

Lankshear, Robert

From: max wallis <[REDACTED]>
Sent: 27 November 2020 16:05
To: Lankshear, Robert
Cc: [REDACTED]
Subject: Re: Application 2020/01170/OUT Request for Further Information on coastal issues, including erosion and the Wales Coastal Path

Dear Mr Lankshear,

We see you have posted on the website a very significant consultation response from NRW of 25 November, but not yet posted up responses from Council officers. One of these is quoted by NRW from the RoW officer:

The Coastal path "will need to be rolled back into the development site. A margin of 20 metres from the current path alignment is appropriate.' 'It is appropriate that .. provision be included within the development for accommodation of the path in a green margin along the eastern face of the site."

Would you please disclose the full response quoted, and include others like the VoG public transport officer mentioned by Asbri?

We ask that the 'green margin along the eastern face' includes all the shoreline land under the ownership or management of the Welsh Government, to enable you to plan management of such a green margin in the public interest without the 01170/OUT boundary in its midst. [Would you put this to the WG as applicant?](#)

NRW refer you to Planning Policy Wales for the three tests on whether disturbance to the habitat of protected species could be permitted, but specify only one of the three. [Would you therefore require the applicant to supply information relative to the other two tests that the LPA has to apply - no satisfactory alternative; and imperative reasons of overriding public interest?](#)

If you have not yet written to the applicant requesting the further information we sought on 16th Nov, would you now add the issues raised by the NRW [including material for a Habitats assessment of the full site \(including the cliff shoreline\)](#) and include information re.PPW's three protected species tests?

Finally, you gave us 2nd December as the effective end-date for public consultation. If you agree with us and NRW that further information is required from the applicant, [would you confirm that means re-starting the planning clock?](#)

Yours sincerely

Max Wallis

Friends of the Earth Barry&Vale
14 Robert St, Barry CF63 3NX

On Mon, 16 Nov 2020 at 17:24, max wallis <[REDACTED]> wrote:

Thank you for your reply earlier today, confirming the time-scale for public representations extends at least into December. Could we in Friends of the Earth request that you ask the applicant to provide the required information relating to coastal erosion?

1. The Pre-Application consultation report says

A site specific survey of the cliff edge has been undertaken to establish a coastal exclusion zone. Further details have been added to the Design and Access Statement. [Please supply that survey](#)

2. The DAS says (2.1)

The cliff edge is an area of potential coastal erosion.

The site falls under the Severn Estuary Shoreline Management Plan... The National Coastal Erosion Risk Mapping suggests that the cliff will erode 6.6m in 100 years with the potential for up to 10 metres to collapse in a single event. The impact on the masterplan site is minimal as the majority of the site boundary is much further than 10m from the cliff edge.

Please justify the word "potential" when the picture presented shows actual coastal erosion

Please supply the data on predicted erosion given from local observation in the SMP, explain the 'suggested' figure of 6.6m, and give the range of possible erosion distance in 100yrs from both sources and the site-specific survey.

Please give erosion projections for a realistic range of planning horizons (unless you propose restoration to green-field by 2120)

Please derive a buffer that would safeguard the SSSI special interest and still maintain sufficient width to manage proximity risks from use of the development to the SSSI (e.g. fly tipping from curtilages), as Penarth Town Council sought.

Please apply the Precautionary Principle to choosing the buffer width, taking into account possibly accelerated erosion due to climate change

3. the DAS shows (3.1)

"10m coastal erosion zone (indicative only)" extending into the site for 25% its length and showing all of the site boundary is within 4m of the zone.

Please clarify the glaring differences with the statement of 2.1 "the majority of the site boundary is much further than 10m from the cliff edge"

4. The Planning Statement 7.48 says

It is also noted that a buffer is provided from the cliff edge to allow for any coastal erosion. This buffer has been included following discussions with the LPA.

Please supply the record of those discussions with the LPA.

We point out substantial deficit compared with the EIA Schedule 4 requirement on Information for inclusion in environmental statements:

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(ii) coastal zones and the marine environment;

3. A description of... natural changes from the baseline scenario (as) can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the Development...land (for example landtake) ... material assets, cultural heritage...

6. A description of the forecasting methods or evidence used to identify and assess the effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

You can observe that the coastal erosion is covered by 3., the land lost and unavailable for set-back of the coastal path, the material assets of the Coastal Path and cultural heritage of the undeveloped coast rich in fossils under 4. and lack of knowledge/uncertainties under 6.

Note that point 2 requires information on the sensitivity and absorption capacity of the coastal zone and marine environment. While NRW will (they say) require an HRA (Habitats Regs Assessment), that legislation is separate, which does not allow the applicants to omit the relevant EIA information from the Environmental Statement. Please require the coastal/marine information to comply with point 2 of the Schedule 4.

There is as you know a Welsh Strategy on coastal erosion within which Shoreline Management Plans cover coasts in the Vale. The Welsh Government published an update of the *National Strategy for Flood and Coastal Erosion Risk Management in Wales* in July, and SEA of it in October. Under the Strategy, the Wales Coastal Path is considered a national asset. The only information given in the ES is the Environment Agency's *National Coastal Erosion Risk Mapping* with no indication if it's the April 2020 update. You will agree that the Welsh policy on coastal erosion is the appropriate context for the Further Information that we seek.

We are aware the Council's scoping decision mentioned only impact on the (current) Coastal Path as 'receptor', while NRW's advice omitted to cover their responsibilities on coastal erosion and for the Wales Coastal Path. However, your cover letter of 5 April 2019 said the ES *should cover the matters referred to in Schedule 4 of the EIA Regulations 1999* (updated in the relevant EIA (Wales) Regs 2017), which we've cited above.

Would you therefore require the applicants to respond to our specific requests (in purple) and to submit Further Information (under Reg.24) properly covering the coastal issues, including the coast's erosion over a range of planning horizons.

Yours sincerely

Max Wallis

Friends of the Earth Barry&Vale

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