway are aligned with adjoining roads or at 100m intervals whichever is lesser.

5.1.6 The proposal is considered to provide good accessibility for all users and as such it complies with policies TR8 - Criteria for the Design for Highway Schemes, TR11 - Provision for Cyclists in Highway and development and the Equalities Act 2020

6.0 Landscape and Ecology:

6.1.1

Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to

and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

The landscape area surrounding the site is a mix of both coastal and urban character. The key features which characterise the area are intertidal mud/sand flats and salt marshes with areas of dune habitat. The coast, including the North Wales coast, is visible in most views and has a strong influence on the character of the area.

6.1.2 The application site is within 2.9km of the Liverpool Bay SPA. In considering the European site interest, the provisions of the submitted Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

6.1.3 The submitted Habitats Regs Assessment has addressed these issues and has been reviewed by Natural England who are able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the details of the assessment, and the advice provided by MEAS (dated 16 October 2021), and Natural England (dated 18 October) including the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal.

6.1.4 The integrity of the SSSI can be conserved, adequate provision can be made through the Construction Environmental Management Plan (CEMP) to minimise the potential for damage during construction, and the scheme makes provision for the restoration of damaged areas such as the Old Baths Site. As such, the application also meets NPPF paragraph 179(b) as it will not have an adverse effect on the SSSI. The site isn't within the SSSI but adjacent to it. Nevertheless, members are advised that the consent of Natural England themselves is required for on-going work within the SSSI and this will apply to the future management and maintenance of the areas of the site that fall within the SSSI. This additional layer of control provides further security over the future condition of the habitat.

On this basis, the scheme will have no detrimental impact on the quality of the habitat in this part of the SSSI, and the application will comply with the objectives of saved UDP policy NC3.

6.1.5 The application is accompanied by a comprehensive suite of biodiversity assessments and statements which have been considered by Natural England as a statutory consultee and MEAS on behalf of the Council. There are no site-specific matters relating to protected species that would warrant refusal of the application, but conditions are required to avoid harm to biodiversity and provide enhancements, in accordance with paragraph 179 of the NPPF. Both Natural England and MEAS agree with the conclusions of the HRA, but this is strictly subject to the programming of works as set out within the HRA, with limited works

commencing in late winter/early spring, the main construction works are to be completed from April onwards with all works being completed by end of October.

By scheduling and completing works during this period impacts on birds will be reduced, however any slippage to the programme of works would present a significant risk and impacts may no longer be ruled out, thus rendering the HRA conclusions invalid. Therefore, any changes to the programme of works would be subject to further assessment within the HRA, and the potential requirement for further mitigation measures. This is secured by conditions attached at the rear of this report.

6.1.6 Concerns have been raised by objectors relating to the impact of the proposal on Habitats. The impacts on the conservation designations of the adjacent Dee Estuary are considered in the Habitat Regulations Assessment and it concludes that there is no detrimental impact on habitats. In addition, concerns have been submitted that the proposed structure will separate nature from land. The wall is positioned along the man-made promenade adjacent to the highway. The provision of a new walkway and seating on the Marine Lakeside of the flood wall provides opportunities for people to continue to experience and enjoy the natural beauty of the Dee Estuary

6.1.7 Furthermore, the additional lighting on baths site will not affect birds that use the rock. The lighting will be directional, facing away from the rocks. Additional measures can also be applied to further reduce any potential light spill on to the rocks, for example, installing cowls. This can be achieved through a condition.

It is therefore considered that this element of the proposal UDP Policy NC3, LAN1 and LA1 and NPPF paragraph 174

7.0 Design

7.1.1 UDP LAN1 and LA1 require the protection of the character and appearance of areas designated as Areas of Special Landscape value from the adverse effects of development and will not permit proposals which would introduce a new intrusive development within an otherwise open setting or proposals which in terms of their siting, scale form and external appearance would detract from the appearance of the area or intrude with important views into or out of the area

7.1.2 The public realm improvements include :-

- Wave introduced in wall plan to form a curvilinear feature
- Integrated seating for whole length with comfortable timber slats
- Scheme footprint across all South Parade with new street lighting
- Feature crossing and access gateways with iconography linking to the environment and history of West Kirby
- Feature waymarkers on circular trail around the marine lake
- Derelict Old Baths Site refurbished and 1500m² open space created
- Cycle lane incorporated
- Victorian shelters refurbished and relocated
- Victorian railings refurbished

7.1.3 A new buff coloured precast concrete flood wall will be installed at the back of the promenade to ensure that the main views out to sea and marine lake remain visible when walking along the promenade. The existing railings along the marine lake wall edge will remain to ensure safety for the users along the promenade. The new wall will be set back from the Marine Lake wall edge will have incorporated seating which will house memorial plaques that will be replicated from those on existing benches and fixed on the wall.

7.1.4 Along the new flood wall, there will be a series of access points (minimum 2m wide) to enable users to enter onto the promenade. These access point will be open for access for

the majority of the time but closed with flood gates or boards during an anticipated flood event. The location and size of these access points will allow for elderly and vulnerable users to access the promenade safely and easily. This will be designed in accordance with current design standards and practices and in line with the Equality Act 2010.

- 7.1.5 Along the entire promenade, the existing tired concrete pavement and flagging is to be removed and resurfaced to a more modern style. This will provide a much-improved visual quality to the promenade, Additionally, due to the poor subsurface geology, a new reinforced concrete slab founded on screw piles will be installed. This will ensure long term stability of the promenade over its design life. Once the slab is in place, this will be surface dressed in a buff-coloured tarmacadam or a similar surface dressing with equal resilience properties.
- 7.1.6 A number of objectors were concerned about a loss of view along West Kirby Promenade and that an alternative plan should be made to maintain the view. The applicant has advised that alternative options were considered during the development of the Coastal Strategy (which was subject to two rounds of public consultation). The option arising from the Coastal Strategy, (approved by Cabinet in October 2013) “construction of a linear secondary defence”, was taken forward for public consultation in October 2015 and the position of the flood wall was determined as a result of that consultation.
- 7.1.7 The scheme has been enhanced to bring in additional public realm features which replace the existing tired public realm including refurbishment of 1500m² of derelict land at the Old baths Site area. This creates an opportunity to provide multifunctional spaces, which open opportunities for sport and physical activity and numerous other wider benefits.
- 7.1.8 Initial comments have been raised regarding the height of the seats and that these are too high. The height of the seat above promenade level has been designed to be suitable for all users.

The height of the wall has been designed to protect from tidal flooding to the national standard for the assessment of risk which is an event with a probability of occurrence in any one year of 0.5%.

This probability of occurrence relates to the magnitude of the event when considering a combination of water level and wave heights.

At West Kirby the still water level for a 0.5% event is 6.05m above Ordnance Datum (AOD). The wave allowance for the same event is 0.85m. Allowing for 0.1m freeboard above these levels gives a level of protection of 7.0m AOD.

The existing promenade has an average level of 5.8m AOD so the difference between the two determines the height of the wall at 1.2m.

The level of protection afforded by a wall with a crest level of 7.0m AOD means that 70 homes are protected from the 0.5% event. These property number have been determined through modelling.

This approach aligns with the standards required by the Environment Agency and has been reviewed and assessed by DEFRA's National Projects Assurance Board.

Sensitivity testing was undertaken as part of the business case development. A wall lower than 1.2m does not meet the required level of protection for the 0.5% standard event. 70 homes would not be protected by a lower wall and so the scheme would not be financially viable.

A wall with a crest level higher than 7.0m AOD was also considered and whilst this would have been financially viable it was not considered to be aesthetically acceptable in consultation with the local planning authority

- 7.1.9 Objections were raised regarding the failure of WBC to employ a range of landscape architects to consider local aesthetics, conservation and history of the prom. Plans should be provided that supports this.

The applicants have advised that Landscape architects have been involved in developing the aesthetics of the scheme identifying at access points enhancements and icons that refer to the local area giving the scheme a sense of place whilst linking to the local natural and historic environment. The Old Baths Site area looks to provide a link to the past with inclusion of the outline of the old building. Historic Victorian features such as the sea wall, railings and shelters are being retained.

- 7.1.10 Further concerns were raised regarding insufficient consultation and that the design of the wall was obtrusive and will destroy West Kirby Front.
- 7.1.12 There have been 2 consultations on the West Kirby Flood Alleviation Proposals. Public opinion was specifically gauged at the public consultation at the inception of the flood alleviation scheme in October 2015.
- 7.1.13 A second consultation took place in March 2019 in order to obtain design preferences for the scheme as a result of the favourable consultation in 2015. Over 500 consultation responses were received which have taken forward the design choices around wall colour and profile and also promenade colour.
- 7.1.14 The design has taken on board the opinions raised in the 2019 consultation to make the flood wall more interesting and less obtrusive. In addition, the public realm elements of the scheme aim to refresh a tired promenade that was last reconstructed in the 1980s. The scheme will also bring back into re-use the derelict area at the Old Baths Site which was abandoned in the 1970s. It is believed that the enhancements will provide an incentive for people to visit the area does not result in a reduction in day trippers.
- 7.1.15 The wall will clearly change the street scene for drivers and other users of South Parade. However, the development will provide a new and interesting public realm that will benefit all users. It will allow level access, provide seating and provide a pleasant walking route along the seafront. It is therefore considered that the proposal complies with UDP Policy CO1

8.0 Economic Benefits.

NPPF Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 8.0.1 In relation to the impact of the proposal on the visitor economy to West Kirby Town Centre, the applicants have highlighted research undertaken by Wyre Council into the associated financial benefits for their schemes which have integrated public realm improvements into coastal defence works.
- 8.0.2 This research shows that the immediate economic multiplier is the spend on local supply chain and by contractors in the local area. In addition, the improvements to the public realm has the potential to boost the visitor economy which can increase the scheme benefits in Wyre District which can increase the scheme benefits by 20%
- 8.0.3 Income generation – inspired by Southwold Pier – Dedication and Celebratory Plaques – there is space for over 5000 plaques which could generate income in excess of £0.5m
Potential to attract more visitors – boosting visitor economy

9.0 Other matters

- Concern has been raised regarding the total planned output of CO2 Emissions from the concrete wall and construction works.

The detailed engineering design for the scheme has not been finalised and so the carbon budget is not yet known, however the construction contract will be procured through the Environment Agency's Collaborative Delivery Framework and as such will require the use of Minimum Technical Standards which ensure carbon use is kept to a minimum, specifically in relation to production of concrete (the primary material to be used) and in relation to the type of plant and fuel used in the construction of the Works.

10.0 Equalities Act

The public sector equality duty applies to all council decisions including planning decisions. The duty requires due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.0.1 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share one. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, marriage and civil partnership and sexual orientation
- 10.0.2 In considering this planning application due regard has been given to the Council's duty in respect of equalities. The applicants have actively engaged with all members of the community throughout rounds of Public Consultation. The Local Planning Authority has therefore duly considered its equality duty.

11.0 Summary of Decision:

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

- 11.0.1 The scheme comprises of the development of a sea defence wall that is required to protect 70 properties at risk of flooding now from extreme tidal events. Over the next 100 years over 500 properties will have improved protection from the scheme as sea levels rise.
- 11.0.2 The scheme as proposed will protect life and property from flooding and will allow the highway to remain open during flood events
There will be no net loss in parking provision on South Parade and all cycling options have been considered and single direction lane incorporated.
- 11.0.3 There will be an increase in seating provision which will incorporate and curvilinear feature addresses provides passing space for wheelchairs. In addition, existing dedications will be incorporated within in the proposed benches,
- 11.0.4 The improvements to the public realm through the upgrade from the tired 1980s concrete paving, including ramped access to water space, increased open space at Old Baths Site and the retention of Victorian features (shelters, railings, sea wall) retained
- 11.0.5 Greater focus on amenity, walking, health benefits including Ramped access to water space and increased open space at Old Baths Site
- 11.0.6 Furthermore, it is considered that the proposed wall is and well designed and is will not have an adverse effect on the visual and open amenity value of West Kirby Marine Lake or the River Dee beyond. The impact of the scheme on the SSSI has been thoroughly assessed by Natural England and, subject to conditions, no adverse effect on the interest features of the SSSI will occur and a There are no other adverse impacts on biodiversity, residential

amenity or highways that would significantly or demonstrably outweigh the benefits of development. As such, the application complies with the relevant requirements of the development and comprises sustainable development under the terms of the National Planning Policy Framework.

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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The scheme comprises the acceptable development of a sea defence wall that is required to protect 70 properties at risk of flooding now from extreme tidal events. Over the next 100 years over 500 properties will have improved protection from the scheme as sea levels rise

The proposed wall is minimum height necessary to afford protection in line with National Standards for coastal defence for an extreme event with a 0.5% likelihood of occurrence in one year. It is well designed and will not have an adverse effect on the visual and open amenity value of the Boating lake or the River Dee beyond. The impact of the scheme on the SSSI has been thoroughly assessed by Natural England and, subject to conditions, no adverse effect on the interest features of the SSSI will occur and a degree of restoration of degraded habitat will be achieved. There are no other adverse impacts on biodiversity, residential amenity or highways that would significantly or demonstrably outweigh the benefits of development. As such, the application complies with the relevant requirements of the development and comprises sustainable development under the terms of the National Planning Policy Framework.

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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The scheme comprises the acceptable development of a sea defence wall that is required to protect 70 properties at risk of flooding now from extreme tidal events. Over the next 100 years over 500 properties will have improved protection from the scheme as sea levels rise.

The proposals wall is of the minimum height necessary to provide protection, in line with National Standards for coastal defence, for an extreme event with a 0.5% likelihood of occurrence in any one year. It is well designed and will not have an adverse effect on the visual and open amenity value of the marine lake or the Dee Estuary beyond. The impact of the scheme on the SSSI has been thoroughly assessed by Natural England and, subject to conditions, no adverse effect on the interest features of the SSSI will occur and a degree of restoration of degraded habitat will be achieved. There are no other adverse impacts on biodiversity, residential amenity or highways that would significantly or demonstrably outweigh the benefits of development. As such, the application complies with the relevant requirements of the development and comprises sustainable development under the terms of the National Planning Policy Framework.

**Recommended
Decision:**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development shall be carried out in accordance with the submitted flood risk statement (ref: October 2018/60581996 Revision 1/AECOM Ltd) and the following mitigation measures it details:
 - construction of tidal flood protection wall approximately 1.2m height,
 - the works are designed to remain operational in times of flood, will not result in any net loss of fluvial flood storage, nor increase flood risk elsewhere.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason To comply with NPPF and reduce the risk of flooding to existing developments and occupants.

3. No development shall commence until the final sustainable drainage strategy for the management and disposal of surface water from the site in accordance with Defra's Non-statutory technical standards for sustainable drainage systems and the principles identified in the following submission has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:
 - West Kirby Flood Alleviation Scheme - Surface Water Flood Risk Assessment (11 January 2021/ Ref: 33/2002/02/ CEUK)

Reason:To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 168 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems.

4. Construction of the development shall not begin until full details of the highway works and/or amendment of the existing highway made necessary by this development has been submitted to and agreed in writing with the Local Planning Authority. The approved works shall be completed in accordance with the LPA written approval.

Reason: To ensure a satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users

5. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site /exit from the site for visitors/contractors/deliveries
- Any Temporary Traffic Regulation Orders that may be required to accommodate the provision of safe access/egress from the site for site vehicles and deliveries
- Schedule for large vehicles delivering/exporting materials to and from site

- Storage of materials and large/heavy vehicles/machinery on site
- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- Measures to control noise and dust/street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works
- Hours of working
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

REASON: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

6. The timing of the works shall comply with the details contained within the construction schedule of works unless otherwise agreed. Specifically, the main construction period for the coastal defence is to be during the period of April to September. Specific high disturbance works must only be undertaken during the period of April to September inclusive unless previously agreed in writing by the Local Planning Authority .

Reason: To protect the interests of any protected species which may be present on the site and to accord with Policy NC7 of the Wirral Unitary Development Plan.

7. Prior to commencement of works a Construction Environmental Management Plan is shall be submitted to and agreed in writing with the Local Planning Authority. and shall include:

- i. Details of mitigation measures to be implemented to prevent noise and visual disturbance to birds during the works as set out within the HRA;
- ii. Details of where, how and when Heras acoustic barriers would be employed based on table 22 of the HRA.
- ii. Pollution prevention measures.

The approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

Reason: To protect the interests of any protected species which may be present on the site and to accord with Policy NC7 of the Wirral Unitary Development Plan.

8. Prior to commencement of works submission of a bird monitoring method statement shall be submitted to and Agreed in writing by the Local Planning Authority and shall include:

- i. Details of the frequency and duration of bird monitoring visits;
- ii. Details of bird behavioural trigger thresholds which would require action and mitigation;
- iii. Details of action or potential action options should disturbance thresholds be triggered.
- iv. Details of reporting of construction bird monitoring to the Council and Natural England
- v. Post development monitoring method statement of bird numbers at the Old Bath site roost for a two year period for agreement with the Council and Natural England and its

subsequent implementation.

- vi. Details of the required Ecological Clerk of Works who will be responsible for the undertaking of bird monitoring and ensuring appropriate mitigation measures are in place.

Details of the The approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

Reason: To protect the interests of any protected species which may be present on the site and to accord with Policy NC7 of the Wirral Unitary Development Plan.

9. Prior to the commencement of development details of the proposed information boards shall be installed at the Old Bath site to help raise public awareness about the abundant wildlife present in the area and especially the use of West Kirby Beach and Marine Lake by nationally and internationally important numbers of seabirds and waders shall be submitted to and agreed in writing with the Local Planning Authority. The approved boards shall be installed within Within 2 months of the completion of the development and retained and maintained thereafter.

Reason: To ensure a satisfactory form of development.

13. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP) the Wirral Unitary Development Plan.

14. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies of the Wirral Unitary Development Plan.

15. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan 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.

Reason: In the interests of highway safety and to accord with Policies of the Wirral Unitary Development Plan.

16. Details if the proposed lighting shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

Reason: To ensure that such illumination does not have a detrimental impact on the birds using the rock or prejudice local amenities and to comply with UDP Policy NC3.

Further Notes for Committee:

1. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the HA to secure the works under the New Roads and Streetworks Act. Details shall include all necessary highway works to South Parade inclusive of new carriageways, kerbing, footways, cycleways, vehicle accesses off the highway, surface water drainage, on street parking provisions, street lighting, traffic signs, TRO's, road markings, tactile pedestrian paved crossings, street furniture, details of any structures which affect or form part of the highway network, Road Safety Audit and Road Safety Audit monitoring.
2. This is a general code set up for the 'Notes to Committee' code option, and will aid the user to set up a general test document to be used within the DC aid Standard Client Server ACOLAID system, developed for the use within various councils, at Plantech LTD.

Last Comments By: 22/09/2021 09:17:25

Expiry Date: 05/02/2021